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TO:	Heidi Staudenmaier	Fax No:	602/382-6366
FROM:	Cathy Christian	Client No.:	7516.01
Number of Pages:	37 (including cover)	Date:	May 12, 2005
Operator:	Song Cornell	Time:	9:23 am

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May 10, 2005

CONFIDENTIAL

Clay Gregory, Director
Pacific Region
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Gregory:

Thank you for the opportunity to review the Administrative Draft of the Environmental Impact Statement (ADEIS) for the Scotts Valley Band of the Pomo Indians' proposed Fee-to-Trust Acquisition and Casino Project. The County's comments are attached.

Please regard the County's comments as initial preliminary comments. The short timeframe for review as well as the density and complexity of the material made it impossible for us to perform as thorough a review as we felt the document warranted. Additionally, in some areas we did not have in-house expertise. We also have pending Freedom of Information Act requests on certain topics. We look forward to providing additional, more in-depth comments on the Draft EIS when it is released publicly.

We would also be happy to suggest venues for the review of the Draft EIS that would be easily accessible to the public, specific agencies by contact person who should also receive the Draft EIS and outreach to ensure widespread awareness of the Draft EIS.

Please let us know of any questions or concerns regarding our comments.

Sincerely,

Sara M. Hoffman
Assistant County Administrator

cc: Board Members
Silvano Marchesi, County Counsel
Cathy Christian, Nielsen Merksamer Patrinely Mueller & Naylor
John Rydzak, Chief, DECRMS

Contra Costa County



Comments on Administrative Draft Environmental Impact Statement on Scotts Valley Band of Pomo Indians' Fee-to-Trust Application and Gaming Development Project

Scope of ADEIS

The Administrative Draft Environmental Impact Statement (ADEIS) covers both the Fee-to-Trust Application (FTT) and Casino Development Project. Yet there is little mention of the Fee-to-Trust Application. The FTT needs to be fully discussed in the EIS.

The description of the FTT should include enough information for a lay person to understand the Fee-to-Trust Application process, the criteria used to evaluate applications, the optional actions by the Secretary of Interior in response to the application (i.e., taking the proposed site or other land into trust as restored land, as newly acquired land, or not taking land into trust); the consequences of each of those actions (i.e., applicability of two part determination process; right to operate Class II gaming absent any Tribal-State impact; right to operate non-gaming activities absent any environmental review or mitigation, etc.).

The basis for the Tribe's allegations that land should be taken into trust under the "restored lands" provision should be thoroughly explained. Copies of the Fee-to-Trust Application should also be attached to the EIS for review by the public.

ADEIS Objectivity

The ADEIS should be an objective analysis of the Fee-to-Trust Application and Casino Development Project. Currently it is not. There are numerous references to the Tribe's "restored trust land base," as well as misleading or unsubstantiated statements regarding terms of the Stipulated Judgment, the Tribe's affiliation to Contra Costa County, forced relocation of tribal members to the Bay Area, the meaning of the "service population area," and the Tribe's right to autonomously restore its land base in Contra Costa County. These references should be removed from the EIS or qualified with such phrases as "the Tribe alleges that..."

For example, in Section 1.2.2, Scotts Valley Band of Pomo Indians, the following corrections should be made:

Terms of Stipulated Judgment – The statement "the terms of the Tribe's stipulated judgment specifically prohibited the Tribe from re-establishing the former boundaries of the Scotts Valley Rancheria." This sentence is misleading, since the judgment also provided for taking lands into

trust within the boundaries of the rancheria under certain conditions. Specifically, the federal defendant agreed to accept into trust:

- Any land within the boundaries of the former Scotts Valley Rancheria
- Future land acquisitions within former boundaries subsequently acquired by distributees, dependents or lineal descendants or by the Band
- Lands outside the boundaries of the former Rancheria held in the name Tribe, dependent, heir or successor as of the date of the judgment, 1991.

The ADEIS should be revised to reflect these additional terms of the Stipulated Judgment or to remove all reference to the Stipulated Judgment.

Tribe Member Relocation by BIA to Bay Area – There is no substantiation to show that relocation actually occurred or that it was mandated by the BIA. This language should either be deleted or qualified by a phrase such as “the Tribe alleges that....”

Additionally, the “Bay Area” is generally defined as encompassing the nine counties that border the San Francisco Bay or San Pablo Bay – Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma. This area encompasses approximately 8,700 square miles, and has a population of over 7 million. Reference to the greater “Bay Area” is therefore not particularly meaningful in discussing alleged tribal connections to Contra Costa County.

Service Population Area – The Service Population Area designation by the Secretary of Interior was based on a resolution adopted by the Tribal Council and received no independent review by the BIA, according to BIA staff. A service population area only designates areas in which a tribe may provide services to its reservation members residing outside the reservation. This reference should either be deleted or expanded to explain the meaning of the service population area and that Mendocino, Lake and Sonoma Counties are also designated as service population areas. Additionally, if this reference remains, some reference should be made as to the number of tribal members, if any, who are receiving services in Contra Costa County.

Tribe Decision to Restore Tribe's Land Trust Base in Contra Costa County – It is the understanding of Contra Costa County that the Secretary of the Interior, not the Tribal Council, decides whether or not land should be taken into trust, and if so, as “restored” or “newly acquired” land. This language should be amended to reflect the fact that the decision is made by the Secretary of Interior, not the Tribal Council.

Right to take land into trust as “restored” land within Contra Costa County – The ADEIS states that lands in Contra Costa County are “contiguous to the land ceded by the Tribe in treaty negotiations with the federal government.” That treaty was never ratified; however, to the extent that the treaty negotiations suggest that the Tribe claimed certain land as its territory, the reference is significant. As currently phrased, however, the reference to the treaty is misleading in that the Tribe did not have within its aboriginal territory any land contiguous to Contra Costa County. Assuming that this statement is based on the 1858 map, attached as Exhibit 10 to the Fee-to-Trust Application (“Royce map”), then it should be noted that the Royce map shows a

tract of land (designated "297"), which includes all or portions of Lake, Mendocino, Sonoma and Marin Counties, that was proposed to be ceded to the U.S. Government by a group of tribes, not only the Tribe. Of those counties, none is contiguous to Contra Costa County from the perspective of aboriginal peoples, since the land in what is now Marin County is separated from Contra Costa County by the San Francisco and San Pablo Bays. More importantly, the Pomo people historically occupied land in what are now Lake, Mendocino and Sonoma Counties, not Marin County. The Tribe itself is most connected historically to land within Lake County. Marin County was the territory of the Coast Miwok. These historical connections are discussed in detail in Contra Costa County's comments regarding the Fee-to-Trust Application.

Purpose and Need

The ADEIS states that the BIA's purpose is "to support the tribal government in its efforts to improve the long term economic condition of the tribe and its members through the development of a stable, sustainable source of employment and revenue."

Employment—The ADEIS does not address how any of the alternatives would further long-term sustainable employment for tribal members. There is no indication that the employment being generated by the project or the project alternatives would generate jobs suitable to the skill sets of the tribal members. There is no indication that tribal members reside in the vicinity of the project, and therefore would be within commute distance for any of the jobs offered. Also, there is no indication that revenue will be used to effectively address the factors that cause the unemployment or underemployment among tribal members cited in the ADEIS. If employment is part of the purpose of the Bureau of Indian Affairs, this issue needs thorough examination and analysis. Such an analysis is important in assessing the adequacy of the alternatives evaluated in the EIS.

Revenue—Revenues generated by the preferred project and other alternatives are addressed generically, not specifically enough to compare the alternatives. The only actual data on revenues to the Tribe and its members are contained in the Fee-to-Trust Application, which indicates that the Tribe and its members would be receiving revenues of approximately \$80 to \$105 million per year from the preferred alternative. According to the FTT, 20% of the revenues would go directly to tribal members; 23% to tribal governmental operations, including tribal services such as education, health care, family services, housing and cultural programs; and 55% into an economic development fund for land acquisition and creation of additional businesses for the benefit of the Tribe and its members.

Based on the ADEIS statement that there are 181 members of the Tribe, this would result in significant revenues:

**Preferred Alternate
Tribe and Member Annual Revenues**

	Minimum	Maximum
Direct Member Payments (per Member)	\$88,398	\$116,022
Tribe Operations (per Member for Support Services)	\$101,657	\$113,702
Economic Development Fund (per Member)	\$243,094	\$319,337
TOTAL	\$433,149	\$549,061

The ADEIS should analyze the revenue potential for all alternatives. If the Tribe has flexibility on how to allocate revenues then discussion should be included relating to the allocation as it affects the purpose and need of the FTT and Casino Project. The "adequacy" of these revenues should also be assessed relative to the cost of living where tribal members currently reside, and income levels within the area.

The ADEIS should also note that while direct member payments are federally taxable, services provided by the Tribe as well as the revenues within the economic development fund are tax-exempt, therefore increasing the net value of these revenues.

Impact on Surrounding Community—Acquisitions subject to Section 20(b)(1)(A) of IGRA, 25 USC Section 2719(b)(1)(A) require findings by the Secretary of the Interior that the establishment of gaming on newly acquired lands is not only in the best interests of the Tribe and its members but it is also *not detrimental to the surrounding community*.

Since no determination has yet been made as to whether or not land will be acquired under the restored or newly acquired proviso, these provisions of IGRA should guide the content of the ADEIS and the ADEIS should be amended to thoroughly address community impact issues.

Selected alternatives should be thoroughly examined for their potential detrimental impact on the community.

New project alternatives should also be constructed that propose land uses consistent with the County General Plan and Planned Unit Development Zoning Program for North Richmond.

It is Contra Costa County's understanding that the ADEIS should examine a range of alternatives that are consistent with the need and purpose (i.e., sustainable employment, revenue for the Tribe, and no detrimental impact on the community). Currently the range of alternatives is not sufficient to satisfy this criterion.

Fee-to-Trust Application Alternatives

As noted earlier, the ADEIS does not address any of the alternative actions the Secretary of the Interior could take regarding the Fee-to-Trust Application. The EIS should examine, at minimum, the following alternatives:

- Taking into trust the project site land as “newly acquired” land
- Taking into trust the project site land as “restored” land
- Not taking the project site land into trust
- Taking other land into trust consistent with the provisions of the 1991 Stipulated Judgment

Site Development Alternatives

Currently the ADEIS addresses five alternatives: two casino-only alternatives; one office/retail alternative; one combined casino/office/retail alternative; and one no-action alternative. The ADEIS considered but did not analyze use of land bounded by the former Rancheria because “the Tribe and the BIA do not see the use or development of these lands as viable alternatives to provide for the immediate needs of the Tribe.” No rationale was given as to why other alternatives were not considered “viable.” Such a discussion should have been included.

Additional alternatives need to be considered in order to comply with 40 CFR §1502.14, which requires the agency to “*vigorously explore and objectively evaluate all reasonable alternatives....*” (Emphasis added) Furthermore, Section 1502.14 “requires the Draft EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is ‘reasonable’ rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.” (40 CFR Parts 1500 – 1508)

None of the alternatives presented are consistent with the Contra Costa County General Plan, the North Richmond Shoreline Specific Plan, or the implementing North Richmond Planned – unit District (P-1) Zoning Program. An alternative that uses manufacturing, distribution, warehousing, and related activities consistent with these plans / ordinance should be created and analyzed. The criteria for creating this alternative are set forth in the County General Plan as:

- Maximum site coverage – 30%
- Maximum floor area ratio – 0.67
- Average employees / gross acre – 45

None of the alternatives evaluate other potential sites outside of North Richmond, or outside of urban areas generally. This should be rectified. Alternatives should also include sites consistent with the terms of the 1991 Stipulated Judgment as well as sites within proximity of fee status lands currently owned by the Tribe in Kelseyville in Lake County and any other lands owned by the Tribe or its members in fee status (or trust status, if any). Sites within the vicinity of these fee

status lands would be consistent with the purpose and need for long-term sustainable employment for tribal members.

The courts have consistently employed principles that suggest a full evaluation of the proposed action with environmental risks, with a comparison to alternative courses of action. Other sites, not just alternatives intensities of the same uses, or alternative uses on the same site should be fully evaluated in the alternatives section.

In addition, the description of each alternative needs to be more complete, with such information as the estimated number of employees by job type and shift, number of patron trips per day, day of week and time of day, etc. The formatting of the ADEIS document also makes it difficult for the reader to compare the proposed uses among the alternatives. A spreadsheet, such as the one attached, should be included in the draft EIS released to the public.

Section 2 – Alternatives

It is the County's understanding that the "Alternatives" section is the heart of the EIS and should rigorously explore and objectively evaluate all reasonable alternatives, including the proposed actions as we noted elsewhere in our comments (per Section 1502.14). It is our understanding that this section should differ from Section 4 "Environmental Consequences" which should discuss the specific environmental impacts or affects of each of the alternatives, including the proposed action (Section 1502.16).

In order to avoid duplication and confusion between these two sections, our understanding is that most of the "Alternatives" section should be devoted to describing and comparing the alternatives. Discussion of the environmental impacts of these alternatives should be limited to a concise descriptive summary of such impacts in a comparative form, including charts or tables, thus sharply defining the issues and providing a clear basis for choice among the options (Section 1502.14).

The "Environmental Consequences" section should be devoted largely to a scientific analysis of the direct and indirect environmental affects of the proposed action and each of the alternatives, thus forming the analytical basis for the concise comparison in the "Alternatives" section.

The ADEIS is not consistent with this direction. The EIS should be reformatted to be consistent (see attached proposed revised Table of Contents).

Analysis of Alternatives

According to the Bureau of Indian Affairs NEPA Handbook (30 BIAM Supplement 1), the analysis of the effects of an action "should go beyond mere description of a change in the environment caused by a proposed action or alternative." The BIANEPA Handbook further states that:

"a diligent attempt [shall] be made to obtain the information necessary to include a full evaluation of all significant impacts in NEPA documents...The Bureau should not move

ahead on proposals where relevant information is lacking as this may preclude the meaningful analysis of alternatives, impacts or the means to mitigate impacts.”

In general, the ADEIS fails in areas to properly identify levels of significance, or what would constitute a potentially significant impact. In addition, several potential impacts, both direct and indirect, receive only cursory mention or evaluation. Other potential effects are not evaluated at all. The relevance or association of potential impacts to recommended mitigation measures are often unclear.

Consequently, the analysis of the alternatives is not sufficient for a quantitative and qualitative assessment of the relative advantages and disadvantages of each of the alternatives in meeting the purpose and need of the FIT and Casino Development Project. For example, in the selection of preferred alternatives, the commercial/retail development alternative is dismissed because it “would be subject to competition with other retail developments closer to population centers.” This ignores the fact that the casino project would also be subject to competition from the Lytton San Pablo Casino, which is closer to population centers and the I-80 corridor than the preferred alternate project. Similarly, a mixed casino/retail/office development may provide a more balanced stream of revenue for the Tribe, and consequently be more sustainable.

Development Standards

The ADEIS states that the Tribal government will adopt various development standards and comply with various codes regarding construction and operation of the proposed facility (pp. 2-4 and 5). Codes referenced in the ADEIS are significant measures to protect public health and safety. County departments/districts responsible for ensuring compliance have staff with specific technical expertise and experience. Some, like public health standards for food and beverage handling, apply not just to project development, as listed in the ADEIS, but also to facility operations. Similarly, the Fire District’s Fire Prevention Bureau would conduct maintenance inspections during the life of the facility, if it were a private, non-tribal project. The full range of standards and codes for both development and operation should be added in the EIS.

The EIS should address the legal obligation, if any, of the Tribe to adopt development and operational standards once the land is taken into trust, the party (Tribe, BIA, etc.) with the authority to enforce all such standards and codes, measures that will be taken to ensure timely compliance, and the mechanisms available to the County or others to ensure remedy of compliance deficiencies.

Mitigation Measures

The ADEIS lists 135 mitigation measures that the Tribe will undertake in order to mitigate the significant impact of the Casino Development Project. If this project were a non-tribal, private development project, the mitigation measures would become part of the conditions of approval of the project. County staff would monitor compliance. For the proposed project, the BIA would be responsible for ensuring compliance with those mitigation measures that are incorporated into the Record of Decision (ROD). This difference should be explained in the EIS.

The EIS should identify how the Bureau of Indian Affairs will ensure that the Tribe complies with all mitigation measures or how the Tribe will guarantee compliance that is legally binding prior to approval of the FTT. Would it be possible for the County to be an agent of the BIA for the purpose of overseeing compliance?

The EIS should also point out that the Lytton San Pablo Casino is being developed with 800-1,000 bingo-based pseudo-slot machines without any mitigation of off-reservation impacts to the County or other jurisdictions (except the City of San Pablo), and how the BIA and Tribe will ensure that mitigation measures will be undertaken whether Class III or Class II gaming machines are installed at any proposed casino.

Formatting, Source Documents and Clarifications

ADEIS format is dense and the document is difficult for a reader to decipher – The EIS should be a user-friendly document to assist the layperson in understanding the proposed project and its implications. Currently it is not. Key issues are buried within headings or subheadings that are not instructive. For example, employment is a major issue; it is listed under 3.7.4 – Community Infrastructure. Employment should be a separately listed subject. In addition, some critical information is only included within the appendices of the document (such as hydrological and biological information); while incorporated by reference, critical information should be brought forward into the document to facilitate the discussion of these topics.

Please see the proposed revised Table of Contents attached to this document.

Some Source Documents missing from Appendices – All source documents should be included in the appendices, particularly when conclusions are drawn from these documents. Otherwise, it is very difficult to assess the EIS analyses. For example, the Sheriff's Analysis of Reported Incidents and Calls for Service was not included, which meant extra research to understand the discrepancy between reported numbers of calls. Similarly, cited studies on social costs were missing, so the County had to first search for them before a review was possible.

Fee-to-Trust Application needs to be included – The complete Fee-to-Trust Application, including all appendices, needs to be included in the Appendix of the EIS.

Inaccurate and/or misleading statements should be corrected – there are numerous statements throughout the document that are not the correct reference or are incomplete. Some of the following are noted below. All should be corrected.

- *Executive Summary Introduction* – Amend the first sentence to read “The project site is located in an unincorporated area of West Contra Costa County, contiguous to the City of Richmond and City of San Pablo.
- *Fire Protection* – On page 2.2-7 and elsewhere, the provider of fire protection services should be referenced as the “Contra Costa County Fire Protection District,” not the “County of Contra Costa.” The Fire Protection District is a dependent district, not a department of the County.

- *Local Solid Waste Collection and Disposal* – On page 3.9-3, in the first paragraph under this heading, the ADEIS refers to the “Solid Waste/Recycling Division of Contra Costa County.” This should be the “Solid Waste/Recycling Division of the Contra Costa County Community Development Department.”
- *Table 3.9-1* – The heading should note that the table reflects response times for Beat #4, including North Richmond, for the period of January 2002 to October 2004, not the month of October only.
- *Section 3.9-4* – The reference to one deputy per 1000 residents in North Richmond is actually a statistic that covers Beat #4, which services North Richmond, Bayo Vista, the unincorporated areas of neighboring Richmond, Rollingwood, and the East Richmond Heights.
- *Section 3.8* – The County’s P-1 zoning designation is erroneously described as “Planned Development.” This should be corrected to “Planned Unit District.” The same correction needs to be made to the Legend in Figure 3.8-17, which is a Zoning map.

NOTE: The following comments are organized by topic number in Section 3, although comments may pertain to other sections in the ADEIS.

3.3 Water and Water Quality Impacts

Storm Water Runoff - The ADEIS addresses the impacts caused by the proposed action on water resources due to the effects of storm water runoff. The project proposes to mitigate these impacts through the use of infrastructure, whether directly or indirectly. The County typically requires project applicants to collect and convey all storm water runoff entering and/or originating on the property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

The project is located in an area where minimal regional infrastructure is in place to adequately convey storm water runoff from the region. The ADEIS proposes to construct a storm water detention basin to limit the post-construction runoff volumes to pre-construction levels. (Typically, if a detention basin is not proposed to limit runoff volumes, the project proponent would be required to convey storm water runoff to an adequate system. If an adequate system is not available, the proponent would be required to construct infrastructure improvements to make the downstream system adequate.) The proposed detention basin solution is acceptable granted the basin is properly sized according to County detention basin guidelines.

According to Appendix F, Page 4, the preliminary Drainage Study states that the County does not currently have guidelines for detention basin sizing. This statement is inaccurate. The County Flood Control District currently has guidelines that generally require detention basins to be sized according to the watershed area as well as for the 100-year storm event. In addition, adequate access for maintenance of the basin should be provided. Typically, access should be along the entire perimeter and along the basin side slopes approximately 18-inches above the basin floor. These guidelines should be used to designing the detention basin.

Drainage Area 82 Improvements - The project is currently located in unformed Drainage Area 82 and the detention basin and any future storm drain infrastructure should be designed to accommodate the future development of the watershed. The ADEIS should address project participation in any future formed drainage area or assessment district for the area.

Stormwater Management and Discharge Control - The County Board of Supervisors has adopted a new Stormwater Management and Discharge Control Ordinance as a result of new requirements ("C.3 requirements") by the State Regional Water Quality Control Board. These requirements require project proponents creating or replacing an acre or more of impervious surface to design and construct long-term "Best Management Practices" intended to control stormwater flow and potential stormwater pollutants prior to discharge. It appears that this project proposes to adhere to these new requirements by the installation of a Stormceptor® sediment/grease trap, construction of permeable surfaces where feasible, drain roof leaders to embedded cisterns, and construction of pedestrian walkways with permeable surface materials. The proponent will also prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the NPDES Phase II General Permit for Storm Water Discharges from Construction Activities.

To address the adequacy of these long-term BMP's, the County now requires applicants to submit a Stormwater Control Plan. Stormwater Control Plan description and guidelines can be found on the County's Clean Water Program website at www.cccleanwater.org.

Clarification on water delivery to the region -- On page 3.3-9 the ADEIS states the region's surface water is diverted from the Mokelumne River watershed and delivered through a series of canals. This should be clarified to indicate water from the Mokelumne River watershed is delivered via the Mokelumne Aqueduct.

3.4 Air Quality Impacts

Significance thresholds for PM10 emissions should be better explained -- On page 4.4-4, the ADEIS provides reasons for selecting certain significance thresholds for ozone precursors resulting from the project. However, the reason for selecting the threshold for particulate matter (PM-10) emissions isn't clearly explained. Staff is unsure why the stated threshold was selected as the criterion for significance. The criterion that was used for significance -- 100 tons of PM10 per year -- seems high. PM10 refers to dust particles that are small enough to penetrate the lung walls and contribute to respiratory illness.

More information on excavation and fill is needed – In the “Construction Related Criteria Pollutant Emissions” section, on page 4.4-5 the ADEIS states there will be delivery of about 26,900 cubic yards of fill material from an offsite source to bring the project site to grade. The EIS should indicate how many truckloads would be required to deliver this amount of soil. The approximate number of truckloads would enable staff to better understand both the air-quality impacts and the impacts on truck-automobile conflicts during construction.

3.5.4 Wildlife

Impact on Migratory Birds Unclear – Section 5.2.4 (Biological Resources) includes mitigation to reduce or avoid impacts to migratory birds. However, Section 4.5 states that direct impacts to migratory birds are “not anticipated.” The Draft EIS should clarify whether the Proposed Action or alternatives may potentially impact migratory birds, and the basis for that assertion.

Endangered Species Act Compliance - The northern portion of the site contains habitat elements preferred by federally listed animal species (California clapper rail and salt marsh harvest mouse). The ADEIS simply states there is a “low” potential for these species to occur on the site. Per Section 7 of the Endangered Species Act, a responsible agency must prepare a biological assessment (BA) whenever a project has the potential to adversely affect a listed species. Both of these species are known to occur in pickleweed habitat near the project site, and could be directly or indirectly affected by project run-off, noise, and lighting. It would be inappropriate of the BIA to make a determination of “no effect” in this circumstance; rather a determination of “may affect” is warranted (even if there is no habitat on the site – habitat for these species occurs with the “Action Area” of the proposed project), which requires at least informal consultation with the USFWS. Without this consultation (or at the very least a BA that evaluates these effects), the full level of significance for potential impacts cannot be gauged, thereby resulting in a great degree of uncertainty. This uncertainty surrounding the level of significance of potential impacts is a theme not only found within the biological resources section, but water resources and cumulative effects as well. Per NEPA and 30 BIAM Supplement 1, an impact that is uncertain but potentially significant should be considered significant for the purpose of the EIS (i.e., it cannot be shown to less than significant).

3.5.6 Waters of the United States

Wetland Delineation not Verified – Section 4.5 states that the Proposed Action or alternatives would not impact waters of the U.S. However, the wetland delineation include in the report does not appear to have been verified by the U.S. Army Corps of Engineers. There is some potential that the drainage ditches on the site may be regulated under the Clean Water Act. This should be verified before assuming there is no impact. If these channels are indeed jurisdictional, then the EIS should properly evaluate this impact.

3.7 Socioeconomic Conditions

Level of Analysis needs revision – The ADEIS analyzes socioeconomic conditions at three levels: regional, Contra Costa County and the City of Richmond. The region is represented by

Contra Costa County and Alameda County. Instead, the region should be defined as the communities from which the casino expects to draw its patrons.

Within Contra Costa County, the West County area should be the subject of investigation. West County is composed of the following census tracts: 359101, 358000, 357000, 356001, 365001, 359203, 364001, 359204, 359102, 364002, 359202, 365002, 360100, 363000, 366001, 366002, 367100, 360200, 367200, 378000, 368000, 361000, 369002, 369001, 372000, , 73000, 362000, 376000, 370000, 371000, 375000, 374000, 384000, 3n000, 381000, 385100, 385200, 379000, 386000, 380000, 382000, 387000, 383000, 390100, 392000, 391000, 388000, 390200, 389100, 389200.

City level impacts should include both the City of Richmond and City of San Pablo, both of which contiguous to the North Richmond community.

Special attention should be given to North Richmond, the unincorporated area in which the casino project is proposed.

3.7.1 Scotts Valley Band of Pomo Indians

More Information is Needed on the Scotts Valley Band of Pomo Indians and its Members – The ADEIS identifies the tribe by number of members, age distribution, employment status and income level. More information should be included on current place of residency of members by employment status, the skill sets and educational status of employable members, and the work history of all adult members. For adult members receiving social assistance, the type of assistance, agency providing the assistance, and the location where that assistance is provided should be included. Such information is needed to determine if the proposed action or the alternatives can effectively provide the Tribe with a reliable long-term source of employment and revenue. Also, since the purpose and need of the Proposed Action is to provide services to these members, describing the geographic distribution of the members is relevant, as the document argues that the project needs to be located in Contra Costa County to better serve its members.

The statement on pg. 3.7-1, “Some tribal members are employed by local Bay Area businesses” needs further detail (i.e., how many members, what businesses, and employed in what capacity for how many years).

Locating proposed project in Contra Costa County not a factor in Tribe providing services to Tribal members – Section 1.2.2 states that a restored land base in Contra Costa County “will facilitate the provision of governmental services” to tribal members. However, it does not state how this may happen. The proposed development on the subject property does not include tribal government offices or services. While the income generated by the proposed development may enable the Tribe to construct new government services, these would not be located on the proposed trust parcels (as currently described in Section 2). Because the proposed trust parcels would only generate income for the Tribe and not specific services, the location of the proposed trust parcels is irrelevant and should not be described as being a factor that would facilitate the provision of tribal government services for members.

3.7.3 Housing

Housing Analysis Needs Major Revisions – The housing analysis is very weak (pp. 3.7-3 and 3.7-4). It employs an analytical framework that fails to reflect how housing markets function, and how employment generators affect the demand for housing. The ADEIS asserts that currently vacant units can absorb any housing impacts related to the proposed facility. The ADEIS cites a vacancy factor of 2.9 % within the Oakland PMSA and in Contra Costa County and asserts that they're sufficient units available to absorb any new demand created by the employment at the proposed casino. This is a specious assertion because:

- 1) A significant portion of the vacant units may be physically inadequate (old, lacking in required facilities, or in disrepair. Almost 70% of the housing units in west county are older than 30 years.
- 2) A healthy rental housing market will have a vacancy rate of 4-5% allowing for turnover of units without creating a scarcity that drives up prices / rents. A 2.0% vacancy rate is suggestive of a tight housing market in which rental price are being driven inexorably upward. Casual observation of the housing market in Contra Costa County confirms that the housing market is tight and rents / prices are rising even in the face of flat or very moderate increases in incomes.

Section 4.7-1 Housing Alternatives – The determination of consequences is significantly flawed for all alternatives, since they are based on the flawed analysis noted above.

3.7.3 Employment and Economic Impacts

Contra Costa County Employment section lacks meaningful analysis – The ADEIS needs to provide a fuller analysis of how the skills of the local work force will match to the skills needed for casino employment. Staff was unable to find any discussion of this issue. The degree to which the jobs match with local skills will determine whether the tribe will be able to hire locally, which is their stated preference in the document. In the case of the existing card room at Casino San Pablo, a local-hiring pledge also was made, but few local residents were hired. If the Scotts Valley project becomes reality and the casino ends up hiring workers from outside the area, this could result in in-migration – which would cause additional environmental impacts – and little or no change in the unemployment rate for the area's existing labor force. The discussion of this issue in the ADEIS is simplistic and superficial.

The EIS should identify the range of jobs generated by the project by skill levels, assess which of those jobs might be appropriate for members of the nearby communities, particularly North Richmond and Parchester Village, and what measures might be taken to ensure job opportunities for community residents. For example, the Contra Costa County Redevelopment Agency has successfully implemented a program of connecting jobs created by land development activities to local residents through job training and first-source hiring agreements. The land use permitting procedures of the County have been a primary mechanism for perfecting this linkage.

Section 4.7.1 Alternative A, Direct economic effect of the project – The ADEIS suggests that the tribe will meet its labor needs by hiring local residents. The County's Redevelopment Program, and its P-1 zoning program goes well beyond statements of "good faith" and requires that North Richmond residents be given first consideration for employment under the auspices of a "First-Source Hire Agreement". Achieving this goal requires more than "good faith". Affirmative action to train, recruit, and hire local residents are part of the First Source Program. This should be done for all alternatives as well.

Tribal Member Employment section also lacks meaningful analysis – This issue is discussed on page 4.7-21. Discussion is minimal. Since employment is one of the primary purposes and needs of the project this section needs to be supported with much more in-depth analysis, including but not limited to the skill sets of the adult tribal members who need additional employment and the relationship between those skill sets with the jobs that will be available in the casino or other projects; the current place of residency for each of the tribal members, as well as other factors that would affect the viability of employment of tribal members at the proposed project site.

Section 4.7.1 – Alternative A, substitution effect (P 4.7-1) – The ADEIS asserts that 12% of the total spending at the Scott's Valley Casino will be substituted from other business in Contra Costa County. There is no documentation as to how this was determined. This is an important economic effect, and any attributed substitution effect should be empirically documented and cited. This should be done for all alternatives as well.

Child Care - The EIS should analyze project child care impacts utilizing the standards and procedures set forth in Chapter 82-22 of the County Ordinance Code. The analysis should include assessment of adequacy and affordability of existing child care resources and need for new resources by location as well as identification of needs by employees, project visitors and patrons. The Community Facilities Element of the Contra Costa County General Plan articulates policy on assisting and encouraging the development of adequate and affordable child care.

3.7.3 Property Taxes

Property Tax Analysis Not Correct – The Section 4.7-1, Effects to the Contra Costa County and City of Richmond, presentation with respect to property tax revenue value impact is inaccurate. The ADEIS totally misrepresents the allocation of property taxes within the County and the appropriate methodology to assess lost property tax revenues. This misrepresentation is particularly disturbing since 25 CFR Part 151.10(e) and 151.11 specifically state "The Regional Director must make a conclusive statement regarding the impact on the State and any political subdivisions expected to result from removing the land from the tax rolls."

The proposed project is in the North Richmond Redevelopment Agency, which receives the entire tax increment. Estimating the loss of property tax revenue because of tribal ownership by citing the current assessed value (AV) of marginally improved property is incorrect. The correct approach is to estimate the property value of the site were it to be taxable given the proposed improvements. In the short-run (the next 32 years, the remaining life of the North Richmond Redevelopment Plan) the AV increase that would occur where the site taxed at its improvement value of \$200 million would result in annual revenue flow to the Contra Costa County

Redevelopment Agency of \$1,935,811. Capitalized through the sale of bonds this revenue flow would generate \$24.2 million for the Agency to reinvest in the North Richmond community. At the termination of the Redevelopment Program this forgone revenue would shift and become a revenue loss to the County and all other taxing entities. This applies to Alternatives B, C, & D as well, although in lesser amounts.

3.7.4 Community Infrastructure

Community Infrastructure Needs to be Broadened – The infrastructure that supports the North Richmond community is broader than schools, library, and parks and recreation. It should be acknowledged that the Redevelopment Agency, Health and Human Services, Public Works, Law Enforcement/Justice System, Fire/EMS, and Transportation are all important community infrastructure.

Infrastructure Financing Needs Examination – Contra Costa County finances its services through a variety of mechanisms. This subject needs to be addressed, including:

- *Sales Taxes* – The EIS should estimate the volume of sales on the project site which would normally be subject to sales taxes, and identify whether or not the tribe intends to collect and remit sales taxes (at the normal rate) to the State Board of Equalization on a timely and regular basis, consistent with non-tribal sales tax collection and remittance practices.
- *Other Revenues* – The EIS should identify and estimate any other revenues that would be lost to local public agencies, such as transient occupancy taxes, which would normally accrue to the agency if not for the tax-exempt status of the tribe.
- *Cost of Services* – The EIS should estimate the overall annual costs to the County, including its dependent special districts, of providing increased levels of service due to the existence of the project, by type of service as well as the increased capital costs for facilities, equipment or infrastructure. Increased costs should take into account financing limitations of state and federal funding.
- *Summary of Revenue Losses and Cost Increases* – The EIS should include a comprehensive summary spreadsheet on potential revenue losses and service cost increases associated with the project.

3.7.4 Redevelopment Agency

Redevelopment Agency is a Critical Community Infrastructure that Needs Explicit Discussion – The Contra Costa County Redevelopment Agency is an important community infrastructure in North Richmond. Its scope, source of financing and completed and projected projects should be described in detail.

Section 4.12 Cumulative Effects, Development Projects (p. 4.12-7) – In addition to the improvements cited the Contra Costa County Redevelopment Agency is currently involved in an industrial area infrastructures initiative in North Richmond. The goal is to:

- a. Identify the scope of infrastructure (roads, drainage, utilities) required to bring the North Richmond area up to prevailing standards for industrial business parks; and
- b. To establish a plan of finance that would deliver these improvements in a phased and economically feasible manner. A partnership plan of finance is envisioned in which the County Redevelopment Agency and the property owners both participate. The Redevelopment Agency would participate with tax increment financing and the property owners would participate via a public financing program such as a Mello-Roos special tax, or assessment proceeding.
- c. The Agency's infrastructure initiative is designed to bring the localized infrastructure (streets – Parr, Pittsburg, Brookside, Goodrick, 3rd St., 7th St., etc; largely non-existent drainage; and water, sewer, electrical, gas, and telecommunications infrastructure) up to competitive standards. The absence of tax increments from the casino site can have a detrimental effect (as detailed earlier in comments in Section 4.7-1) Furthermore the analysis contained in the ADEIS fails to examine the local infrastructure, which we are addressing.

Contra Costa County Redevelopment Agency Revenue – The EIS should assess the short-term and long-term revenue losses and impacts of removing the subject property, including improvements from the property tax rolls due to its Indian trust status on the North Richmond community's revitalization program. The Contra Costa County Redevelopment Agency is charged with the task of upgrading the physical infrastructure & housing of the North Richmond community, and increasing economic opportunities for area residents. The Redevelopment Agency undertakes its activities utilizing property tax increment financing.

Financing Community Infrastructure Improvements – In 2000, the County Redevelopment Agency in conjunction with the Richmond Redevelopment Agency developed “The City/County Initiative – North Richmond: A Finance Strategy for Infrastructure/Economic Development.” To implement this strategic plan, the County has initiated a program to develop and implement a plan of finance for infrastructure improvements within the North Richmond community, with an emphasis on the areas north of Wildcat Creek. Those areas are designated in the Contra Costa County General Plan for employment-generating land uses. The plan of finance would encompass a land secured methodology (Mello-Roos Community Facilities District, or Assessment District) in partnership with Redevelopment Agency tax increment financing. The infrastructure program would include, among other things, roads, drainage, utilities, pedestrian improvements, parks, community facilities, landscaping and water/sewer/solid waste facilities. The plan of finance would also address facility maintenance requirements within the North Richmond area. The EIS should assess the project's impact on this effort.

3.7.4 Social Costs Associated with Gambling

More recent studies showing a link between casinos and problem and pathological gambling and other public-health issues should be incorporated into the EIS – The ADEIS cursorily reviews the issue of problem and pathological gambling and increases in crime and bankruptcy rates as a result of gambling. Three 1999 studies are cited: one by the National Gambling Impact Study Commission (NGISC); another by the National Research Council (NRC); and a third by National Opinion Research Center (NORC). While the cited studies do not conclusively arrive at a definitive link between problem and pathological gambling and casinos, they do imply evidence of a strong connection between the two. The following conclusions are directly from the NGISC report:

- As the opportunities for gambling become more commonplace, it appears likely that the number of people who will develop gambling problems also will increase.
- Casino gambling is more habitual than other forms of gambling.
- As with other addictive disorders, those who suffer from problem or pathological gambling engage in behavior that is destructive to themselves, their families, their work, and even their communities. This includes depression, abuse, divorce, homelessness, and suicide.
- The Commission is unanimous in its belief that the incidence of problem and pathological gambling is of sufficient severity to warrant immediate and enhanced attention on the part of public officials and others in the private and non-private sectors. The Commission strongly urges those in positions of responsibility to more aggressively to reduce the occurrence of this malady in the general population and to alleviate the suffering of those afflicted.

Since 1999 more recent studies have been conducted that show the correlation between casinos in a community and an increase in the number of persons suffering from problem and pathological gambling. Two of these include a study published in December 2004 by John Welte, Ph.D. in the Journal of Gambling Studies and a study published in October 2004 for the Responsibility in Gambling Trust called A Review of Research on Aspects of Problem Gambling.

The ADEIS used 1999 data from the NRC and NORC studies to illustrate the seemingly low number of problem and pathological gamblers in the US. The ADEIS should have cited more recent estimates of the actual impact of the proposed casino on problem and pathological gambling for communities in Contra Costa and other affected counties to provide a truer picture of the expected impact.

Consequences of Casino Proximity and/or Problem/Pathological Gambling need full review and analysis – The ADEIS states that secondary effects from problem gambling are more difficult to quantify, and that crime and bankruptcy are two of the most discussed effects of problem and pathological gambling. These are only two of the many issues that affect problem and

pathological gamblers. A full review and analysis of the social costs associated with the proposed casino project should be incorporated in the EIS, including those listed below from the County's August 2004 letter on the scope of the EIS:

- *Divorce* – The EIS should assess the number of divorces that could be expected as a result of problem/pathological gambling and the consequent social costs of divorce, within the income ranges of expected patrons.
- *Suicide* – The EIS should assess the increase in suicides and their aftermath, including the impact on families.
- *Truancy* – The EIS should estimate the number of children and youth who would skip school as a result of the project and assess the resulting juvenile delinquency and other negative behaviors.
- *Gambling Addiction* – The EIS should estimate the number of patrons living in Contra Costa County who annually will become addicted to gambling and an assessment of the range of consequences for those individuals, including but not limited to loss of employment, domestic violence, depression and any associated new service demands on the County (such as General Assistance, CalWORKs, health care for the uninsured).
- *Domestic Violence* – The EIS should estimate the increase in domestic violence incidents involving project patrons and employees as well as resulting service demands (Sheriff's response, battered women's shelter services, child welfare services, court intervention, probation, etc.).
- *Criminal Activity* – The EIS should assess the nature, frequency and magnitude of criminal problems experienced in and around gambling, alcohol and entertainment facilities, such as the proposed project, including but not limited to fights, drunk in public, prostitution, cheating, robberies and fraud related issues.
- *Mental Health* – The EIS should assess the increased demand on County mental health services by type of mental illness, severity and estimated recovery time, as a result of patronage by the individual or by a family member or proximity to the project.
- *Health Care and Health Care Access* – The EIS should estimate the increased demand for health care services by type of service due to traffic accidents, air quality deterioration, excessive alcohol and/or drug use, violence, etc. Contra Costa County currently provides health care access for all residents up to 300% of the poverty level in the County. The EIS should also estimate the number of individuals who would be covered by the County's policy as compared to those who would require services under private coverage. A large influx of minimum wage workers without health insurance could severely impact access to health care in West County for all residents. The EIS should describe plans for providing health coverage to those who will be working at the casino.

- *CalWORKs and General Assistance* – The EIS should assess the number of individuals and families who would require CalWORKs or General Assistance as a result of loss of income due to gambling.
- *Child Abuse and Neglect* – The EIS should estimate the increases in child abuse and neglect due to a parent/guardian's absence due to patronage at the project and/or subsequent behavior toward children because of gambling losses or increased drinking.
- *Elder Abuse* – The EIS should estimate the increases in elder abuse, particularly fiduciary abuse, due to problem and/or pathological gambling.
- *Alcohol and Other Drugs* – The EIS should evaluate how the Tribe will ensure that patrons drink responsibly on the site and off the site.
- *Smoking* – The ADEIS on page 2-5 states smoking will be permitted within the casino, with non-smoking sections provided. The EIS should analyze the risk posed by employees' and guests' exposure to second-hand smoke. We could not find these health impacts addressed in the document. The ADEIS should include a risk analysis to predict the morbidity/mortality rate due to second-hand smoke. This should be included in the discussion of the casino's impact on public health and health-care costs.

The EIS should also consider prohibition on smoking in the casino as a mitigation. Smoking is a significant socioeconomic condition that would have a serious impact on the health of residents of Contra Costa County and must be addressed. To allow smoking in the casino seriously undermines the major successful efforts the State of California and Contra Costa County have made to reduce smoking throughout California and therefore lower societal health care costs. The impact of smoking, second-hand smoke on casino employees and patrons and related health care problems (i.e., asthma) is a direct public-health concern and must be addressed.

The ADEIS argues that there is no connection between casinos and an increase in crime and a rise in bankruptcies. Again, the ADEIS quotes the NGISC study that was conducted in 1999. Since then, more recent studies have shown a connection for both crime and bankruptcies and should be reviewed and presented in the ADEIS. One of these studies was published in the December 2004 issue of Psychological Reports ("Legalized Gambling and Crime in Canada" by F. Stephen Bridges, Ph.D.) and a study published in March 2004 by Ernie Gross, Ph.D., Visiting Scholar at the Congressional Business Office, "The Impact of Casino Gambling on Bankruptcy Rates: A County Level Analysis."

Finally, the ADEIS ends its problem and pathological gambling analysis by quoting another report conducted by the National Public Sector Gaming Study Commission published in February 2000. It reports that it is inconclusive whether a casino in a community increases the prevalence of problem and pathological gambling. This is refuted by more recent studies. One of these studies was published in the 2004 Winter Edition of the Journal of Gambling Studies by John W. Welte, Ph.D. called "The Relationship of Ecological and Geographic Factors to Gambling Behavior and Pathology."

The ADEIS has only focused its minimal assessment of problem and pathological gambling on older reports and studies and ignored the more recent studies that have been published linking the negative impact of casinos and problem and pathological gambling. Further, the ADEIS did not consider any of the public-health issues identified in the County's August 12, 2004 Letter to the Bureau of Indian Affairs. These are critical issues with widespread ramifications for the communities in Contra Costa County and the entire San Francisco Bay Area.

Proposed mitigations for social costs of the casino project outlined in the ADEIS are not sufficient – The ADEIS states that the tribe will come to an agreement with Contra Costa County to establish an appropriate annual contribution to local organizations that address problem and pathological gambling. It also states that the typical contribution is \$10,000 annually, but that it has committed to contribute well in excess of this amount. The methodology and calculation used to derive that figure should be clearly defined, as well as the proposed methodology for calculating mitigation of other social costs.

The ADEIS's proposed mitigation strategies for problem and pathological gamblers are not sufficient enough since they are limited in scope and address those limited mitigations at the casino level only. A true mitigation program would include a prevention program to stop people from becoming problem and pathological gamblers before it becomes a problem. A problem and pathological gambling prevention program would include a public-health education community outreach program with staff and outreach programs. One model to follow in creating the program is the anti-smoking prevention program.

Open Space and Parks – The EIS should assess the impact of the project on adjacent open space and parks, including increased utilization due to proximity to the project, need for increased maintenance (litter, traffic, etc.) and any wildlife residing in the open space areas.

3.8.1 Transportation

The ADEIS doesn't cover many of the specific topics requested by Contra Costa County -- The County specifically asked that the EIS analyze the potential for conflicts between casino traffic and the truck traffic that uses Parr Blvd.; the degree to which casino traffic would cause trucks to avoid Parr Blvd. and divert onto other local roads through residential areas; impacts of the casino project on bicycle and pedestrian safety, particularly in regard to our pedestrian improvement projects along Third Street in North Richmond; safety and congestion impacts of casino traffic at the numerous railroad crossings in the general area; and impacts of casino traffic on roadway deterioration and the resulting need for increased road maintenance. The ADEIS doesn't discuss any of these items, except for unsupported statements that the casino project isn't expected to have any impact on bicycle and pedestrian travel.

The issues mentioned above are relevant for the following reasons:

- The project site is located in an area that generates significant truck traffic. These trucks move more slowly than passenger vehicles and require more road space than passenger vehicles. Introducing significant amounts of casino-related traffic creates the potential to

divert truck traffic to other roads not suited to carry such traffic.

- The proposed project is located in an area that is not served by sidewalks, bike routes or buses (as noted in the ADEIS). Many low-income residents of nearby neighborhoods do not have vehicles or driver's licenses and could not drive to the casino if employed there. The EIS needs to evaluate the impacts of introducing pedestrians and bicyclists into an area not built to serve such travel.
- Two heavily used sets of railroad tracks are located less than a mile east of the project site with numerous at-grade street crossings throughout the area. These tracks carry numerous freight trains that are more than a mile long on a daily basis, in addition to passenger trains. The casino project could exacerbate congestion and safety issues at these railroad crossings. The most direct route between the project and the Lytton San Pablo Casino is via Parr Boulevard which crosses these tracks at grade.

Trip generation source tables should have been provided -- On Page 34 of Appendix J, the ADEIS discusses the methods and data that were used to estimate the number of vehicle trips that would be generated by the project. The document states the trip generation rates are "...included in the appendix (Tables A-1 through A-3)." We were unable to find these tables in the document. The tables would help us understand the trip generation estimates and particularly the estimated number of casino trips on weekends, which are not provided in the ADEIS (the need for weekend analysis also is mentioned in another comment below). Without this information, decision-makers and the public cannot determine whether this key step in evaluating traffic impacts was performed adequately.

Trip generation methodology inadequate -- The ADEIS notes that trip generation literature on casinos is relatively incomplete, and then uses trip generation rates derived from non-urban casinos as the basis for its trip generation estimates. None of the surveyed facilities are within a heavily urbanized area, which may generate more frequent trips of a shorter duration from the immediate vicinity as opposed to more isolated gaming operations. No information is provided on the number of slot machines at these locations to compare with the proposed project.

The EIS should show how its trip generation assumptions are consistent with the revenue estimates generated by the project, since there are both directly related to the number of patrons visiting the casino. Research has been performed on a revenue-based model for casino trip generation which could be applied to the Scotts Valley proposal. The technical details on this are available from staff of the West Contra Costa Transportation Advisory Committee (WCCTAC). This type of model -- which would be calibrated in this instance using revenue estimates from the Lytton casino proposal in San Pablo -- could result in trip generation estimates that are fifty percent to one hundred percent greater than those in the ADEIS.

The document doesn't provide a level-of-service analysis using the Contra Costa Transportation Authority (CCTA) methodology as requested -- The document reports level-of-service analysis for intersections that was performed using a different methodology than CCTA's. The ADEIS states the consultants also performed the analysis using CCTA methodology but the document doesn't report those results (Appendix J, "Traffic Impact Study," page 25). The County

specifically asked that the study use the CCTA methodology. The County and the cities have agreed to follow a uniform set of procedures for the preparation of traffic studies to help provide decision-makers and the public with a common understanding of traffic conditions created by various development applications. This is particularly relevant in this case as there are two other tribes that have proposed establishing casino operations within five miles of the site selected by the Scotts Valley Band of Pomo Indians. The standard procedures used throughout the county allow for traffic studies that use and report two different methods for estimating level-of-service, as long as one of them is the CCTA methodology. The ADEIS should have reported the results of the CCTA method of analysis, along with the results of the alternate method. The worksheets that were used to prepare these estimates should be included in the Appendices of the EIS. Without the CCTA method of analysis, it is difficult for staff to compare the study's results with other studies in recent years in West County that used the CCTA methodology.

Clarification is requested on traffic service objectives mentioned in the ADEIS – In describing the results of the traffic analysis, the ADEIS refers to certain standards for traffic flow, known as “traffic service objectives” or “TSOs”. The document refers to these as Contra Costa Transportation Authority standards. The document should clarify that these objectives are determined by the West Contra Costa Transportation Advisory Committee, and published in its West County Action Plan for Routes of Regional Significance (2000).

Clarification is needed concerning future intersection improvements along the Richmond Parkway -- Page 5 of Appendix J states that specific intersection improvements at the Gertrude Avenue, Pittsburg Avenue, Parr Boulevard and Goodrick Avenue intersections were “assumed to be in place under 2025 Cumulative (No Project) conditions.” The document acknowledges these intersection improvements aren't funded and aren't included in the Countywide Transportation Plan, but then doesn't explain why these improvements are assumed to be in place. On Page 7, exactly the same set of intersection improvements is identified as mitigation for the proposed action (proposed project). This seems internally inconsistent. These improvements may be assumed to happen without the project, or they may be mitigations for the project, but they can't be both. The County would prefer these improvements be considered as mitigation measures, since no sponsor or funding source has been identified to construct these improvements. Staff sees no reason to assume these projects will occur without the project.

Assumption of Richmond Parkway/San Pablo Avenue intersection project needs to be justified – In addition to the intersections mentioned above, the ADEIS assumes completion of the \$10 million grade-separation intersection of Richmond Parkway and San Pablo Avenue. As with the intersection improvements in the previous comment, this very costly project currently has no funding. The EIS should provide some justification for assuming this project will occur as part of the cumulative assumptions. This comment and the previous one are particularly important because of the ramifications of possible traffic impacts on the County and the City of Richmond. Under the Measure C Countywide Transportation Improvement and Growth Management Program, if a local jurisdiction fails to meet its traffic service objectives, it will be more difficult for these jurisdictions to receive their annual apportionments of Measure C transportation sales-tax funds.

Certain additional development projects should have been included in the baseline assumptions for 2006 – The following projects in the vicinity of the project site are scheduled to be completed or nearly completed within two years, and should be assumed for the baseline. Information on all but KB Homes is available from the City of Richmond Planning Department's website at www.ci.Richmond.ca.us/-planning/applications/lists/major.pdf:

- Country Club Vista at Hilltop (645 single-family homes)
- Fairfield Communities on Garrity Way at Blume Drive (200 apartment units)
- Ford Assembly Plant at Marina Way (including 29 live/work units)
- Kaiser Medical Center expansion at 901 Nevin Avenue
- Marina Way South Live/Work (65 live/work units)
- Parkway Commerce Center at Giant Highway and Collins Avenue
- Pinole Point Business Park on Giant Highway
- Shoreline Commercial Center on Richmond Parkway at Goodrick Avenue
- Shoreline Technology Park on Goodrick Avenue at Richmond Parkway
- The Villas at Hilltop (172 residences)
- KB Homes (173 residences) in North Richmond (County Community Development can provide additional information)

The calibration of the regional travel demand forecasting model should be checked and adjusted if necessary – the ADEIS provides a thorough analysis of 25 intersections. However, some of the forecasts for local intersections in North Richmond and San Pablo seem counterintuitively low to County and WCCTAC staff. For example, in the second page of Figure 4.8-2 in the ADEIS showing project-generated traffic volumes for Alternative A (the proposed project), the model estimates only eight westbound vehicle trips will approach the Rumrill Blvd./Market Avenue intersection during the evening peak period. Market Avenue is one of the main east-west roads connecting the I-80 Corridor with the communities of North Richmond and San Pablo. Staff recognizes that this type of forecasting model has a high-percentage error rate when dealing with relatively small local streets, but observation and intuition nonetheless lead staff to believe the Rumrill/Market intersection will sustain significantly more than eight trips in the p.m. peak as a result of the project. The same comment applies to the other local intersections shown in the same figure.

Weekend impacts weren't analyzed as requested by the County -- The ADEIS states the weekday evening commute period is the most critical in determining the project impacts. Staff agrees the weekday evening peak is critical, but we also asked the consultants to analyze the traffic impacts on weekends. The County included this request in our scoping letter, and staff repeated this request at a meeting with the consultant team on September 27, 2004. Page 62 of Appendix J states that based on review of Caltrans freeway data "neither the Friday nor Sunday evening peaks would exceed those experienced in the Weekday PM peak hour." However, even if freeway traffic isn't greater on the weekends, the trips generated by the casino might be greater on weekends and therefore could cause significant impacts on weekends. Page 4.8-3 of the ADEIS acknowledges "the peak parking demand and the peak traffic conditions occur on weekends" for casinos. However, we don't know how much greater, or what the weekend traffic impacts would be, because the ADEIS doesn't provide the information.

Traffic Impacts of Event Center Need Separate Analysis - The preferred casino includes a 24,000 square event center with 1500 seats. Presumably, events would start at set times, therefore, creating a concentrated use of adjacent roadways and freeway systems. Traffic impacts of the event center should be separately analyzed by time of day and day of week.

Figure 14 in Appendix J is difficult to interpret -- This figure shows trip distribution assumptions for the casino (meaning which directions the casino traffic comes from). This is a key set of information the County needs in order to understand the traffic impacts and determine the adequacy of the analysis. The figure lacks adequate explanation of the symbols and percentages shown. The accompanying text doesn't clarify the figure either.

The significance criterion for impacts on freeway traffic isn't explained -- The ADEIS in several places states the project is responsible for "less than two percent" of the total freeway traffic projected for I-80, and therefore its impact on freeway traffic is described as not significant. However, no explanation or rationale was given as to why this two-percent criterion was chosen as a threshold for significance. The relationship between the number of cars on a road and the amount of delay or congestion isn't directly proportional; in some situations, where traffic is already heavy (as on I-80), a relatively small percentage increase in the number of cars can cause a greater percentage increase in delay. Therefore, a two-percent increase in traffic could cause significant impacts in some circumstances. The ADEIS should explain the significance of the two-percent criterion. The document also should evaluate the impacts of the project traffic on freeway speeds, delay and queuing, not just on the number of vehicles. Such an evaluation would provide a reasonable basis in determining whether or not these adverse conditions are significant.

Clarification is needed on Page 45 dealing with patrons' likely access routes -- On Page 45 of Appendix J, in the paragraph entitled "Trip Distribution," the ADEIS states "... it is expected that all patrons will be directed to use the Richmond Parkway to reach the site and that patrons approaching from the greater Bay Area to the south will be directed to take the I-580 freeway." The document should indicate who will provide this direction to patrons, and how they will provide it. Such direction could be part of an effective casino-sponsored transportation management program or roadway signage but the document doesn't state this. The document does state there will be a transportation management program during construction of the project, but we couldn't find any mention of an ongoing transportation management program after the casino is open for business.

The project location in relation to Goodrick Avenue should be clarified -- On page 1-2 of the main ADEIS document, under "Project Location" which begins on the previous page, the document states local access to the project site is provided by Parr Boulevard and Goodrick Avenue. Figure 1-2 shows this location, and makes it appear as though Goodrick Avenue is the eastern boundary of the project site. This should be corrected. According to other maps and information in the document, Goodrick Avenue is 500 or more feet to the east of the project site and doesn't directly access it.

Use of Protectocoat Lane -- ADEIS provides minimal information regarding the "Goodrick Avenue Entrance" at the rear of the project site. This entrance is actually via Protectocoat Lane,

currently a private road. The EIS should analyze the rights of the casino project to utilize this road, its capacity to handle projected traffic volume, safety issues and the adequacy of its intersection with Goodrick Avenue.

Improvements to Goodrick Avenue and its intersections with Richmond Parkway and Parr Boulevard – The EIS should address safety and capacity improvements along Goodrick Avenue as well as its intersections with the Richmond Parkway and Parr Boulevard, including the need for additional turn lanes at the intersections and/or improvements to provide adequate deceleration and storage length.

Turn Lanes on Richmond Parkway at Parr Boulevard – The EIS should analyze the adequacy of the deceleration and storage lengths for the existing southbound left turn lane on Richmond Parkway and Parr Boulevard and the existing northbound right turn lane on Richmond Parkway at Parr Boulevard. These lanes should be adequately sized not only for the amount of traffic expected to make this movement to access the project site, but also for build-out of the area.

Need for Dedicated Right Hand Turn Lane Westbound on Parr Boulevard – Currently, the traffic analysis shows a dedicated left hand turn lane and a through/right lane only (2 lanes). The EIS should evaluate the potential traffic from build out of the area on the west side of the Richmond Parkway and the consequent need for the westbound through movement on Parr Boulevard to be separated from the right hand turn traffic coming from the project site. The EIS should analyze the sizing of this right turn lane for storage and identify the need for additional right-of-way dedication.

Storage Adequacy of Left Hand Turn Lanes – Currently, the ADEIS is silent on the adequacy of the storage of the capacity of the left hand turn lanes into the project. This should be analyzed.

Financial Participation – Private development projects would participate in various funding mechanisms, such as traffic fees to mitigate increases in traffic and their associated costs as well as to provide for future construction bicycle and pedestrian trails, including the Bay Trail and the Wildcat Creek Regional Trail. The EIS should address the casino project's participation in these funding mechanisms or mitigation measures to offset the loss of this funding.

3.8.2 Land Use

Definition of P-1 zoning should be corrected – In the Land Use section of the ADEIS on page 3.8-28, in the section entitled "Project Site," there are numerous erroneous references to the County's zoning in the project area. The consultants should contact Maureen Toms of the Redevelopment Agency at (925) 335-1250 to obtain correct information.

Development guideline description for P-1 Zone is misleading – On page 3.8-38, in the section entitled "Contra Costa County Code Title 8: Zoning," the description given for the P-1 zoning designation is incomplete and misleading. This zoning allows certain uses by right, some uses are allowed with an administrative permit, others with a land use permit, and some are prohibited. The consultants should contact County staff to obtain a complete and accurate description.

Many more General Plan goals and policies are applicable to the project -- In section 3.8 dealing with Resource Use Patterns, page 3.8-33 includes a table listing "applicable" policies and goals from the Contra Costa County General Plan that relate to the project. The County's General Plan includes many more policies and goals that apply to the project, not just the few that are shown in Table 3.8-6. The EIS should include an analysis of all policies and goals in the General Plan. If it does not, then there should be an explanation/justification of why these policies and goals were selected and not others.

North Richmond Plan Area Boundary map not accurate – The Figure 3.8-18 map appears to be accurate in the North Richmond area, but is not accurate in areas east. For example, the Hilltop Mall area in Richmond appears to be in San Pablo. The Montalvin Manor / Tara Hills area appear to be in San Pablo, but are in the unincorporated county.

Redevelopment Plan for the North Richmond Redevelopment Project Area incomplete – The summary of the North Richmond Redevelopment Plan (p. 3.8-38) is accurate as far as it goes. The Redevelopment Plan also contains a land use element, which incorporates by reference the county's General Plan and implementing ordinances. As a result the proposed project is inconsistent with the Redevelopment Plan. The Redevelopment Plan also provides for tax increment financing, with which the proposed project is inconsistent (see comments on Section 4.7-1).

ADEIS fails to recognize inconsistency between the project and General Plan land use designation – On page 4.8-16, the ADEIS states the proposed project's land uses (casino, parking facilities, detention basin) would "generally be consistent with the County General Plan and the redevelopment goals envisioned for the North Richmond area." The proposed uses actually are inconsistent with the County General Plan policies for the area

Table 4.8-5 contains a number of errors and unsupported statements. The following are some examples:

- Policies 3-30 to 3-32 relate to "Business and Employment Uses", not "Community Identity and Urban Design" Discussion under Section 3-31.
- Any discussion under Community Identity/Urban Design needs to be factual. The Proposed Action and Alternatives would redevelop the site with land uses that conflict with the Heavy Industry land use designation of the General Plan. Development of casinos, adult entertainment or shopping malls is not allowed in Heavy Industry areas. The potential for the Proposed Action and Alternatives to spur similar development or support services such as hotels on surrounding Heavy Industrial lands would further worsen land use conflicts with adjacent parcels and detract from the community's appearance as currently planned. "Cultural activities" included in the Proposed Action are not an allowed use on lands designated for Heavy Industry. The Alternatives that accommodate retail and office uses have no relation to the General Plan's goal for retaining, enhancing and diversifying the cultural activities available to the County. Furthermore, the Proposed Action and Alternatives are under no obligation to comply with local requirements for design review, which were developed to support community identity and urban design goals.

- The discussion of policies related to business and employment uses is also not factual. The Proposed Action and Alternatives would conflict with existing and planned uses for this employment center and would make it more difficult to retain and expand the jobs provided by the Heavy Industry. The Proposed Action and Alternatives would provide a new regional commercial attraction to the area that is not accommodated by the General Plan for this area. The Heavy Industry that exists and is planned for the area would not realize customers from the Proposed Action and Alternatives. No information is available to show that the Proposed Action and Alternatives would generate better employment opportunities for neighboring communities than the employment uses that exist or are planned for the area.
- The ADEIS makes of finding of consistency with the policies of the North Richmond area due to the fact the Proposed Action and Alternatives will redevelop the project site and encourage redevelopment of adjacent land uses. The ADEIS fails to acknowledge that a key factor in designating an area as blighted is whether adjacent or nearby uses are incompatible with each other and would prevent the economic development of those parcels or other portions of the project area. The Proposed Action and Alternative contributes to blight by introducing uses that would conflict with the land uses that exists or are planned for the area. The goal of the Redevelopment Agency is to encourage implementation of the adopted General Plan for the project area. The Proposed Action and Alternatives conflict with the General Plan and therefore conflict with the goals of the Redevelopment Agency.

Section 4.8.1 Land use (p. 4.8-13) – Table 4.8-5 suggests that the proposed Project is consistent with the North Richmond Redevelopment Plan. It is not. See earlier comment on Redevelopment Plan under Section 3.8. The comment applies to Alternatives B, C, & D as well.

Proposed project inconsistent with Contra Costa County Code Title 8: Zoning – The North Richmond area is zoned entirely Planned Unit District, or P-1. This zoning category automatically conforms to the General Plan. The proposal is inconsistent with the General Plan and therefore is inconsistent with the area zoning.

Section 4.8.1 – Consistency with Contra Costa County Zoning Ordinance: Title 8 – The ADEIS correctly states that the tribe has ultimate approval authority of land use on tribal land, but goes on to say that the tribe will provide the County with the opportunity to provide input, thereby mitigating the community impact to less than significant. The opportunity to provide “input” is qualitatively different (and less) than having land use approval authority. If the tribe is genuine in its stated tribe intent to follow local land use policies, it will agree to a permitting system that will provide the County with approval authority. The comment applies to Alternative B, C, & D as well.

Land Use – Affected Environment (p. 4.12 –32) – The list of cumulative land use impacts is incomplete. The removal of property from the County tax rolls has both immediate and near term impacts on the County Redevelopment Agency, and longer term impacts on the County and all taxing entities. The absence of sales tax collection also results, in opportunity costs to the area jurisdictions to the extent such spending that occurs at the casino diverts taxable sales, from these other localities.

The proposed development also creates an impediment to the County Redevelopment Plan achieving its goals (see particulars in comments in Section 4.7-1).

3.9.1 Waste Water Service

Waste Water Not Sufficiently Analyzed – Appendix A (West County Wastewater District Will Serve Letter) includes a statement from the District that “this is not an offer, promise or commitment to serve the Project or to reserve or allocate sufficient capacity to do so.” They further state that upon receipt of a complete application for service the District will determine whether it has and will dedicate sufficient capacity to serve the project. This issue has not been addressed within the body of the ADEIS. While information has been provided regarding the estimated additional storm water runoff, the ADEIS does not include sufficient information regarding the volume of wastewater that will be generated nor the means of treating and/or disposing of such wastewater.

3.9.5 Law Enforcement, Safety and Security

Safety and Loss Prevention – The ADEIS references the following measures to prevent and/or minimize criminal behavior on and off the property: on-site security with two-way radios, well-lit parking lots, “no loitering” signs, and implementation of a “Responsible Alcoholic Beverages Policy.” The EIS needs to address additional measures such as screening and background checks of casino and other employees, internal and external security programs, internal operating procedures and a comprehensive staff and security staff training program.

Comparability of “Similar” Casino Facilities – The ADEIS assesses the demand on public safety services by comparing the proposed Sugar Bowl Casino with the Jackson Rancheria Casino, the Cache Creek Casino and the Thunder Valley Casino. Neither the Jackson Rancheria Casino nor Cache Creek Casino is comparable since they are located in rural areas. The Thunder Valley Casino is located in a low density light industrial warehousing area, fairly isolated from other urban uses. The proposed Sugar Bowl Casino is located in a densely populated urbanized area with census tracts with densities as great as 18,000 people per square mile. The proposed casino site is surrounded by communities with high rates of poverty, unemployment and crime. For example, the Sheriff’s Office receives an annual average of 53 calls per 100 residents from all unincorporated areas of the County. The annual average in North Richmond is 110 calls per 100 residents, more than double the countywide average. The EIS should analyze these factors in determining the comparability of the other casinos to the proposed Sugar Bowl Casino.

Law Enforcement Staffing Mischaracterized – On page 4.9-8 the ADEIS states that “according to the Contra Costa County Sheriff’s Department staffing needs of the Sheriff’s Department are based primarily on budget and population.” Budget never determines needs, rather staffing levels. Also, population is only an initial determinant for staffing. The “ideal officer to population ratio of one officer per 1,000 population” is a statewide yardstick that is used generically, not specifically to Contra Costa County. Sheriff’s Department staffing distribution is not the same throughout the County but rather is dependent on a multiplicity of factors. Also,

North Richmond is served by Beat #4, which also serves Bayo Vista, Rollingwood, East Richmond Heights, and unincorporated Richmond.

Estimated Calls for Law Enforcement Services – Numerous factors affect calls for services, including location of the casino, the socioeconomics of surrounding area, land uses (residential, retail, industrial, etc.) crime prevention measures taken on the casino site as well as the visible presence of on-site and off-site security. For Thunder Valley, the ADEIS states that the tribal security force has 15 security members and the tribe pays for 5 deputy positions and one patrol vehicle. We could not find any statement as to the number of on-site security personnel planned for this facility, but did see in the mitigation measures that the Tribe would negotiate with Contra Costa County for up to 4 deputy positions.

The Contra Costa County Sheriff's Department believes that the casino would require, at minimum, additional staffing requirement for another beat. Five deputies and two sergeants would allow for around the clock coverage and built in relief for the scheduled work week.

However, final determination of staffing requirements would need to be based on factors such as facility size, patronage, population influx as well as EMS, fire and transportation impacts. Quick ingress and egress in the immediate area as well as surrounding areas are critical to officer safety, response times, threat assessment and mobilization of resources. Special events could trigger the need for traffic control. There will also be additional demands on Sheriff's Patrol due to the policy of the Fire District and EMS to request a law enforcement response to every call for service in North Richmond.

The ADEIS evaluates the project's impact on public criminal activity based on the findings of the NGISC. The limitations of this research have been previously discussed. Even if this research were considered applicable to this project, it only covered serious crimes. No mention is made of the study's findings regarding the impact of casinos on non-violent crimes such as prostitution and DUI.

The EIS also needs to acknowledge that enforcement of the vehicle code in unincorporated areas is the responsibility of the California Highway Patrol. The ability of this agency to address the needs and impacts of the proposed project must also be evaluated for such issues as increases in traffic accidents, drunk driving and traffic violations.

Sheriff's Deputies Part of a System That Would Need Augmentation – Sheriff's deputies, in order to maintain a high visible presence and high levels of service delivery would need to be stationed in a local station house. This would need to be constructed. Investigative staff resources would need to be added as well. In addition, additional support staff would be required for communications, crime prevention programs, clerical support and related training. There would also be cost increases related to services and supplies of significance, such as vehicle acquisition and maintenance; computer equipment and technical support and other building occupancies.

The EIS should also address other justice system impacts that would result from criminal activity resulting from the presence of the casino project, as requested by the County in its August 2004 submittal on the Scope of the EIS, including:

- *County Detention Facilities* – The EIS should estimate the number of individuals that would be booked into the County detention system and/or incarcerated by duration of sentence as well as profile the characteristics of inmates (with an assessment of necessary ancillary services, such as mental health counseling, substance abuse, batterers' treatment, etc.).
- *Prosecution and Defense* – The EIS should estimate the increases in criminal prosecutions as a result of the project by type of crime. In addition, the EIS should estimate the number of crimes for which the Public Defender would be required to provide defense by type of crime.
- *Court Facilities* – The EIS should estimate the number crimes that would be adjudicated in court by type of crime.
- *Probation* – The EIS should estimate the number of individuals by type of crime (juvenile and adult) who would be put under probation supervision through the court process, including the length of the probationary period.

3.9.5 Fire

Compliance with current building, fire and life safety codes – On pages 2-4, the ADEIS states generally that the Tribe will “adopt standards of the Uniform Building Codes, including all uniform fire...and related codes.” Yet, in the following list of codes, there is no mention of the fire codes and related requirements. The EIS should specifically add the California Fire Code and the Fire District's Fire Prevention Bureau requirements as well as additional life safety codes (i.e., National Fire Protection Association), which should be utilized to the fullest extent possible.

Fire prevention inspection requirements – If the Fire District's Fire Prevention Bureau engages in plan review, construction inspections and maintenance inspections during the life of the facility, an additional half-time Fire Prevention Inspector would be required.

Authority to manage any and all emergencies on site – The ADEIS does not address the authority for the Fire District to make all necessary decisions, with collaboration from tribal representatives, regarding Fire District-related emergencies to ensure the safety of all employees and citizens. This should be added to the EIS.

Fire protection requirements and resources – Additional emergency response capabilities will be required to meet the needs of the proposed development. This will include fire personnel, equipment and facilities. Such responses (personnel and times) should meet or exceed the minimum requirements of the Fire District. As noted under the comments under Law Enforcement, the ADEIS's use of Jackson Rancheria's or Cache Creek Casino's need for services is not appropriate for estimating the demand for services due to the proposed project, and such references should be deleted in the EIS.

Fire protection and emergency medical services (paramedic) are provided by Fire Station 70, located at 13928 San Pablo Avenue, San Pablo. The station is located 2.15 road miles east of the site and is staffed with a 3-person crew and one Type 1 engine. Calls for emergency service in its service area exceeds 3,000 yearly. For the first 6 months of 2004, Station 70 responded to 1502 calls, or 8.25 per day. For the calendar year 2003, Station 70 responded to 3,230 calls, or 8.85 per day. Lastly, for calendar year 2002, Station 70 responded to 3,022 calls, or 8.28 per day.

Fire Station 70 protects the City of San Pablo west of Interstate 80, the unincorporated areas of North Richmond and East Richmond Heights, a total of 4.8 square miles with a population of approximately 40,000. A portion of East Richmond Heights is within a "Very High Hazard Fire Severity Zone", which is an area with an extreme fire hazard due to vegetation, density of structures, roadways and topography.

With the population of 40,000 within the service area, and the request of 2,193 calls for emergency medical services for the calendar year of 2003, the Fire District's service demand for EMS was 54.8 calls per 1000 population. Overall, Fire Station 70, for the calendar year of 2003 responded to 3,230 calls, which equals 80.8 calls per 1000 population.

With the projected addition of approximately 18,000 casino occupants to the service area, an increase of approximately 987 calls per year can be directly attributed to the proposed casino. The Fire District has calculated an increase of fire and public service (non-EMS) calls to the complex that approximates one per week, or 52 calls per year. Therefore, the CCCFPD anticipates an increased call load of 1039 responses per year.

The Contra Costa County Fire Protection District cannot serve the proposed complex with its occupant load without mitigation. Based upon nationally recognized standards, the fire district "shall have the capability to deploy an initial full alarm assignment within an 8-minute response to 90 percent of the incidents" (NFPA #1710 section 5.2.3.2.1). At the present time, 3 of the 4 pieces of equipment assigned to the 1st (full) alarm exceed the 8-minute response time by 3 to 7 minutes. This is also to assume that these engine and truck companies are in quarters (their fire station) and are not on other emergency responses. Therefore, the Tribe would need to construct a new fire station (relocate fire station 70) to CCCFPD specifications on a 208' X 208' parcel of land within 2.25 miles of the casino project. A new aerial apparatus (with a crew of three per shift) shall also be provided along with a rescue unit staffed by two firefighter/paramedics for each shift.

Dispatching of Fire District resources – The impact of estimated additional calls for service would necessitate the addition of one half-time fire/EMS dispatcher.

Disaster management requirements and resources – Authority to manage potential and existing large-scale emergencies will be required by the Fire District. Potential resources may be required to ensure that the proposed facility and its occupants remain safe and prepared for disaster situations. Development of disaster management plans by the Tribe, Fire District and the County's Office of Emergency Services should be addressed in the EIS.

3.9.5 Emergency Medical Services

Current Emergency Medical Services (EMS) System not described – A description of Contra Costa County's EMS is not included in the section on Public Health and Safety. It needs to be added in the EIS.

EMS Impacts not Thoroughly Analyzed – There are three kinds of EMS impacts on fire and EMS:

- increased demand on-reservation (i.e., on the casino site)
- increased demand off-reservation, but generated by activities on the site
- increased resources required to meet demand due to longer response times resulting from project-related traffic congestion

The ADEIS addresses the first impact, but does not address the two remaining impacts. The EIS should do so.

The ADEIS estimated the expected volume for fire and EMS calls by alternative configurations for the casino (Alternatives A – E). These estimates appear appropriate (see table below). It was estimated that a new fire crew will need to be added to handle fire calls comprised of three fire personnel and one vehicle. The ADEIS also calls for establishing a new rescue unit to handle the EMS calls, comprising of two paramedics and one vehicle.

For Alternatives A, B and C the ADEIS states that the EMS rescue team will be dedicated to the proposed casino. If this is the case, the tribe would need to fully fund the rescue team's expenses. It would also be an underutilized rescue unit with less than one call per day for all the Alternatives.

Scotts Valley Band of Pomo Indians Comparison of Fire and EMS Call Volume and Cost				
Alternative	Expected Fire Calls per Year	Expected EMS Calls per Year	Expected Fire Cost (millions)	Expected EMS Cost (millions)
A	5	312	\$1.8	\$1.2
B	3	208	\$1.8	\$1.2
C	3	208	\$1.8	\$1.2
D	2	104	Not Estimated	Not Estimated
E	0	0	0	0

Source: Administrative Draft EIS, April 2005

EMS calls that would not occur on the project site, but are generated by casino activities were not addressed, nor were other casino related impacts to EMS. For example, the EIS should assess the impact to Contra Costa County's ambulance transport contractor. With the expected increase in vehicle traffic due to casino activities, it is probable that other ambulance transport response times would increase and require that contractor to add more unit hours to maintain its contractually obligated response times to the remainder of the community. This must be considered in the EIS.

Similarly, the proposed casino will generate more traffic, resulting in traffic accidents that require EMS response. This increase in demand for EMS services should also be included in the analysis.

Alternative D estimates the number of EMS calls, but does not estimate the expected cost associated with those increase in calls. In fact, the cost of EMS calls generated by Alternative D is completely ignored in the mitigation measures presented in the ADEIS. This needs to be rectified.

The proposed mitigation measures in the ADEIS to pay for the increase in EMS responses is ambiguous. The EIS should clearly define the methodology and calculation that the tribe will use to pay Contra Costa County for the required EMS coverage.

3.10.2 Hazardous Materials

Hazardous Materials Study – The EIS should report on the results of the Phase II ESA for Parcels #3 and #4 identified in the ADEIS. Any necessary remediation or need for disposal both during construction and operation of the project should be identified.

Hazardous materials and waste management, including emergency responses – Due to expected usage and storage of hazardous materials and waste, additional resources for the inspection and emergency response necessary for hazardous materials should be analyzed by the Tribe, Fire District and the Hazardous Materials Division of the County Health Services Department.

Compliance with 1991 Stipulated Judgment, Par. 9, P. 11-12 – The EIS should explain how the requirements of 602 DM 2 and 54 BIAM Bulletin 1 have been satisfied as required in the 1991 Stipulated Judgment.

3.10.3 Visual Resources

Visual Impacts – The ADEIS states that there is no significant impact of the casino development project in the area, since it is identified as “blighted” by the North Richmond Development Plan. The purpose of the redevelopment plan is enhance the visual resources of the area, through such mechanisms as developer fees and assessment districts to both develop and maintain visual resources, including those along the road right-of-way. The EIS should address the casino project’s participation in such funding mechanisms or mitigation measures to offset the loss of this funding.

Lighting – The ADEIS does not include lighting plans for the facility, including its potential for light pollution, intensity, area of impact and duration. This should be added in the EIS.

Landscaping and Streetscapes – The EIS should assess the impact of the project’s landscaping on visual aesthetics. In addition, traffic impacts on existing streetscapes should be assessed, including impact of necessary street widenings.

Signage – The EIS should identify the number, height, location and illumination of all signs or billboards associated with the project and their visual, lighting and/or auditory impacts.

3.11 Environmental Justice

The ADEIS acknowledges the validity of environmental justice issues in the proposed setting; however, its proposed mitigations appear to fall short of addressing the impacts. We would expect a robust public participation element as this proposal, including the EIS process, moves forward. We welcome the opportunity to help the BIA and Tribe formulate a public participation program. The mitigations proposed generally fail to identify specific actions aimed at providing project benefits – jobs, tax base, improvements to the local environmental justice community. Furthermore, mitigations at the local level do not appear to have been developed. We trust that the commentary of the County on the ADEIS will help rectify these deficiencies to facilitate public review of the EIS on the Casino Development Project and the Fee-to-Trust Application.

For purposes of the analysis on environmental justice, the Iron Triangle area should be included (Census Tracts 3760 and 3770). So the public can better understand the impact of the project on environmental justice issues, the analysis should be formatted by community name as well as census tract number. These communities include North Richmond, the Iron Triangle, Parchester Village, Bayview Montalvin, Old Town San Pablo, and Upper San Pablo.

Information should be included regarding population characteristics, population densities, unemployment rates, percentage of owner-occupied housing, single-parent households, number of individuals over the age of 25 with high school diplomas, number of children/percentage of children receiving free/reduced-fee lunches (an indicator of poverty), the number of English-language learners in the schools, and academic performance index figures. The County's Employment and Human Services Department can provide further information on the demand for Child Protective Services, General Assistance, CalWorks Assistance, and Welfare-to-Work services. The County Probation Department can provide information concerning adult and juvenile probationer rates in the area. The Health Services Department can provide information about homelessness and dependency on the County system for medical care, drug and alcohol dependency recovery services, mental health services, and other related needs. The Sheriff's Department can provide information on crime rates and criminal behavior. The above information will point out the number of high-risk factors prevalent within the community.

Contra Costa County operates numerous programs to support and improve the North Richmond community, including but not limited to the North Richmond Health Clinic, the Service Integration Programs, the North Richmond Empowerment Collaborative, Code Compliance, and anti-illegal dumping efforts. The County is also implementing a Redevelopment Plan for the area, designed to improve the living conditions and physical environment of North Richmond, as well as to create new employment opportunities.

The Casino Development Project will take almost 30 acres of land out of the Redevelopment Agency's control, with a loss of tax increments and bonding capacity. It could also affect the desirability of the area for future development as envisioned by the Redevelopment Plan. These issues are of serious consequence and need to be addressed thoroughly in the EIS.

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- 3.8 et al from original, renumbered

4.0 ENVIRONMENTAL CONSEQUENCES

The consequences of each alternative should be evaluated by heading (from Section 3) except that Employment and Transportation should have their own section for evaluation since they are such key issues.

5.0 MITIGATION MEASURES

Organization should mirror that of Section 4.0

- SAMPLE FORMAT -
 Scotts Valley Admin Draft EIS
 Project Alternatives

Proposed Use	Alternative A		Alternative B		Alternative C		Alternative D	
	Preferred Casino	Reduced Casino	Preferred Casino	Reduced Casino	Preferred Casino & Retail	Retail	Preferred Casino	Reduced Casino
	#	Floor Area	#	Floor Area	#	Floor Area	#	Floor Area
Casino Floor Total		79,230		41,440		41,440		
Events Center Total		24,000						
Seating Area	1,500							
Food & Beverage Area Total		36,400		18,420		18,240		
Buffet	600		400		400			
Entertainment Lounge	250		150		150			
Sports Bar	150							
Food Court Seating	120							
Restaurant and/or Espresso Stand	120		120		120			
Public Space/Support Spaces Total		29,560		11,000		11,000		
Cashier Total		3,000		1,500		1,500		
Gaming Support Total		8,000		4,000		4,000		
Employee Areas Total		9,000		4,000		4,000		
Back of House		35,720		14,640		14,640		
Total Casino sq. ft.						95,000		
Main Retail/Office Building								170,000
Retail Space						22,150		80,000
Office Space						46,000		75,000
Restaurant Space								15,000
Satellite Retail/Office/Restaurant Areas								78,000
Retail Building								6,000
Office Building								67,000
Restaurant Building					200 seats	5,000	7 Seats	5,000
Total Retail sq. ft.						73,150		
TOTAL Project sq. ft.		225,000		95,000		168,150		248,000

SOURCE: Group West 2004; AES, 2004
 NOTE: All figures are approximate