



RESOURCE MANAGEMENT AGENCY

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JAKE RAPER JR., AICP, DIRECTOR

July 23, 2010

Dale Risling,
Acting Regional Director
Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: PROPOSED TULE RIVER TRIBE 40 ± ACRE FEE-TO-TRUST TRANSFER

Dear Mr. Risling:

Thank you for the opportunity to provide comments related to the Proposed Tule River Tribe 40± Acre Fee to Trust Transfer. In regard to the Environmental Assessment (EA) prepared for the abovementioned action the County of Tulare (County) submits the following comments and concerns:

It is the position of the County that the EA prepared does not sufficiently address all of the potential impacts/effects of the proposed action as required under NEPA and the Council on Environmental Quality (CEQ's) Guidelines for Implementing NEPA. Issues of concern are identified in this letter and include potential effects to water quality, land use, wastewater disposal, air impacts, traffic and lack of appropriate alternatives. Because of these concerns, the County believes that the EA lacks mitigation necessary to reduce potential impacts/effects of the project to a level sufficient to make a finding of no significant impact (FONSI) determination. Therefore, the County requests that the deficiencies in the EA are addressed in an Environmental Impact Statement (EIS) and the document be circulated for further review before the BIA makes any decision on the proposed action.

The document must examine all environmental effects of proposed actions and analyze potential environmental effects of proposed actions and their alternatives for public understanding and scrutiny. Subsequent projects should also be addressed to include issues such as:

- Whether previous analyses in the area have identified a cumulative effects concern.
- Whether the area's resources are especially vulnerable to incremental effects.
- Other activities in the area, which have similar effects on the resources.
- Is the proposed action is one of several similar or connected actions in the same geographic area.

Need for the Proposed Action

The EA indicates that approval of the fee to trust application will allow the Tribe to explore expanded job creation efforts consistent with the City's growth strategy. Another need for the proposed action is to address the Tribe's desires for cultural and social preservation, expression and identity, political self-determination, self-sufficiency, and economic growth and diversification by providing a tribal land base within the City of Porterville and on the floor of the Central Valley. The document fails to indicate why and how this particular site will fulfill these goals.

Failure to Consider Alternatives

Reasonable alternatives should be addressed. Compliant with NEPA an EA must include a discussion of alternatives. While the circulated EA does contain considerable information, we wish to note the lack of any specific details as to the specific site development under the proposed action. A casino alternative, based on the past interest of the tribe to locate a casino/hotel/retail establishment on the site, should be addressed. The EA states the City of Porterville's General Plan designates the site as M-1 (AS) (light Industrial-Airport Safety) and indicates that future uses would be consistent with the City of Porterville's General Plan. The City of Porterville's General Plan, also indicates the area's alternate use is "Commercial Recreation". The EA should discuss what is allowed under this use.

Air Quality

Impacts from construction and operational activities should be addressed in the EA and should include potential impacts from the project and alternatives. The EA should quantify traffic and traffic-related impacts, including vehicle emissions. The EA should also demonstrate how projects associated with the action would meet requirements of the State Implementation Plan for maintaining the National Ambient Air Quality Standards (NANQS).

Cumulative Impacts

In regard to cumulative impacts per section 1508.7 of the CEQ Guidelines for Implementing NEPA, it is equally important that the EA fully describe past actions as well as any reasonably foreseeable actions that could affect this property or other nearby lands in the future.

The impact of greenhouse gas emissions on climate change should be addressed in the cumulative impacts analysis that NEPA requires agencies to conduct. The EA should consider climate change under the project and the alternatives. Impacts of climate change include water supply, fire, plant and animal species. Secondary impacts of action on climate change include activities such as energy demands, travel, and construction. Best Management Practices should be identified & implemented.

Public Health and Safety Concerns

The County has some concerns with the use of an EA due in part to the fact that Porterville Municipal Airport is in close proximity to the site. The following are some Public Health and Safety concerns that should be more thoroughly looked at in regard to the project and alternatives:

- Describe the building and fire standards the project will comply with and which entities will provide emergency services.

- Describe the impacts on health and human service agencies related to social problems pertaining to gambling, gambling addiction, and substance abuse.
- Describe food-handling standards if applicable to the project and alternative uses of the property.
- Evaluate the seismic and other construction implications related to buildings from the project and alternatives.
- Discuss any environmental impact relating to fire equipment necessary to protect patrons, specific to the proposed project and alternatives.
- Evaluate the impacts of the project and alternatives on airport traffic safety including discussion of the Porterville Municipal Airport.

Noise

Construction, traffic, airport and operational related noise impacts should be evaluated. Noise impacts should be based on possible future development that could occur on the site. Noise impacts should address the project as a receptor to noise and a generator of noise.

Possible Adverse Affects on Local Government

In addition to the local environmental impacts, the action could have impacts on local government revenues to the inability to collect taxes on trust land. These tax revenues otherwise would have been used to support public services. County public services may be impacted by the project or project alternatives, such as increased sheriff and fire demand, thus causing an added burden to the County.

Water Supply

The EA does not look at the water supply impacts to the region from the project and alternatives. Any expansion of the tribe's casino could impact the site directly or indirectly. The EA does not identify potential effects on water quantity. The EA simply states that water will be provided by the City of Porterville. Groundwater pumping could potentially deplete the aquifer, analysis of the impacts from the project and alternatives should be included in the EA.

Wastewater

The EA's discussion of wastewater disposal from the proposed action, subsequent projects and alternatives is minimal. Groundwater disposal of wastewater could adversely affect groundwater. The EA should include discussion of the City of Porterville's sewer systems capability to service subsequent projects and alternatives. The EA should evaluate the potential impact of wastewater treatment on existing wastewater treatment facilities.

Traffic and Transportation

The County suggests that a traffic study be prepared addressing the potential impacts from the action's subsequent projects and alternatives. The study should include data associated with trip generation and impact to Level of Service on City and County road systems. Potential uses can range from a small storage facility to a casino. Transportation and traffic from these uses impact public roads, public transit systems, regional transit systems, air quality, greenhouse gas emission, and land use patterns.

Need for EIS

The County suggest the preparation of an EIA which incorporates the following suggestions;

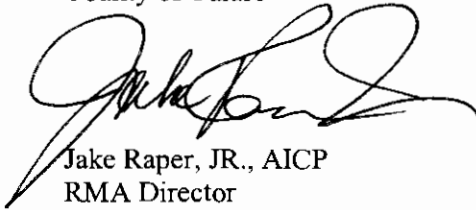
- Provide site-specific environmental analysis for proposed subsequent projects and reasonable alternatives to the Tribe's proposal.
- Describe, analyze and disclose the various biological, physical, social and economic impacts that proposed facilities and activities and alternatives would generate.
- Identify, where possible, the long-term impacts and secondary effects of the action and alternatives.
- Indicate possible mitigating measures which may be used to avoid or reduce impacts; and
- Provide a comprehensive, reliable document for review and evaluation.

If you have any questions that require further information, please call me at (559) 624-7000.

Sincerely,



Cynthia Echavarria
Environmental Coordinator
County of Tulare



Jake Raper, JR., AICP
RMA Director
County of Tulare

cc: file