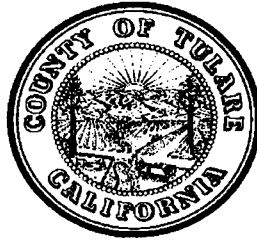


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November 5, 2018

Via US Mail and email to *chad.broussard@bia.gov*.

Amy Dutschke, Regional Director
United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: DEIS Comments - Tule River Indian Tribe Casino Relocation Project
(Our Matter No. 20161562)

Dear Ms. Dutschke:

On behalf of the County of Tulare, which is acting as a Cooperating Agency, please accept our thanks for the opportunity to review and provide comments regarding the Draft Environmental Impact Statement/Tribal Environmental Impact Report ("DEIS") for the Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project ("Project"). Our comments regarding the DEIS are as follows:

AESTHETICS:

The Tribe has a unique opportunity to greatly enhance the aesthetics in the vicinity of the Airport industrial area by including additional landscape and hardscape features along the County and City roadways that will serve as gateways to the new casino site. The Tribe can transform the Porterville Airport area and make it a true tourist destination and jewel in the economic life of the greater Porterville community by developing and implementing a comprehensive aesthetics plan that will welcome and draw tourists to the area from near and far. The aesthetics enhancement plan should include financial and other mechanisms for operating and maintaining the gateway features and require participation by other property owners/developers in the vicinity who will benefit from the Tribe's aesthetic efforts. The DEIS should address this issue and incorporate such a plan as a positive Project feature, not to mention as a mitigation measure in section 5.13 for Alternatives A, B, C, and D.

PUBLIC SERVICES:

(1) Law Enforcement

The DEIS appears to understate the potential impacts on the County and City law enforcement resources available to serve the Project at the Airport site. It is our understanding that statistical information from other casino resorts in California show a more significant jump in demand for law enforcement services when casinos of the size envisioned are opened in more accessible areas like the Airport site, in contrast to the challenging location of the existing Eagle Mountain Casino.

Additionally, the DEIS defers any real mitigation for the impacts on law enforcement services by simply stating that “Prior to operation the Tribe shall enter into agreements to reimburse the Porterville Police Department (PPD) and/or the Tulare County Sheriff’s Department (TCSD) for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services.” (Mitigation Measure 5.10.3.G.). Such a mitigation measure offers the affected agencies, the public, and the Bureau no sense of what the real mitigation will be, what conditions will be attached to the agreements, how much will be paid or provided on a one-time basis, and how much, if any, will be provided on an on-going basis.

Absent these details, it cannot fairly be said that law enforcement impacts have been or will be mitigated to levels of less than significant. Indeed, it appears this measure amounts to a deferral of mitigation that is improper under both the National Environmental Policy Act and the California Environmental Quality Act.

Mitigation Measure 5.10.3.J. attempts to remedy this shortcoming by stating “The Tribe shall make annual payments to the City of Porterville and/or Tulare County to offset the cost of increased provision of law enforcement and fire protection/emergency medical services in amounts of at least the following amounts: ... \$275,870 for Alternative A or B” (Mitigation Measure 5.10.3.J.). In a footnote, the DEIS explains that “The amounts listed reflect the minimum recommended combined payment to the City and/or County for the provision of law enforcement and fire protection/emergency medical services. As described in a Klas Robinson memo dated September 18, 2017 (**Appendix B**), these amounts were primarily determined based on financial information from the City and County and the anticipated increase in services from the estimated incremental attendance of the respective alternative.”

This Mitigation Measure is flawed and inadequate for several reasons. First, the cited memo from Klas Robinson is missing from **Appendix B** and so provides no basis or support for the recommended mitigation measure and fails to provide the reviewing agencies and the general public with critical information with which to judge the adequacy of the measure¹. Second, the amount of money proposed is dramatically less than the amounts previously identified by the County alone, in correspondence with the Tribe, as necessary to mitigate the one-time and annual costs of County law enforcement and fire protection/emergency medical services for the Project, not to mention cost impacts to the City of Porterville. As detailed in the attached correspondence dated September 27, 2017 and November 21, 2017, the County anticipates one-time costs of \$220,000 for law enforcement and \$230,000 for fire

¹ In response to the request of this writer, the DEIS preparer provided a copy of the missing memo. The memo discloses the consultant’s use of generalized figures and averages that do not correspond to the actual cost figures previously identified by the County in its correspondence with the Tribe.

protection/emergency medical services, and annual costs of \$1,191,777 for law enforcement and \$73,000 for fire protection/emergency medical services to adequately mitigate the impacts of the Project.

(2) Fire and Emergency Medical Services

The DEIS appears to understate the potential impacts on the County pre-hospital emergency medical services available to serve the Project at the Airport site. At present, the Tribal Fire Department lacks adequate equipment and trained emergency medical services staff to provide emergency ambulance transportation services for casino patrons, visitors, and staff in need of such services. While relocation of the casino to the Airport site would put casino patrons, visitors, and staff considerably closer to established pre-hospital and hospital-based medical services, the increased numbers of patrons, visitors, and staff will cause a commensurate increase in the need for and demands on such services. The DEIS omits any real discussion or recognition of this impact and so offers inadequate measures to mitigate these impacts. The DEIS needs to address this issue and provide an appropriate level of one-time and on-going mitigation for such impacts.

Likewise, the DEIS undertakes no analysis of the Project's impacts on the Fire Departments' mutual aid response system. A major conflagration at the Airport site would likely overwhelm the fire suppression services available from the Tribal Fire Department and require mutual aid responses from both the City of Porterville's Fire Department and the Tulare County Fire Department. Such mutual aid responses leave fewer resources, or even no available resources, to respond to incidents within the primary jurisdictions of the Fire Departments. The DEIS needs to address this issue and provide an appropriate level of on one-time and on-going mitigation for such impacts.

(3) Other Public Safety Services

The DEIS fails to address potential adverse impacts on the delivery of public safety services by other agencies/departments such as the County District Attorney, County Probation Department, and the County's Public Defender office and Conflict Public Defender services. We believe statistical information is available from other California communities hosting similarly-sized casino resorts that shows increased demand for public safety services from these agencies/department as the number of casino patrons, visitors, and staff grows, as envisioned for this Project and site. The DEIS needs to address this issue and provide an appropriate level of on one-time and on-going mitigation for such impacts.

(4) Health and Human Services

1. The Scoping Report for the Project identified the need to analyze and address the expansion's impacts on issues associated with gambling addiction, drug use and bankruptcies (Section 3.2.7). The DEIS does not identify mitigation measures to address the increased risk of problem and pathological gambling enabled by alcohol and compounded by drug use. Will the casino offer a responsible gaming training program to employees on how to appropriately identify and respond to problem gaming behaviors and other co-morbidities?
2. Will the casino offer or provide linkages to treatment services for patrons or employees that ask for assistance with problem and pathological gambling, which is compounded by alcohol and other drug use?

3. Does the casino have a system in place to identify problem and pathological gambling addicts using loyalty cards? If so, does the casino have any process in place to prohibit patrons identified by the casino as problem and pathological gamblers from gambling at the casino, outside of a self-exclusion program?
4. Hispanics, young adults, and low-income individuals are all at higher risk for problem gambling. How is the casino engaging this population to prevent the onset of problem gambling?
5. How will the casino minimize alcohol and other drug related crisis calls for a "5150" involuntary hold evaluation completed by Mental Health?
6. The DEIS does not clarify if smoking would be permitted if the relocation was approved. Will smoking be permitted? If so, what will the casino do to limit second-hand exposure to patrons and employees?
7. Casinos have an unusually high density of cardiac arrests in their public areas, in comparison with other types of public places. How will you guarantee an appropriate response to incidents of cardiac arrest or other onsite health emergencies?
8. What updates would the casino make to their emergency plan(s) to account for differing hazards and risks for the proposed expansion? Would a hazard mitigation plan be developed?
9. How will Public Health emergency response and injury/disease surveillance be addressed?
10. If recycled water is put to beneficial reuse at the Airport site and the Porterville Sports Complex to meet irrigation demand, will the casino develop a cross connection control/prevention program so that potable and recycled waters are not commingled?
11. It is likely that the Project will require obtaining a Hazardous Waste Generator Identification Number (i.e., EPA ID #) and submission of a Hazardous Materials Business Plan and or Hazardous Waste Generator registration (or federal equivalents). These can be obtained or filed electronically and should not require lengthy review or approval. If underground fuel or waste oil tanks are to be installed, will the casino apply for the permit applications and submit to Tulare County Environmental Health Division or EPA Region IX as appropriate? If quantities of petroleum and or oils are stored in aggregate quantities of 1,320 gallons or more will a Spill Prevention, Control, and Countermeasure (SPCC) plan be developed for Tulare County Environmental Health Division or EPA Region IX as appropriate?

TRANSPORTATION/CIRCULATION:

Following are comments related to the review of the Transportation/Circulation Section of the DEIS and associated Traffic Impact Study ("TIS") for the Project.

1. Under "*Trip Reductions*" the diverted-linked trip reduction of 10% seems reasonable due to the Project's vicinity to two State Highways that carry significant traffic. The County does not support a further 5% reduction in the overall trip generation to account for transit/shuttle/bicycle trips due

to the location of the proposed Project, the lack of adjacent bicycle facilities, proximity to users who would be likely to travel by bicycle, and the fact the existing counts, and similar facilities on which the trip generation is based should already capture these reductions. Furthermore, there is a significant amount of patrons of the existing Eagle Mountain Casino Facility that utilize the park and ride/shuttle lot located at Avenue 286 and State Route 190 who then take a shuttle to the Casino. Depending on where the counts for the existing Casino were taken, the users of the park and ride lot may not be accounted for. These users would be more likely to commute to the new Casino location due to its more accessible location. Trip generation estimates should account for this anomaly. The 5% reduction is not justified without further supporting documentation. This reduction should have been accounted for in the counts completed for similar sites on which the Project's trip generation is based. Justification on why this site would be different than the similar sites is not discussed. The text incorrectly classifies non-automobile trips to include transit and shuttle trips, when in fact, these are automobile trips. In Table 4.8-4, the listed 5% reduction for transit/bike/pedestrians of -41 that is listed under weekend daily trips does not calculate correctly.

2. State Route 190 is incorrectly referred to as a "freeway". We suggest using Caltrans' convention of "State Route."
3. Under "*Trip Distribution*," there is a larger percentage of traffic assigned to areas west and southwest of the Project via SR 190 and SR 99 (14%), rather than south via SR 65 (9%). Due to the less populated areas to the west and southwest, compared to the more densely populated Bakersfield area, these distributions are questionable. It is anticipated that an equal amount of traffic, if not more, would be distributed to the south on SR 65. Although this is somewhat subjective, further justification (that is, the assumptions and/or methodology) of the how trip distribution was determined should be provided. The select zone model runs contained in the appendix of the TIS do not appear to support a higher distribution of traffic to/from the south on Route 99 than to/from the south on Route 65.
4. Under "Transit, Bicycle, and Pedestrian Facilities," discuss any proposed shuttle/transit service that will serve the Project. The Project should contribute a "fair-share" to construct any planned City/County bicycle and pedestrian facilities within the Project vicinity. These improvements should be analyzed and discussed in the DEIS.
5. There are several State Route intersections that have a proposed mitigation of intersection signalization. These locations should be reviewed with Caltrans, as there are several planned roundabouts throughout the region. Furthermore, it is Caltrans policy to perform an Intersection Control Evaluation (ICE) report for each State Route intersection including consideration of roundabouts, rather than signals, as an alternative. Where signalization is proposed for intersections, it is recommended that roundabouts be identified as an alternative. A roundabout alternative should also be listed for County/City intersections, for example, Scranton Avenue/West Street.
6. With respect to the TIS, the select zone model runs contained in the Appendix of the TIS do not appear to support a higher distribution of traffic to/from the south on Route 99 than to/from the south on Route 65.

7. In both the DEIS and TIS, the SR 190/Road 284 intersection should be identified as “Roundabout control”, not “two way stop control” (TWSC). This intersection should be analyzed as a roundabout for all scenarios with the exception of existing conditions since existing counts were taken before the roundabout installation as stated in the DEIS.
8. The DEIS identifies 39% of the trip distribution to/from the north and northwest in the Cities of Tulare, and Lindsay. As evidenced by the existing Casino providing shuttle service to the City of Visalia (and the Cutler/Orosi community further to the north) it is anticipated that the new Casino will draw traffic from areas north of Lindsay and Tulare; i.e., Visalia, Cutler/Orosi. This should be analyzed in the discussion on trip distribution.
9. The traffic study should address the new Porterville Fairgrounds site, and how this may affect traffic in the area; i.e., number/type of events per year, capacity, traffic impacts, etc., the potential for cumulative traffic impacts during such events and what measures will be taken to minimize potential impacts to traffic, parking, and safety.
10. Figures showing Project Only Peak Hour traffic volumes should be included in the TIS.
11. The traffic study does not address truck traffic. This could result in a critical omission if truck traffic is not analyzed. Therefore, it is important to determine estimated truck trips (daily) to the Project site. Truck trips have the potential to result in a significant impact on the County Roads (including ongoing maintenance, delays at intersections, and safety), and as such, needs to be addressed in the TIS.
12. The SR 190 intersections at Westwood Street and Newcomb Street are identified as future grade separations. This needs to be confirmed with Caltrans, as the County understands there are a number of roundabouts planned in the area. How will these grade separations affect the trip distribution and assignment under cumulative conditions?
13. There are two cross sections shown in the TIS for a collector street with on-street parking. The discussion seems to relate to the cross sections to West Street. The TIS recommends left-turn lanes along West Street between Scranton and Teapot Dome. Was a Two Way Left Turn Lane considered for this segment of West Street? What are the proposed cross sections for the other roadways in the area; i.e., Newcomb, Westwood, Scranton, and Teapot Dome? These cross-sections should be discussed.
14. Table 38 shown on Page 107 of the TIS should also include Newcomb Street, as possible improvements to Newcomb Street should be considered in the mitigation discussions.
15. Provide a Figure showing the “Mitigated Lane Geometries and Control” for the Opening Day and Cumulative plus Project (Alts A & B) scenarios.

MITIGATION MEASURES:

5.4 Air Quality.

5.4.1 Construction

A. Rather than “following construction BMPs,” it would be more inclusive to simply state “Comply with applicable Regulations/Rules regarding fugitive dust as adopted by the San Joaquin Valley Unified Air Pollution Control District (“Air District”).” Mitigation Measures 5.4.1 A 1-8 would likely be ineffective, as they are not specific or stringent enough to sufficiently reduce fugitive dust. Air pollutants are a regional issue and the suggested BMPs may not be sufficient to meet even a localized test.

B. Regarding Greenhouse Gases (“GHG”), the California Air Resources Board has jurisdiction over GHG emissions. As such, the applicant should comply with CARB control techniques. However, regarding Diesel Particulate Matter (DPM), it would be more effective to require controlling DPM’s consistent with Air District and CARB requirements.

As written, Mitigation Measure 5.4.1 B.5 has too many caveats to be effective. The measure should be strengthened by eliminating the caveats or deleted in its entirety as it isn’t enforceable.

5.4.2 Operation and Climate Change

C. 6. The 50% reduction is consistent with current targets by CalRecycle but the target is going up to 75% in 2020 under AB 341. The measure should reflect the revised target.

C. 10. Since the Project is located in Tulare County and the impacts will occur there, we suggest revising this Mitigation Measure and the Conformity Determination to specify Tulare County, rather than the San Joaquin Valley Air Basin and/or another adjacent district, as the location within which the Mitigation Measure will be implemented.

C. 13. Note that the Air District’s Executive Director has the final authority to approve “other feasible” measures if the applicant can conclusively demonstrate their effectiveness.

5.8 Transportation

5.8.2 Operation (Opening Year 2021)

All Mitigation Measures: The Mitigation Measures and traffic analysis make no mention of or commitment for the Project to contribute to the on-going maintenance of the roadway segments to be improved. This will be a major issue for the County and the City of Porterville going forward.

K. The use of “offer” does not reflect the Environmental Consequence chapter’s determination that the Project would contribute 76.5% of West Street’s “new traffic,” 29.8% of Teapot Dome’s new traffic, 72.5 % of Westwood Street’s new traffic, and 77.8% of Scranton Avenue’s new traffic. An “offer” would be inadequate as the analysis points to a “real” impact. This Mitigation Measure should be reworded as a

commitment/obligation to provide the pro rata shares of pavement rehabilitation costs for the listed locations respectively.

5.8.3 Operation (Cumulative Year 2040)

All Mitigation Measures: The Mitigation Measures and traffic analysis make no mention of or commitment for the Project to contribute to the on-going maintenance of the roadway segments to be improved. This will be a major issue for the County and the City of Porterville going forward.

5.10 Public Services

5.10.3 Law Enforcement, Fire Protection, and Emergency Medical Services

G. and J. See earlier comments on these Mitigation Measures.

I. This Mitigation Measure needs to be strengthened. State law already requires the Casino to check identification to ensure patrons are legally old enough to drink alcoholic beverages. Although a deterrent, refusing service does not guarantee that an inebriated patron will leave the Casino without driving under the influence. Inebriated persons/drivers would be a menace to pedestrians, vehicles and property; merely telling them "No more alcohol for you." would not prevent an inebriated person from potentially causing harm. The Casino should consider offering complimentary sobriety testing, breathalyzer testing, sober transportation to a destination (either sponsored by the Casino or through a company such as Uber), discounted hotel accommodation rates as an incentive not to drive, or possibly a "sleep it off room" (a dorm type of room) for a minimal charge wherein someone could literally "sleep it off" for a few hours until their alcohol blood level content is below the legal limit.

K. Suggest adding that the Fire Marshal conduct regular inspections to ensure safe conditions are maintained.

Again, thank you for the opportunity to review and provide comments regarding the DEIS for this Project. Please contact me if you have questions or need anything further from the County of Tulare at this point.

Very truly yours,
DEANNE H. PETERSON
County Counsel

By 
Jeffrey L. Kulm
Chief Deputy County Counsel

Attachments: September 27, 2017 and November 21, 2017 Letters from Tulare County Administrative Officer to Neil Peyron, Chairman of Tribal Council

November 5, 2018

DEIS Comments - Tule River Indian Tribe Casino Relocation Project

Page 9

cc: Chad A. Broussard, Environmental Protection Specialist, BIA
Tulare County Board of Supervisors
County Administrative Officer
County Sheriff
County District Attorney
County Fire Chief
County Probation Director
County Public Defender
Director of County Resources Management Agency
Director of County Health and Human Services Agency
Tule River Indian Tribe, via counsel
City of Porterville, via counsel

JLK/11/05/2018/20161562/1245534

COUNTY OF TULARE
COUNTY ADMINISTRATIVE OFFICE



MICHAEL C. SPATA
 County Administrative Officer

Via U.S. Mail and Email

September 27, 2017

Mr. Neil Peyron
 Chairman, Tule River Indian Tribal Council
 340 N Reservation Rd
 Porterville, CA 93257

Re: Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project

Dear Chairman Peyron:

Following our meeting of August 28, 2017 regarding the Tribe's Fee-to-Trust and Eagle Mountain Casino Relocation Project ("Project"), County staff has compiled the mitigation/benefit cost figures we promised to provide you and your legal counsel.

The following chart shows the County's costs – depicted by County Agency/Department – reflecting both one-time and on-going costs associated with this Project.

	County Department	One-Time Costs	Annual Costs
1.	Sheriff's Department	\$ 220,000	\$1,191,777*
2.	County Fire Department	230,000	73,000*
3.	District Attorney's Office	--	60,000*
4.	Public Defender	--	108,326*
5.	Probation Department	--	77,000*
6.	Health & Human Services Agency – Mental Health Division	--	470,900*
7.	Resource Management Agency (Public Works - Roads)	10,040,000	---
8.	Payments in Lieu of Taxes /General Mitigation	--	500,000*
	TOTALS	\$10,490,000	\$2,481,003*

* Annual costs are subject to an annual escalator after the first year based on the change in the County's Gann Spending Limit, but not to exceed 2% per year.

The following is an explanation of the information shown in the chart:

(1) Sheriff's Department.

The costs shown for the Sheriff's Department represent (a) one-time costs of providing police vehicles for new staff, and (b) annual, on-going salary, benefit and equipment costs of additional staff (one (1) Lieutenant, one (1) Sergeant, eight (8) Deputy positions) needed to help mitigate the impacts that the Project will have on the Sheriff's workload.

(2) County Fire Department.

The costs shown for the County's Fire Department represent (a) half the one-time cost of providing a fire engine, associated equipment and taxes/licenses, and (b) annual, on-going salary and benefit costs of one (1) new firefighter position needed to help the Department serve the new casino site and the Department's primary jurisdiction.

(3) District Attorney's Office.

The costs shown for the District Attorney's (DA's) Office represent the annual, on-going salary and benefit costs of providing additional staff to help mitigate the impacts that the Project will have on the DA's caseload.

(4) Public Defender.

The costs shown for the Public Defender represent the annual, on-going salary and benefit costs of providing additional staff to help mitigate the impacts that the Project will have on the Public Defender's caseload.

(5) Probation Department.

The costs shown for the Probation Department represent the annual, on-going salary and benefit costs of providing additional staff to help mitigate the impacts that the Project will have on the Probation Department's caseload.

(6) Health and Human Services Agency (Mental Health Division).

The costs shown for the Mental Health Division of the Health and Human Services Agency (HHSA) represent the annual, on-going costs of providing additional mental health, alcohol and substance abuse treatment services to help mitigate the impacts that the Project will have on the caseload of HHSA's Mental Health Division.

(7) Resource Management Agency (Public Works - Roads).

The costs shown for the Resource Management Agency (Public Works - Roads) represent the one-time costs of improving local roadways within the County's jurisdiction that will be impacted by the Project.

The specific roadway segments and needed one-time improvements are as follows:

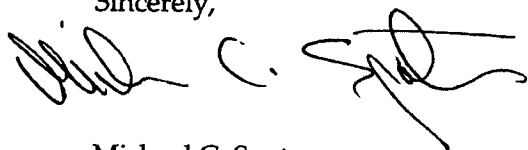
Roads	Segment	Miles	Projected Treatment	Cost Per Mile	Casino's Total Projected Costs
Road 224 (S Westwood St)	Scranton Ave to SR 190	0.75	Reconstruct	\$900,000	\$ 675,000
Scranton Ave	West St to SR 65	3.00	Reconstruct	900,000	2,700,000
Avenue 128 (Teapot Dome Ave)	West St to SR 65	2.50	Reconstruct	900,000	2,250,000
West St	Ave 128 (Teapot Dome Ave) to Scranton Ave	1.00	Overlay	400,000	400,000
Westwood St & SR 190	Intersection	--	Signalize	---	250,000
Total					\$10,040,000

(8) Payments in Lieu of Taxes/General Mitigation.

The costs shown under this category are to reimburse the County for its annual, on-going share of property taxes (\$280,000) and Measure R sales taxes (\$50,000) that the Tribe is not required to pay but that any non-tribal entity would pay in connection with ownership and operation of facilities like those proposed by the Project. We are aware that since the airport site is located within the City of Porterville's boundaries, the City also would receive a portion of such property and sales tax revenues. Nevertheless, the County would also receive a portion of such taxes and that is what this category addresses. This category also includes reimbursement to the County for the additional, intangible annual expenses unrelated to mitigation of environmental impacts that the County will incur as a result of the Project (\$170,000).

We look forward to successful negotiation of a Memorandum of Understanding that pledges the County's support for the Project and ensures that the costs shown above will be defrayed by the Project. Please let me know if you have questions or need anything further from the County at this time. Thank you for your consideration.

Sincerely,

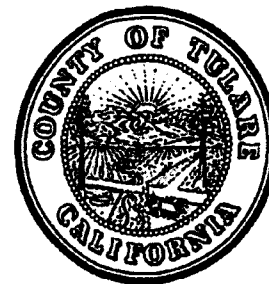


Michael C. Spata
County Administrative Officer

cc: Supervisor Mike Ennis
Supervisor Steve Worthley
Carrie Monteiro, Board Representative
County Counsel

County Sheriff
County District Attorney
County Probation Officer
County Public Defender
County Fire Chief
County RMA Director
County HHSA Director
Stephen M. Hart, Esq.

COUNTY OF TULARE
COUNTY ADMINISTRATIVE OFFICE



MICHAEL C. SPATA
 County Administrative Officer

Via U.S. Mail and Email

November 21, 2017

Mr. Neil Peyron
 Chairman, Tule River Indian Tribal Council
 340 N Reservation Rd
 Porterville, CA 93257

Re: Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project

Dear Chairman Peyron:

This is in response to the questions posed by the Tribe's attorney Stephen M. Hart by email dated October 19, 2017 regarding the County's mitigation/benefit cost figures provided in my letter to you of September 27, 2017.

To recap, the following chart shows the County costs – depicted by County Agency/Department – reflecting both one-time and on-going mitigation costs associated with the Project.

	County Department	One-Time Costs	Annual Costs*
1.	Sheriff's Department	\$ 220,000	\$1,191,777
2.	County Fire Department	230,000	73,000
3.	District Attorney's Office	--	60,000
4.	Public Defender	--	108,326
5.	Probation Department	--	77,000
6.	Health & Human Services Agency – Mental Health Division	--	470,900
7.	Resource Management Agency (Public Works - Roads)	10,040,000	---
8.	Payments in Lieu of Taxes /General Mitigation	--	500,000
	TOTALS	\$10,490,000	\$2,481,003*

* Annual costs are subject to an annual escalator after first year, based on the change in County's Gann Spending Limit, but not to exceed 2% per year.

The following answers respond to attorney Hart's questions regarding these figures. For convenience, we have re-printed each question, followed by the County's *answers*.

1. Sheriff's Department.

- a. Please provide the methodology used by the Sheriff's Department in determining the need for additional staff and vehicles in its normal course of business.

The staffing will include the positions listed below.

POSITIONS	FTE
<i>Lieutenant</i>	<i>1</i>
<i>Sergeant</i>	<i>1</i>
<i>Sheriff Deputy</i>	<i>8</i>

The proposed staffing level will allow patrol services to be provided 24 hours per day/365 days per year in the vicinity of the project site and will deliver high quality and diversified law enforcement services. The staffing level is also in alignment with the size of the casino/resort which includes a 105,000 square foot casino, an approximately 250-room hotel, approximately 36,000 square feet of food and beverage facilities, administrative space, a multi-purpose events center, a conference and center, and associated parking and infrastructure.

The Tulare County Sheriff's Office (TCSO) will assign one uniformed FTE deputy with a marked TCSO patrol vehicle to the casino vicinity. One deputy assigned to day shift and one deputy assigned to night shift.

The Tulare County Sheriff's Office strongly embraces the philosophy and model of Community Policing in all its daily operations and functions. Community Policing will be based upon a partnership between the Sheriff's Office and the Tribal Council whereby the Sheriff's Office and the Council share responsibility for identifying, reducing, eliminating and preventing problems that impact the casino/resort safety and order. By working together, the Sheriff's Office and the Council can reduce the fear and incidence of crime for the vicinity of the casino. In this effort, the casino/resort community and Sheriff's Office will work as partners to identify and prioritize problems of crime and disorder and share the responsibility for the development and implementation of proactive problem-solving strategies to address identified issues. The strategies used prove success because they mobilize the efforts and resources of the Sheriff's Office and the Tribal Council.

The Sheriff's Office strives to improve the quality of life at the casino project, by providing professional law enforcement services, prevention, education, and community policing efforts with a strong community service emphasis. Our main goal is providing a high level of public service and nurture our relationships with casino patrons while keeping the casino safe.

- b. Please provide all facts, assumptions and methodology that the County used to arrive at the need for "vehicles for new staff", as well as the need for the additional positions as a result of this proposed Project. Please include the analysis used to arrive at the believed increase in Sheriffs workload.

Vehicles will be required for the Sheriff's Deputy to respond to calls for service, enforce the law, first responders to emergencies, and patrol the vicinity of the casino/resort. These non-personnel costs are essential whether responding to an immediate threat to life or a non-emergency call for service. The fully equipped vehicles are a pro-active visual presence to prevent and deter criminal behavior and provide a feeling of security. Currently the TCSO operates a fleet of patrol units. These units are assigned to specific areas. Purchase of additional unit(s) to be utilized with the additional personnel to be assigned to the Casino project.

Additionally, the staffing level for casino/resort public safety will achieve the challenges of possible criminal offenses such as driving under the influence, personal robbery, credit card fraud, burglaries, auto thefts, traffic collisions, thefts from vehicles/businesses, disorderly conduct and assault, nighttime prowlers and suspicious persons, fraud/embezzlement, and graffiti/vandalism.

The Lieutenant will manage the day to day activities of the staff assigned to the casino. Additionally, the Lieutenant will coordinate events and activities, meet and form cooperative relationships with casino management, security, and other staff to ensure the casino receives the optimum policing it deserves, while remaining a safe and secure location for people to work and visit.

The Sergeant (supervisor) will at times assist as a backup to the casino assigned deputy, but more importantly ensure that the supervision, equipment, reports, evidence, and any number of activities that a deputy encounters or is responsible for will be maintained. The standard law enforcement span of control for supervision calls for one supervisor for every 5-8 personnel.

The Sheriff's Deputy will provide front-line, uniformed services. They will be the primary first responders for all emergencies, and respond to all calls for service. The Sheriff Deputy will also conduct field investigations of reported crimes, and provide preventative patrol in assigned areas. They will also conduct proactive enforcement of traffic and criminal laws, and make a vast majority of arrests conducted by the department.

- c. Please provide a description of how the additional staff and equipment would be deployed and used when the Project is constructed and operational.

As mentioned above, the deployment plan for law enforcement services will be provided 24 hours per day/365 days per year in the vicinity of the project site. The deployment of the staffing and equipment is comprised of demographics, response times, calls for service, casino/resort patrons and sound law enforcement management practice. A copy of a preliminary schedule is below.

HOURS	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
0500							
0600							
0700		1- Lieutenant	1- Lieutenant	1- Lieutenant	1- Lieutenant	1- Lieutenant	
0800	1	1	1	1	1	1	1
0900	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff
1000							
1100							
1200							
1300							
1400							
1500							
1600							
1700							
1800							
1900	1- Sergeant					1- Sergeant	1- Sergeant
2000							
2100							
2200	1	1	1	1	1	1	1
2300	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff	Deputy Sheriff
2400							
0100							
0200							
0300							
0400							
0500							

The Sheriff's Office proposes that the deployment plan should be revisited frequently to analyze if the deployment plan is meeting the needs of the Tribal Council and where the deployment plan could be adjusted based on successes and challenges.

Additional staff will be deployed for special events and functions. The Tribe Council and Sheriff Commander will meet and confer to ensure extra law enforcement services are adequately provided. The Sheriff's Office will invoice the Tribe for law enforcement costs incurred for additional law enforcement personnel.

- d. Please provide detail and sources of information for all cost of vehicles, as well as annual benefits, salaries and equipment.

Below is the itemized costs for fully equipped patrol vehicles.

COST FOR FULLY EQUIPPED PATROL VEHICLE

1	Ford Explorer Utility Interceptor	30,000.00	\$	30,000.00
1	Aedec Rear Seat fits '13 FPI Utility, includes Rear Screen	849.00	\$	849.00
1	Setina Single T-Rail w/ BlacRac 10BOE	515.00	\$	515.00
1	Charge Guard	95.00	\$	95.00
1	Setina PB450L4 Push Bumper w/lon Lights fits '16 FPI Utility	695.00	\$	695.00
1	Troy Dual Weapon Rack Adjustable, No Locks	189.00	\$	189.00
1	Santa Cruz Universal Gun Lock for Extra Large Weapons. Specify Key *	129.00	\$	129.00
1	Gun lock for 870	84.00	\$	84.00
1	Setina BVS RP Coated Partition	585.00	\$	585.00
1	Whelen Liberty II Light Bar Package with Sapphire Controller	2,420.00	\$	2,420.00
1	Havis Universal Laptop Mount. Tilt/Swivel 4"High	174.00	\$	174.00
1	Havis 12" Console	59.00	\$	59.00
1	Havis 8" LP Console No Vehicle Mount	155.00	\$	155.00
1	Havis Vehicle Mount fits Crown Vic	99.00	\$	99.00
1	Havis Console Mic Clip	9.95	\$	9.95
1	Havis Console Mic Clip Bracket	12.00	\$	12.00
1	Havis Arm Rest Mounts to Trak Mount Base	121.00	\$	121.00
1	Havis dual cup holder	34.95	\$	34.95
1	Havis 2.5" Faceplate	25.00	\$	25.00
1	Havis Faceplate	27.00	\$	27.00
1	1" Blank Havis Face Plate	9.00	\$	9.00
1	1.5" Blank Havis Face Plate	9.00	\$	9.00
1	2" Blank Havis Face Plate	9.00	\$	9.00
1	HS Lighter Plug Assembly 3 Outlet	35.00	\$	35.00
1	Mounting Bracket w/Swing Arm	79.00	\$	79.00
1	Whelen LED Light- Amber	102.00	\$	102.00
3	NMO Mount w/Teflex Cable No Connector	19.00	\$	57.00
1	Laird 450-470mhz Antenna Black	9.00	\$	9.00
4	Relay	5.00	\$	20.00
1	Mini UHF Connector RG58	1.35	\$	1.35
1	Mobile Mark GPS Antenna w/SMA Connector Installed	55.00	\$	55.00
2	Laird Multi Band Phantom Antenna Black	35.00	\$	70.00
1	Sierra Wirelss GX450 Modem Wifi LTE Cell Modem Verizon,DC,GPS	821.00	\$	821.00
1	Troy Hinged Platform Cargo Rear Mount	298.00	\$	298.00
1	Installation Material Bundle	115.00	\$	115.00
1	Shop Installation	1,700.00	\$	1,700.00
1	Lens Replacement Kit for Liberty Light Bars	213.16	\$	213.16
1	Aedec Rear Molded Seats With Screen With	853.05	\$	853.05
1	SMA male to mini UHF female adapter;	5.93	\$	5.93
1	POLLAK RELAY	24.15	\$	24.15
1	Power taimer - turns off DC power after fixed	98.99	\$	98.99
1	PB450L4 Lighted Push Bumper Steel 4 Total	736.95	\$	736.95
1	Dual T-Rail Mount 1 Small 1 1080E Blac-	736.95	\$	736.95
1	8VS-RP Recess Panel Coated Partition	591.75	\$	591.75
1	Slide in tray radio mount for trunk - drivers	162.75	\$	162.75
1	Trak mounted armrest, for Havis Console	121.28	\$	121.28
1	Dual cupholder for console	35.75	\$	35.75
1	Console face plate for Motorola XTL2500	26.40	\$	26.40
1	Faceplate for Cencom siren control head - 1	27.23	\$	27.23
1	Filler plate for console 1" height	9.35	\$	9.35
1	Filler plate - 1.5 inch	12.10	\$	12.10
1	2 inch filler plate for Havis consoles	11.00	\$	11.00
1	Faceplate with 3 - 12VDC outlets (2" wide	35.53	\$	35.53
1	8 inch Stout mount console pkg for Crown	260.98	\$	260.98
1	8" low profile console extension	51.98	\$	51.98
1	28" trak mount for Ford Crown Victoria	105.05	\$	105.05
1	Whelen SAPPHIRE Series Siren & Light Bar	742.50	\$	742.50
1	Siren speaker w/ General Purpose bracket -	170.20	\$	170.20
1	LINZ6 Series LED Lighthouse, Horizontal	102.85	\$	102.85
1	NMO coax assembly w/17' teflon coax - no	15.93	\$	15.93
1	Stud Mount MicronBlue Smoke	109.56	\$	109.56
1	Stud Mount Micron Red Smoke	109.56	\$	109.56
1	Power inverter 130W	27.49	\$	27.49
1	Quarter wave antenna - Black	7.51	\$	7.51
1	40 Amp relay, 12Volt coil	3.85	\$	3.85
1	Mini UHF male connector for RG58AU/	1.30	\$	1.30
1	GPS antenna, 26 dB 5Volt, Active Service	40.04	\$	40.04
1	698-896 Mhz 1710-2700 Mhz Black omni,	27.82	\$	27.82
	County IT Radio Tech Labor 60.5 Hours at \$65 per hour	3,932.50	\$	3,932.50
1	Dash DVR Watch Guard	5,921.28	\$	5,921.28
	GRAND TOTAL FOR FULLY EQUIPPED PATROL VEHICLE		\$	54,999.97

Below is the breakdown for first-year salaries, annual benefits and operating expenditures for the proposal for law enforcement services.

Casino Relocation Project Budget	FTE'S	TOTAL COST	
Salary Costs			
Sheriff's Lieutenant 1 FTE @ \$12,317.08 / month x 12 months			
Salary:	106,024	1	106,024
Other Pay: (Uniforms, Detective Pay & Career Dev.)	700	1	700
Health Benefits:	13,098	1	13,098
Retirement:	19,819	1	19,819
Social Security:	8,164	1	8,164
			Total Salary & Benefits:
			147,805
Sheriff's Sergeant 1 FTE @ \$10,384.83 / month x 12 months			
Salary:	83,941	1	83,941
Other Pay: (Uniforms, Detective Pay & Career Dev.)	700	1	700
Health Benefits:	14,190	1	14,190
Retirement:	19,312	1	19,312
Social Security:	6,475	1	6,475
			Total Salary & Benefits:
			124,618
Sheriff's Deputy 8 FTE @ \$68,477.13 / month x 12 months			
Salary:	67,151	8	537,208
Other Pay: (Uniforms, Detective Pay & Career Dev.)	700	8	5,600
Health Benefits:	14,190	8	113,520
Retirement:	15,484	8	123,870
Social Security:	5,191	8	41,528
			Total Salary & Benefits:
			821,726
Agency Costs			
Communications - Cell Phone & Pager	648	x 10	6,480
Radio Communications	600	x 10	6,000
Motor Pool (fuel & maint)	6,750	x 4	27,000
Worker's Comp Expense	5,644	x 10	56,440
Payroll Processing Charge	171	x 10	1,708
			Total Agency Costs
			97,628
TOTAL COSTS			\$1,191,777

- e. Please provide a comparison of the anticipated uses, and staffing for Sheriff sub-station in Porterville versus the sub-station proposed for this Project. Please include all rationale and warrants that the County uses for siting a new substation, and how those criteria apply in this instance. Please include the amount of citizens served in the City of Porterville and the amount of individuals served on this Project.

The deficiency with the current Porterville Substation is the size of the facility. The Porterville Substation is approximately 4,764 square feet and currently houses 48 Sheriff personnel. The

space is inadequate to house additional Sheriff staff and accommodate parking. The Visalia Substation houses 26 staff and Pixley Substation houses 30 Sheriff staff. Porterville Substation is the largest of all substations, however, there is no space for additional staff and vehicles.

A new substation in a strategic location will provide a more visible Sheriff's presence and allow Deputies to respond to calls for service in a very quick manner. A new substation will need to include office space for a Lieutenant, Sergeant, and support staff. A separate space is needed for report writing, briefing and interviewing, lockers and storage for supplies and equipment. The substation will also need periodic access to a large space that can be used for emergency and strategic operations, such as cooperative efforts with other law enforcement or public safety agencies. A long-term plan should be included to expand the space as Sheriff staffing increases to support the growing and possibly expanding casino/resort.

The new substation will go hand-in-hand with law enforcement's more focused efforts on community-oriented policing and will go a long way for casino resort patrons to feel safe.

According to the link below, the casino currently has 50 employees and will be adding 500 additional team members to operate the casino, the hotel, restaurant, convention center and the entertainment center. The casino currently has 1,000 visitors each day. It could be anticipated that there could be 2,000 visitors each day at the new casino/resort.

<http://www.tulerivereis.com/wp-content/uploads/2017/05/scoping-report.pdf>

2. County Fire Department.

- a. It is anticipated that the Tribe and the County will have a mutual and automatic aid agreement regarding fire and emergency services that includes services provided by the Tribe to the County in the vicinity of the Tule Reservation, as well as the Project site, which are a significant benefit to the County (and cost to the Tribe). How is the County factoring this relationship and expenses by the Tribe into the net costs provided? Will these services to the County be compensated through payments to the Tribe? Or will they be applied as set-offs against other requested costs? Please explain the County's process for this remuneration.

The Fire Department has addressed certain off-reservation impacts attributable to the operation of the Casino. It is understood that certain mutual-aid services provided to the Casino will be "net cost" in nature, however this new gaming facility will have adverse impacts above and beyond the normal services provided in such a mutual aid contact. There will be no remuneration to the Casino for mutual aid services provided by County.

It is expected that the County will enter a Memorandum of Understanding (MOU) with the Tribe in respect to those additional costs related to the off-reservation related impacts. Similar MOUs exist with the County of Tuolumne/Tuolumne Rancheria Band of Me-Wuk Indians and the County of Madera/Picayune Rancheria of the Chukchansi Indians.

- b. Given that the Tribe plans to build a fire station on the trust property and equip and staff the station, how has the County determined that mitigation would require one-half (1/2) the cost of an engine and one (1) new firefighter position? Please provide all facts, assumptions and methodology used by the County in coming to this conclusion.

The Fire Department and County have determined that there are certain off-reservation and off-site impacts attributable to the construction and operation of the Casino. As a contribution to the public safety of the Casino location the Department desires that the Casino contribute funds based on the anticipated adverse impacts of the Casino and its surrounding areas. Please refer to the cost summary shown below for assumptions and methodology.

- c. Please provide precedent for the payment of such costs by a government entity which enters into an automatic aid and mutual aid agreement with the County's fire department.

Payment for such costs will be agreed upon outside of the mutual aid process. It will be done with the County through the MOU process. It is expected that the County will enter into an MOU with the Tribe in respects to those additional costs related to the off-reservation related impacts.

While this is the first project of this nature in Tulare County, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between Yolo County and the Yocha Dehe Wintun Nation, for example, and the MOUs between the County of Tuolumne and the Tuolumne Rancheria Band of Me-Wuk Indians, and the County of Madera and the Picayune Rancheria of the Chukchansi Indians.

- d. Please provide detail on equipment believed necessary (including the one-half (1/2) of a fire engine), and staff benefits and salary.

One-time cost of \$230,000 is 50% of the \$460,000 estimated cost of a new Type 1 Fire Engine, with estimated cost based on a previous purchase.

The first year annual costs of \$73,000 cover:

<i>Item</i>	<i>First Year Cost</i>
3 Fire Apparatus Engineers to be stationed at Station 19 (Porterville) (Cost shared 80% County/20% Tribe)	\$32,000.00
Dispatch Cost: 261 Dispatched Calls .71 Dispatched Calls Per Day	\$14,100.00*
Apparatus Cost 1 Hour Per Dispatched Call	\$24,500.00**
Ancillary Costs: Fuel – Vehicle Maintenance First Responder Equipment	\$ 2,400.00
<p>Additional Information:</p> <p>* Dispatch Cost, Per Dispatched Call = current rate \$53.97. ** Apparatus Per Hour Cost = \$93.50, based on Cal OES Rates.</p> <p>Highway 190 - Traffic Volume Increase of 4,740 Vehicles Per Year. Highway 65 - Traffic Volume Increase of 4,900 Vehicles Per Year. This will Increase Responses to Vehicle Accidents.</p> <p>No. of Calls Per Year - 76 Current Average - 5.85 % of Station 19 Calls. Anticipated increase of 185 Calls Per Year. 20% of Station 19 Calls = 261 Calls Annually.</p> <p>Currently the Reservation is paying 27.85 per dispatched call - this contract is up for renewal</p> <p>The Fire Department anticipates a 20% increase in Fire and EMS-related incidents from the Casino Relocation. This increase is reflected in the number of dispatched calls shown above.</p> <p>Annual Costs will Vary Depending on actual calls, events, population served, etc.</p> <p>All Annual Costs Rounded Accordingly.</p>	

- e. It was discussed that the Tribe's fire department would also enter an agreement with the County to help serve Tulare County. Please provide the method the Tribe would use to seek remuneration for said services.

For general mutual aid, there would be no remuneration for reciprocal services rendered. Currently this mutual aid is provided and the Reservation reimburses the County for Dispatch Services.

3. District Attorney's Office.

- a. Please provide all facts, assumptions and methodology used by the County in coming to the conclusion that additional DA staff is required with the relocation of the facility.

The District Attorney's office currently receives and will continue to receive cases for review and prosecution which stem from the Tule River Tribe Casino. We were able to pull statistics that we provided to the Public Defender's office which reflects the total number of cases for 2016 which were submitted to our office by the Porterville Police Department. These numbers were 1,861 misdemeanors and 668 felonies. Additionally the Probation Department provided us with a study by the California Research Bureau from 2006 showing that crime in areas where a casino is located increases approximately eight percent for property crimes and ten percent for violent crimes after a six year period.

We are uncertain as to exactly what effect the relocated Casino Project will have on the DA's overall caseload, but it is clear there will be an increase in crime resulting in a rise in the number of cases submitted to the DA's office. For simplicity, the District Attorney's office gave an estimated annual cost of \$60,000 to mitigate for the increase in workload.

- b. Please provide a listing and quantification of the new activities caused by the Project that the District Attorney would perform.

The new activities caused by the Project that the DA's office would perform are the various tasks that will accompany the additional caseload stemming from the Casino. This would include the attorneys reviewing and filing the additional cases, the court appearances by the attorneys and the additional trials the attorneys would incur. Also included would be the inputting and processing of each case by clerical staff, the investigative work that would need to be done by the DA investigators and the subpoena services for the additional cases. There are also unforeseen expenses such as travel expenses and lodging for witnesses, among other costs.

- c. Please provide precedent of other similarly situated governmental projects that pay for District Attorney staffing costs.

While this is the first project of this nature in Tulare County, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between San Diego County and the Viejas Band of Kumeyaay Indians, for example.

- d. Please provide precedent of other similarly situated private projects that pay for District Attorney staffing costs (including rationale and amount).

Again, this is the first project of this nature in Tulare County. However, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between San Diego County and the Viejas Band of Kumeyaay Indians, for example.

4. Public Defender.

- a. Please provide all facts, assumptions and methodology used by the County in coming to the conclusion that additional Public Defender staff is required with the relocation of the facility.

Former Chief Probation Officer Christie Myers was able to locate a study done by the California Research Bureau entitled "Gambling in the Golden State 1998 Forward," published in 2006. A copy of the report is included with this letter. The section addressing "Victim Crimes" is located at page 140 and indicates that "after six years casino counties had eight percent more property crimes and ten percent more violent crimes than non-casino counties."

The Tulare County District Attorney office has provided the Public Defender's office with the total number of Porterville Police Department cases filed in 2016, broken down between misdemeanor and felony cases. The numbers are 1,861 misdemeanors and 668 felonies. Assuming a ten percent increase in misdemeanor and felony cases due to the Porterville-area Casino, the Public Defender Office would have an additional 186 misdemeanor cases and 67 felony cases.

A very rough estimate of the cost per case of representing an individual charged with a misdemeanor was calculated by dividing the budgeted salary for misdemeanor attorneys divided by the number of cases and the number of misdemeanor attorneys. A similar calculation was done for the felony cases. The calculations resulted in a cost per case of \$251.00 for misdemeanors and \$920.00 for felonies.

The cost to the Public Defender Office due to the estimated ten percent increase in crime caused by the Porterville Casino is \$108,326.00. The rough estimate was calculated by multiplying the additional 186 misdemeanor cases and 67 felony cases by the cost per case for misdemeanors and felonies.

These figures do not include the separate costs the County would incur for providing separate indigent criminal defense services by means of the Conflict Public Defender in cases with multiple defendants and conflicts of interest.

- b. Please provide a listing and quantification of the new activities caused by the Project that the Public Defender would perform.

As stated above, it is estimated that a ten percent increase in crime in the Porterville area due to the Porterville Casino would result in an additional 186 misdemeanor cases and 67 felony cases per year that the Public Defender Office would handle.

- c. Please provide precedent of other similarly situated governmental projects that pay for Public Defender staffing costs.

While this is the first project of this nature in Tulare County, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between San Diego County and the La Posta Band of Mission Indians, for example.

- d. Please provide precedent of other similarly situated private projects that pay for Public Defender staffing costs (including rationale and amount).

While this is the first project of this nature in Tulare County, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between San Diego County and the La Posta Band of Mission Indians, for example.

5. Probation Department.

- a. Please provide all facts, assumptions and methodology used by the County in coming to the conclusion that additional Probation Department staff is required with the relocation of the facility.

As shown above under the District Attorney and the Public Defender headings, it has been estimated that relocation of the Eagle Mountain Casino facility to the urbanized Porterville area will result in eight percent more property crimes and ten percent more violent crimes in the area than before the relocation.

The projected increase in arrests and subsequent convictions would impact the Probation Department's workload in a number of areas, specifically: Pre-Trial Release Supervision, Electronic Monitoring/GPS Supervising, OR/Bail Reports, Pre-Sentence Investigations, Specialty Court participation, and over-all caseload numbers. To mitigate the impact on the Department workload, we have proposed adding one (1) Senior Probation Officer position at a first year cost of \$77,000.

- b. Please provide a listing and quantification of the new activities caused by the Project that the Probation Department would perform.

As stated above, it is estimated that the Project will result in an eight percent increase in property crimes and ten percent increase in violent crimes in the Porterville area, which in turn will add increased workload in two separate categories court related services (Assessments, OR/Bail Reports and Pre-Sentence Investigations) resulting from the processing of an additional 186 misdemeanor cases and 67 felony cases and supervision of offenders with an estimated increase in caseload size by approximately 123 clients. The caseload number is based upon the additional cases filed estimating a 20 percent conviction rate with probation supervising all felony offenders and 10 percent of the misdemeanor offenders. The increased caseload size would necessitate the need of an additional Deputy Probation Officer to provide appropriate supervision, case management and interventions to ensure compliance with court orders and promote protection of the community.

Please provide precedent of other similarly situated governmental projects that pay for Probations Department staffing costs.

While this is the first project of this nature in Tulare County, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between San Diego County and the La Posta Band of Mission Indians, for example.

- c. Please provide precedent of other similarly situated private projects that pay for Probation Department staffing costs (including rationale and amount).

While this is the first project of this nature in Tulare County, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between San Diego County and the La Posta Band of Mission Indians, for example.

6. Health and Human Services Agency (Mental Health Division).

- a. Please provide all facts, assumptions and methodology used by the County in coming to the conclusion that additional services are necessary for the believed increased caseload of HHSA's Mental Health Division staff caused by the relocation of the facility.

Potential impacts from the relocation and expansion of the Casino for behavioral health services include the introduction of alcoholic sales at the Casino and its impact on gamblers, as well as the possibility of increased crisis services in Porterville as a result of binge drinking and substance abuse in a 24-hour gambling entertainment environment.

Studies related to gambling addictions, alcohol and substance use and mental disorders show that living within 50 miles of a casino doubles the chance a person will be a pathological or problem gambler (Gerstein et al., 1999). The proposed relocation of the Casino increases the population living within a 50-mile radius thus increasing their sphere of influence within the community. In the US, gambling addicts make up 1 percent to 2 percent of the population, but that rate is closer to 4 percent in California, or almost one in every 25 Californians (UCLA Gambling Studies Program) will have gambling addictions. Given the county population of 459,863, this could be a significant impact on our residents. The National Council on Problem Gambling estimates that one in five gambling addicts attempts suicide—the highest rate among addicts of any kind.

County level data on the use of behavioral health services due to gambling related disorders is limited. In 2013, problem or pathological gambling was reclassified to gambling addiction in the Diagnostic and Statistical Manual of Mental Disorders (DSM) 5, which is now tracked by a billing code in medical records. It's reasonable to assume that public awareness and increased screenings are needed to fully understand the increased cost to the County from the potential increased prevalence in gambling addictions.

As noted above, California's gambling addiction rate is 4% of the population, twice that of the national average and 1 in 5 gamblers attempts suicide. If we assume that the national gambling addiction rate of 2% applies in Tulare County, it translates into an estimated 9,197 gambling addicts in the county and 1,839 of these addicts might attempt suicide. If we estimate conservatively that just 1% of these addicts will need treatment services at some point, we estimate costs to the County to be up to:

Service costs at 1% of the Gambling Addict Population			
	Cases	Cost Per Case	Total Costs
<i>Specialty Mental Health Services, outpatient</i>	92	\$3,200*	\$294,312
<i>Alcohol and or substance use treatment, outpatient</i>	92	\$1,800*	\$165,551

<i>Crisis team evaluation - Involuntary holds</i>	18	\$ 600*	\$ 11,037
<i>Estimated Treatment cost:</i>			\$470,900

**Note: Average cost per service or treatment is based on service levels provided during 2016-17 fiscal year*

References

1. Gerstein, D., Hoffmann, J., Larison, C., Engelman, L., Murphy, S., Palmer, A., Chuchro, L., Toce, M., Johnson, R., Buie, T., Hill, M. (1999) *Gambling Impact and Behavioral Study*. Retrieved from <http://www.norc.org/pdfs/publications/gibsfinalreportapril1999.pdf>
 2. Lee, C. (2011, January 10). *Doctors treat gambling addiction as brain disease*. Retrieved from <http://newsroom.ucla.edu/stories/gambling-addicts-suffer-from-brain-190668>
 3. *National Council on Problem Gambling*. (2014). Retrieved from <http://www.ncpgambling.org/wp-content/uploads/2014/08/NCPG-Comments-on-SAMHSA-Leading-Change-2.0-Advancing-the-Behavioral-Health-of-the-Nation-2015-2018.pdf>
 4. Grant, J.E., Kushner, M.G., Kim, S.W., *Pathological Gambling and Alcohol Use Disorder*. National Institute on Alcohol Abuse and Alcoholism. Retrieved from <https://pubs.niaaa.nih.gov/publications/arh26-2/143-150.htm>
- b. Please provide a listing and quantification of the new activities caused by the Project that the HHSAs's Mental Health Division would perform.

Plans to sell alcohol at several sites within the Casino and entertainment area will change the environment for gamblers, introducing increased risk for binge drinking in a 24-hour entertainment environment. Individuals participating in gambling activities are much more likely to choose to drink alcohol and drink in larger quantities than individuals in a non-gambling situation (National Institute on Alcohol Abuse and Alcoholism). Since this would be a change from the current alcohol-free gambling environment, it is reasonable to assume an increased need for alcohol and other drug related crisis calls might increase, impacting County resources.

HHSAs receive funding to provide Public Health, Behavioral Health and Social Services in the community through a variety of Federal, State, local and grant sources. Should Eagle Mountain Casino need assistance or services from HHSAs programs, for which the County does not receive full reimbursement from the sources listed above, HHSAs requests that Eagle Mountain Casino fully reimburse the affected department for quantifiable direct and indirect costs incurred in conjunction with the provisions of services provided. Examples of services that might be requested include:

Crisis calls for 5150 involuntary hold evaluations completed by Mental Health. Reimbursement would be requested for Casino patrons that are not residents of Tulare County and are not insured. County rates for Crisis services are \$3.88 per minute with average costs ranging from \$250 - \$600 depending on severity. This estimated cost includes the initial hospital assessment and follow-up visits.

A listing of typical Mental Health and Substance Use services that may be provided to Eagle Mountain patrons are included below, with their current rate.

Service Function	Rates, per Minute	Hourly
Mental Health Services	\$2.61	\$156.60
Medication Support	\$4.82	\$289.20
Crisis Intervention	\$3.88	\$232.80
Outpatient Drug Free Counseling		\$ 76.91
Outpatient Group Counseling		\$ 30.89

These activities have been quantified under question #1 as part of the cost estimate, as well as included below. It should be noted that the estimated cost is based on average service delivery. Any actual services would be billed at cost based on rates above.

Service costs at 1% of the Gambling Addict Population			
	Cases	Cost per Case	Total Costs
Specialty Mental Health Services, outpatient	92	\$3,200*	\$294,312
Alcohol and or substance use treatment, outpatient	92	\$1,800*	\$165,551
Crisis team evaluation - Involuntary holds	18	\$ 600*	\$ 11,037
Estimated Treatment cost:			\$470,900

**Note: Average cost per service or treatment is based on service levels provided during 2016-17 fiscal year*

- c. Please provide precedent of other similarly situated governmental projects that pay for HHSA's Mental Health Division costs.

While this is the first project of this nature in Tulare County, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between Sacramento County and the Wilton Rancheria, for example.

- d. Please provide precedent of other similarly situated private projects that pay for HHSA's Mental Health Division costs (including rationale and amount).

While this is the first project of this nature in Tulare County, we are aware that similar mitigation measures have been included in MOUs between other Tribes and Counties, such as that between Sacramento County and the Wilton Rancheria, for example.

- e. Pursuant to its compact, the Tribe reimburses the State for costs incurred by the Office of Problem Gambling. How do the services proposed from the Mental Health Division differ?

The Office of Problem Gambling provides problem gambling prevention and education resources and linkage to local treatment options. It does not provide crisis services or follow-up services for patrons, which are provided by the Health and Human Services Agency's Mental Health Division as described above. These services are not reimbursed by the Office of Problem Gambling.

7. Resource Management Agency (Public Works - Roads).

- a. Please provide all facts, information, assumptions and methodology used by the County Resource Management Agency in determining the required traffic improvements due to the Project.

The required traffic improvements are Project-related mitigations to the local street system based upon the number of trips the Project is expected to add to the adjacent street system. Additional roadway maintenance expenditures would be triggered by the additional traffic resulting from the Casino relocation. Since these projects would not be necessary if the Casino development does not occur, they are not included in any previously established plan.

Page 2-30 of the 2010 General Plan Background Report (Table 2-15) indicates that the Unincorporated Projected Growth Rates (2007-2030) is projected at 1.3%. The 1.3% population growth rate is consistent with the approach we have taken for recent community plan traffic studies. Projecting a 1.3% growth rate to traffic in the proposed project area would not trigger the need for traffic related improvements with the exception of routine maintenance until many years in the future. As a result, the proposed Project is responsible for the impacts and associated costs described in the September 27, 2017 letter from the County Administrative Office.

The following County General Plan Policies are relevant in determining the required traffic improvements due to the Project.

TC-1.14 Roadway Facilities

As part of the development review process, new development shall be conditioned to fund, through impact fees, tonnage fees, and/or other mechanism, the construction and maintenance of roadway facilities impacted by the project. As projects or locations warrant, construction or payment of pro-rata fees for planned road facilities may also be required as a condition of approval.

TC-1.15 Traffic Impact Study

The County shall require an analysis of traffic impacts for land development projects that may generate increased traffic on County roads. Typically, applicants of projects generating over 100 peak hour trips per day or where LOS "D" or worse occurs, will be required to prepare and submit this study. The traffic impact study will include impacts from all vehicles, including truck traffic.

TC-1.16 County Level of Service (LOS) Standards

The County shall strive to develop and manage its roadway system (both segments and intersections) to meet a LOS of "D" or better in accordance with the LOS definitions established by the Highway Capacity Manual.

PFS-1.2 Maintain Existing Levels of Services

The County shall ensure new growth and developments do not create significant adverse impacts on existing County-owned and operated facilities.

PFS-1.3 Impact Mitigation

The County shall review development proposals for their impacts on infrastructure (for example, sewer, water, fire stations, libraries, streets, etc). New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law. The lack of available public or private services or adequate infrastructure to serve a project, which cannot be satisfactorily mitigated by the project, may be grounds for denial of a project or cause for the modification of size, density, and/or intensity of the project.

PFS-1.4 Standards of Approval

The County should not approve any development unless the following conditions are met: 1. The applicant can demonstrate all necessary infrastructure will be installed and adequately financed, 2. Infrastructure improvements are consistent with adopted County infrastructure plans and standards, and Funding mechanisms are provided to maintain, operate, and upgrade the facilities throughout the life of the project.

PFS-1.5 Funding for Public Facilities

The County shall implement programs and/or procedures to ensure that funding mechanisms necessary to adequately cover the costs related to planning, capital improvements, maintenance, and operations of necessary public facilities and services are in place, whether provided by the County or another entity.

PFS-1.6 Funding Mechanisms

The County shall use a wide range of funding mechanisms, such as the following, to adequately fund capital improvements, maintenance, and on-going operations for publicly owned and/or operated facilities:

- 1. Establishing appropriate development impact fees,*
- 2. Establishing assessment districts, and*
- 3. Pursuing grant funding.*

PFS-1.11 Facility Sizing

The County shall ensure that publicly-owned and operated facilities are designed to meet the projected capacity needed in their service area to avoid the need for future replacement to achieve upsizing. For facilities subject to incremental sizing, the initial design shall include adequate land area and any other elements to easily expand in the future.

PFS-1.16 Joint Planning Efforts

The County will promote joint planning efforts between communities, hamlets, and cities within proximity of each other so that services and infrastructure planning can be complementary.

CEQA Appendix G is also utilized in determining the required traffic improvements due to the project.

XVI. TRANSPORTATION/TRAFFIC. Would the project:

a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

e) *Result in inadequate emergency access?*

f) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

- b. Are the traffic projects noted in the County letter included in the current TCAG RTP? Are they in the update? How are they included in the RTP? (responsibility, scope, timing, thresholds, etc.)

Tulare County does not generally include maintenance and road rehabilitation projects in the RTP. Scranton Avenue, Teapot Dome Avenue, Newcomb Street, Westwood Street, and West Street, are all identified in the City of Porterville General Plan as Major/Minor Arterial or Collector Streets, but are not currently improved to the standards set forth in the General Plan. Tulare County currently has an agreement with the City of Porterville wherein any improvements constructed within the City's Urban Development Boundary are to be developed according to City of Porterville standards. Substantial road maintenance/rehabilitation projects in this area would be subject to City of Porterville development standards.

- c. What assumptions has the County made regarding their inclusion/exclusion in the RTP? Are these assumptions changing with the current RTP update?

Tulare County does not generally include maintenance projects in the RTP. Since this area is included in the City of Porterville's General Planning Area Boundary, it is anticipated the City would incorporate current General Plan Circulation Improvements into the RTP update, although many of these roadways will remain in County right of way for the foreseeable future.

- d. What assumptions does the RTP make regarding the Airpark site regarding traffic and circulation without the Tribe's Project? With the Tribe's Project?

The City of Porterville General Plan identifies the proposed circulation and roadway improvements (classifications) in the area. The City's General Plan circulation system in the area identify "Industrial" zoning of the Project site. Traffic/circulation improvements associated with zone amendments are considered on a case by case basis.

- e. What is the projected funding source for the identified improvements without the Tribe's Project?

There is no specific funding source identified for the improvements. Without the additional traffic attributed to the Casino development, these projects would not be needed or prioritized at this time. The majority of these improvements are considered "maintenance" or "rehabilitation" in nature. Generally, maintenance and rehabilitation projects are funded through the Tulare County Roads fund.

- f. What is the process for the County/TCAG incorporating new projects into the RTP? Are any of the proposed improvements "new projects"?

The County provides a list of "candidate" projects to TCAG for inclusion in the RTP. Projects are typically identified based upon adopted plans, and a priority list of special projects maintained by the County. Special projects are established primarily based on safety needs. In the case of the Casino, none of the projects would be considered "new projects."

- g. What assumptions are made in the RTP regarding the traffic to and from the current reservation?

The County is not aware of any specific assumptions contained in the RTP regarding traffic to/from the current reservation.

- h. What assumptions does the RTP make regarding growth in this area?

The County is not aware of any specific assumptions contained in the RTP regarding growth in the area.

- i. What assumptions does the County General Plan make about growth in this area?

The Airpark site is within the City of Porterville's planning area. The City's general plan should be consulted regarding growth assumptions near the Airpark site. As indicted earlier in response

a), page 2-30 of the 2010 General Plan Background Report (Table 2-15) Indicates that the Unincorporated Projected Growth Rates (2007-2030) is projected at 1.3%. The 1.3% population growth rate is consistent with the approach we have taken for recent community plan traffic studies. Projecting a 1.3% growth rate to traffic in the proposed project area would not trigger the need for traffic related improvements with the exception of routine maintenance until many years in the future. As a result, the proposed project is responsible for the impacts and associated costs described in the September 27, 2017 letter from the County Administrative Office. Adopted County Plans are available at the following link: <http://generalplan.co.tulare.ca.us/index.asp>.

- j. How will these assumptions change the traffic models if the Casino is moved?

The traffic analysis for the Casino relocation addresses the shifting of trips from the existing Casino to the new site. The regional traffic model will need to be updated accordingly.

- k. How has the RTP dealt with other governmental projects (including funding responsibility)?

The RTP identifies several revenue sources for funding projects, one of which is local building assessments. The Financial Element (Chapter 4) of the RTP should be consulted for additional information.

- l. How has the RTP dealt with other Tribal projects (including funding responsibility)?

Generally, all projects, including tribal projects, are reviewed for specific traffic/transportation related impacts, and off-site mitigations are determined on a case by case basis.

- m. What is the entire scope of funding tools available to handle traffic projects in the County and through RTP?

A complete list of funding sources to fund projects in the RTP can be found in the Financial Element (Chapter 4) of the RTP available on TCAGs website.

- n. On what basis would the Tribe be responsible for each of the intersections? What other contributors occur in each case (in terms of traffic and funding)?

Fair share percentages are typically calculated for each roadway segment and intersection using the formula in the Caltrans Guide for the preparation of Traffic Impact Studies (State of California DOT, 2002). Future developments that impact the same facilities would also be responsible to contribute a fair-share based upon the amount of traffic each is projected to contribute to a specific segment.

- o. If the Tribe is asked to expend more than its fair share for traffic, how will the County work with the Tribe to develop a reimbursement mechanism for the overpayment?

This would typically be handled through a reimbursement agreement.

- p. Is there a public facilities financing plan for the projects in the RTP? For the County's General Plan?

See response to Item m. above. The County's General Plan contains the following policy:

TC-1.4 Funding Sources the County shall work to enhance funding available for transportation projects. This includes:

- 1. Working with TCAG, Federal and State agencies, and other available funding sources to maximize funding available to the County for transportation projects and programs, and*
- 2. Enhance local funding sources, including assessment of transportation impact fees to pay for appropriate construction, enhancement, and maintenance of transportation facilities.*

- q. How do these projects fit into the PFFP? How often is it updated? Can we get a copy of it?

The County does not have a PFFP. The County General Plan contains a Public Facilities and Services Element (PFS). The purpose of the PFS Element is to establish and maintain acceptable levels of service, minimize costs, and provide criteria for determining the location, capacity, and timing of existing and future public facilities and services.

- r. What other plans address traffic project within the County?

The County has several plans that address transportation improvements both within unincorporated communities, and the rural areas of the County. These include, but are not limited to, complete street plans and policies, community plans, safe route to school plans, ADA transition plan, and Short/Long term transit plans. TCAG also has several plans that address the same, and should be consulted for a list of plans.

Adopted County Plans are available at the following link: <http://generalplan.co.tulare.ca.us/index.asp>.

- s. What incentives does the County or other entity provide for traffic reduction efforts to businesses and governments?

There are no specific incentive programs that address traffic reduction efforts.

- t. The amounts of costs provided do not add up. What was the county's method for determining costs of each project, "costs per mile", total costs and responsibility for costs?

The total cost of \$10,040,000 includes costs for: Construction at \$6,275,000; Contingency at \$1,255,000; PS&E (Design) \$1,255,000; and Construction Engineering at \$1,255,000. These numbers were not specifically broken down or shown in the County's letter dated Sept 27, 2017. The unit costs per mile were developed based upon estimates for the type of work required using

values from recent maintenance and reconstruction projects the County has completed through construction contract procurement methods. Project cost responsibility was determined through a comparison of current and projected Traffic Indexes for the roads listed for pre and post project conditions (with all else being held constant). The increased traffic volumes post project triggered the need for the identified improvements.

8. Payments in Lieu of Taxes/General Mitigation.

- a. Could you let us know how the County's Measure R monies are allocated and administered by the County? Please provide a current listing of roads and transportation projects that are funded with those monies. Are there any other projects that are funded with those monies? Is it possible to pay for roadway improvements with Measure R monies?

On November 7, 2006, the voters of Tulare County approved Measure R, imposing a 1/2 cent sales tax for transportation within the incorporated and unincorporated area of Tulare County for the next 30 years. The transportation measure will generate slightly more than \$652 million over 30 years for Tulare County's transportation needs. The funds are administered by the Tulare County Association of Governments (TCAG) and made available to the County and all eight incorporated cities within Tulare County.

Regional projects have been dedicated 50% of all the Measure R funds. These funds are used for things such as adding additional lanes to existing streets, roads, highways, and freeways; freeway interchange improvements; and increasing safety and the improvement and reconstruction of major commute corridors. These projects will allow for the movement of goods, services, and people throughout Tulare County.

The local program of Measure R is allocated 35% of all Measure R funds. The purpose of this program is to improve transportation in all cities within Tulare County, plus the unincorporated area of the county. This funding will help cities and the County to meet scheduled maintenance needs and aid in the rehabilitation of their aging transportation systems.

The last portion of Measure R funds is used for transit, bikes, and environmental mitigation projects. This program uses 14% of all Measure R funds. The goal of this program is to expand and enhance public transit programs that address the transit dependent population. Mobility will also be improved through the construction of bike lanes, which have a demonstrated ability to get people out of their cars and improve air quality and the environment. The remaining 1% of the total expected Transportation Measure funding is directed to program implementation activities.

The specific projects funded by Measure R and the policies and procedures governing the use of Measure R funds are described on TCAG's website found at <http://www.tularecog.org/measurer-publications/>.

Roadway improvements can be paid for with Measure R funds. However, as a matter of policy, Measure R funds have not been used to pay for roadway improvements required to mitigate the

impacts of development projects such as the Casino Project, since such projects are required to pay their own ways.

- b. Please describe the County's "intangible annual expenses unrelated to environmental impacts" and how the \$170,000 figure was calculated.

This payment is intended to cover the funding for impacts/services related to the Casino resort that would normally be paid for by the County's General Fund out of discretionary resources (primarily property and sales taxes), but where the actual cost of these services/impacts cannot be determined with any specificity. Once land is taken into trust for the Tribe by the Bureau of Indian Affairs, the County will cease to have taxation authority. The County will not collect sales tax or property tax yet the Casino resort will still impact County services such as jails (Sheriff), alternative criminal defense (Conflict Criminal Defender), and more.

Given the difficulty in estimating what the impact of the proposed Casino resort would be on most County programs, staff determined a reasonable General Mitigation amount based, in part, on an estimate by the County staff of the amount of property, general sales, and Measure R sales tax revenue the County would have received from a hypothetical taxable casino resort project similar to the Project proposed by the Tribe. The County staff estimated that the amount of property, general sales and Measure R sales tax revenue the County would have received from a taxable project similar in scope to the Tribe's would be approximately \$455,000 annually assuming the project were located in the unincorporated County.

- c. Is any portion of the budgets for the agencies and positions described above funded from property taxes and Measure R sales taxes? Please provide detail regarding the various sources of funding for those agencies and positions.

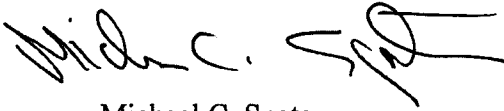
No portion of the budgets for the agencies and positions described above is funded from Measure R sales taxes. For specific County roadway projects partly or fully funded by Measure R, the County may charge staff time and/or materials and labor costs to Measure R as part of the costs of the specific projects but no County positions are purely funded by Measure R.

Property taxes generally fund approximately 14% of the County's General Fund budget, with the balance paid for by general sales taxes (1.2%), state subventions (30%), and federal funds (14%), among other sources. The details about the sources of funding for the agencies and positions described above can be found in the County's FY 2017-18 Recommended Budget, which can be viewed on the CAO's webpage at <http://tularecounty.ca.gov/cao/index.cfm/budget/>.

Mr. Neil Peyron
November 21, 2017
Page 24

Please let me know if you have further questions or need anything else from the County at this point in time. Thank you for your consideration.

Sincerely,



Michael C. Spata
County Administrative Officer

Attachment: California Research Bureau report *Gambling in the Golden State 1998 Forward* (2006).

cc: Supervisor Mike Ennis
Supervisor Steve Worthley
Carrie Monteiro, Board Representative
County Counsel
County Sheriff
County District Attorney
County Probation Officer
County Public Defender
County Fire Chief
County RMA Director
County HHSA Director
Stephen M. Hart, Esq.