

**Department of
Community Development
Lori A. Moss, Director**



Divisions
Administrative Services
Building Permits & Inspection
Code Enforcement
County Engineering
Economic Development & Marketing
Planning & Environmental Review

April 13, 2015

Bureau of Indian Affairs, Pacific Region
Attn: Chad Broussard
2800 Cottage Way, Room W2820
Sacramento, CA 95825

Subject: Sacramento County Comments on the Administrative Draft EIS/TPED for the Wilton Rancheria Fee-to-Trust and Casino Project

Dear Mr. Broussard:

Thank you for the opportunity for Sacramento County (County) as a NEPA cooperating agency to review the Administrative Draft Environmental Impact Statement/Tribal Project Environmental Document (Administrative Draft EIS/TPED).

In addition to being a NEPA cooperating agency, Sacramento County has executed a Memorandum of Understanding (MOU) with the Wilton Rancheria (Tribe). The MOU is included as Appendix C of the Administrative Draft EIS/TPED. Per the MOU, the Tribe is to provide the County 45 days to review a Draft TPED. As the current document is an Administrative Draft EIS/TPED and an approximate 30 day review has been provided, the County anticipates that, consistent with the MOU, the County will be provided an additional 45 days to comment once the Draft EIS/TPED is made available.

Based on our preliminary review of the Administrative Draft EIS/TPED, the County is disappointed to find that there does not appear to be any substance to the TPED portion of the document. In fact, we could not find any indication that anything (other than the title) reflects what we understood to be a commitment to provide a meaningful alternative document, in lieu of CEQA, to augment the NEPA analysis. The EIS/TPED is not meaningful as it simply mirrors applicable NEPA requirements. The Administrative Draft EIS/TPED utilizes federal standards of significance and does not evaluate most impacts consistent with the local impact assessment methodology used by the County. Pursuant to the MOU, the County is looking for the EIS/TPED analysis to use CEQA-like methodology, including CEQA thresholds of significance and adherence to County impact assessment and mitigation methodology.

For example, air quality impacts are not evaluated against the Sacramento Metropolitan Air Quality Management District's thresholds of significance, farmland impacts are not considered in relation to County General Plan Policies and impacts to California special status species such as Swainson's hawk and tricolored blackbird are not evaluated or properly mitigated. We believe that such an analysis is required pursuant to the MOU.

The Administrative Draft EIS/TPED discusses raptors and migratory birds but does not address the significant loss of Swainson's hawk foraging habitat that the preferred

project and some alternatives would create. In Sacramento County, loss of Swainson's hawk foraging habitat is mitigated through in-kind dedication of land in easement or fee-title for losses of the magnitude associated with the preferred project and some alternatives.

Because the analysis fails to utilize local standards, it does not report farmland quality based on California's Farmland Mapping Program nor does it mention County General Plan Agricultural Element Policy AG-5 which requires mitigation of farmland losses. The type of land impacted by the preferred project and some alternatives would require in-kind mitigation when evaluated at the County level.

Instead, for example, the Administrative Draft EIS/TPED states that, "The combined Farmland Protection Policy Act (FPPA) point total for the Twin Cities site is 126 out of 260 possible points, which is lower than the United States Department of Agriculture (USDA) protection threshold of 160 points", concluding that there was no impact requiring mitigation. The County strongly disagrees with this conclusion. The Administrative Draft EIS/TPED should disclose the farmland impact at the local level using local standards and require in-kind mitigation.

Additionally, it is troubling to the County that the Agriculture section of the Administrative Draft EIS/TPED minimizes the value of the agricultural land, yet takes credit for the active and productive agriculture that occurs on the Twin Cities site by stating that the project will not have an impact on water usage because the proposed project will use less water than the existing agricultural use. If the land is of such poor quality, as to not require mitigation as concluded by the Administrative Draft EIS/TPED, how can the value of the crops grown justify the currently reported high agricultural water usage? The Administrative Draft EIS/TPED appears to be selectively utilizing information and using it to support the under reporting of the impacts, instead of using the information to comprehensively evaluate the whole of the action and the potential impacts at a local level.

The Administrative Draft EIS/TPED makes another mistake in its analysis of agricultural impacts. With reference to agricultural impacts at the Twin Cities site, it concludes by stating the following:

Therefore, as Alternative A is located on parcels planned to be removed from an agricultural designation in association with the 2030 City General Plan and is in compliance with FPPA, no significant effects to agricultural resources would occur.

The above conclusion is highly erroneous given that the reason the TPED is being prepared is that, pursuant to the MOU, the County has notified the Tribe that the preferred project and some alternatives are inconsistent with the County General Plan. The City of Galt has no land use authority over the subject parcels. They are in Galt's Sphere of Influence and before Galt controls land use, annexation is required through the Local Agency Formation Commission (LAFCo) which would require environmental review. Furthermore, a General Plan designation for development does not provide environmental clearance or eliminate the need to mitigate impacts when development occurs.

The County also has concerns regarding the EIS/TPED analysis regarding traffic and mitigation. Please note that the intersection of Grant Line Road and Sheldon Road is already signalized and active. Please correct this in the report.

With regard to Figure 23 of the Traffic Impact Study, please note that the SR 99 Mingo Road interchange concept will not work as proposed for several reasons. These include close intersection spacing and confusing intersection ingress/egress. The County would like to see a more modern interchange design implemented such as the Type L-9 interchange which is more efficient in moving traffic as well as pedestrians and bicycles. By using the Type L-9 interchange configuration, the intersection of East Stockton Boulevard and West Stockton Boulevard would need to have ¼ mile spacing from each ramp terminal. A minimum of ¼ mile spacing is required for the ramp terminals to operate efficiently. Traffic signals should be installed at the four intersections. West Stockton Boulevard should have a 60 foot right-of-way. There should be a 12.5 foot public utility easement (PUE) on the east-side and a 20 foot public utility public facilities easement (PUPFE) on the west-side of the roadway as measured from the future easterly state right-of-way fence line. A mirror image should be used for East Stockton Boulevard. The future state fence should be established in coordination with Caltrans to determine the ultimate right of way foot print for SR 99.

The current pavement condition index (PCI) is 20 for West Stockton Boulevard from Twin Cities Road to the north end. This roadway in its current condition will not support the additional traffic that will be added by the project. For Alternatives A, B and C, West Stockton Boulevard should be reconstructed to the County Improvement Standards.

The current PCI is 20 for East Stockton Boulevard from Twin Cities Road to Mingo Road. This roadway in its current condition will not support the additional traffic that will be added by the project. For Alternative A, B and C, East Stockton Boulevard should be reconstructed to the County Improvement Standards

For Alternatives D and E, the current PCI for Dillard Road from SR 99 to Green Road ranges from 61-97 without paved shoulders. The project adds a significant amount of traffic to this roadway segment and it is not designed to carry the additional traffic. The project will also shorten the life expectancy of the existing pavement. Therefore, the existing Dillard Road segment should be reconstructed to provide 48 feet of paved roadway to accommodate two 12 foot lanes, one two way left turn lane, and a 6 foot paved shoulder on each side.

For Alternatives D and E, the current PCI for Green Road from Wilton Road to Dillard Road ranges from 20-83 without paved shoulders. The project adds a significant amount of traffic to this roadway segment and it is not designed to carry the additional traffic. The project will also shorten the life expectancy of the existing pavement. Therefore, the existing Green Road segment east of project driveway #2 should be reconstructed to provide 48 feet of paved roadway to accommodate two 12 foot lanes, one two way left turn lane, and a 6 foot paved shoulder on each side.

For Alternatives D and E, Wilton Road from Green Road to Dillard Road has no shoulders. The project adds a significant amount of traffic to this roadway segment and it is not designed to carry the additional traffic. Therefore, the existing roadway segment of Wilton Road from Green Road to Dillard Road should be reconstructed to

provide 48 feet of paved roadway to accommodate two 12 foot lanes, one two way left turn lane, and a 6 foot paved shoulder on each side.

For Alternative F, Kammerer Road from SR-99 to Bruceville Road has no shoulders. The project adds a significant amount of traffic to this roadway segment and it is not designed to carry the additional traffic without shoulders. Therefore, the existing roadway segment of Kammerer Road from SR 99 to Bruceville Road should be reconstructed to provide 48 feet of paved roadway to accommodate two 12 foot lanes, one two way left turn lane, and a 6 foot paved shoulder on each side. Additionally, Kammerer Road does not exist between Franklin Road and Bruceville Road. This connection needs to be constructed with a grade separation over the existing railroad tracks. Also, Kammerer Road is part of the Capital Southeast Connector facility; please coordinate improvements to Kammerer Road with Sacramento County, the City of Elk Grove, and the Southeast Connector staff.

This comment applies to all alternatives regarding roadway maintenance in perpetuity. The County requires that the project participate in the ongoing maintenance of the surrounding roadways to which it adds traffic. The Tribe should enter into an agreement with Sacramento County to fund its fair share of roadway maintenance due to the added traffic load on the roadway system. The list of roadways will be finalized at a later date in consultation with Sacramento County and the Tribe depending on the final project alternative selection and its construction.

The project should provide bike facilities as well as connections and/or extension of existing and planned facilities. Please refer to Sacramento County's Bicycle Master Plan which is available online at <http://www.sacdot.com/Pages/BikewayMasterPlan.aspx>.

The County is still evaluating the information presented in the Administrative Draft EIS/TPED with relation to social services and fiscal impacts. We would be open to providing additional information on these or any other topics as necessary to assist with your preparation of the Draft EIS/TPED.

Thank you for the opportunity to provide comments on the Administrative Draft EIS/TPED. Sacramento County looks forward to working with you and the Tribe to prepare an EIS/TPED that will satisfy all needs and obligations. If you have any questions or concerns please contact John Lundgren at lundgrenj@saccounty.net or (916) 874-8043.

Sincerely,



Catherine Hack,
Environmental Coordinator