



OFFICE OF THE GOVERNOR

April 24, 2008

Via Facsimile (916) 447-1665 & U.S. Mail

Ms. Shelley McGinnis
United Auburn Indian Community
c/o Analytical Environmental Services
1801 7th Street, Ste. 100
Sacramento, California 95811

Re: Draft Tribal Environmental Impact Report
for the United Auburn Indian Community Casino Expansion

Dear Ms. McGinnis:

We have reviewed the February 2008 Draft Tribal Environmental Impact Report (Draft TEIR) for the United Auburn Indian Community (Tribe) Casino Expansion Project (Project). We thank you for this opportunity to comment on the Project, and for extending our deadline to submit comments.

The Tribe currently operates an approximately 237,000-square-foot gaming, dining and entertainment facility on 49 acres of Tribal trust land in Placer County. (Draft TEIR at p. 2-4.) The site also includes paved parking for approximately 2,700 vehicles, a 3.9-acre-foot storm water detention basin and related drainage facilities, an approximately 5,400-square-foot fire station, a central utility plant, a water storage tank, and a wastewater treatment facility. (*Ibid.*) In addition, the Tribe utilizes a “temporary overflow parking lot” on nearby land owned by the Tribe in fee. Improvements to the temporary overflow parking lot have recently been completed, including paving and lighting, construction of sidewalks and casino shuttle stops, and landscaping. (*Id.* at p. 3-26.)

The Tribe proposes to expand its existing casino and construct a hotel, performing arts center, and parking structure. (Draft TEIR at p. 1-1; 3-8 to 3-13.) The Tribe also plans to

improve its temporary overflow parking lot to include a temporary central bus station, new guard booths and a construction trailer complex.¹ (*Id.* at p. 3-26.)

The Tribal-State Gaming Compact, as amended on June 21, 2004, requires the Tribe to evaluate whether the Project will have any significant impacts on the off-Reservation environment prior to Project commencement. (Amended Compact, § 10.8.1.) The Tribe's Environmental Impact Report must include detailed information about a project's "significant effects" on the off-Reservation environment. Under the Amended Compact, "significant effects" occur if the "proposed Project has the potential to degrade the quality of the off-reservation environment" (Amended Compact, § 10.8.7(b).)

We believe that the proposed Project has the potential to degrade the quality of the off-reservation environment with respect to visual resources. The Project is out of character with adjacent areas and obstructs the open space surrounding the Project. Therefore, we disagree with the Draft TEIR's conclusion that such impacts are "less than significant."

According to the Draft TEIR, the backdrop for the Project site includes the "rolling terrain of the Sierra Foothills" and the Sierra Nevada Mountains. (Draft TEIR at p. 8-1.) "Because of the gently rolling topography and large open space areas without dense concentrations of tall trees, views to and from the project site are generally unimpeded." (*Id.* at p. 8-3.) In addition, the nearby State Route 65 and Industrial Avenue have been designated as scenic corridors in the Placer County General Plan (*id.* at p. 8-2), and the Project site is surrounded on three sides by the 632-acre Orchard Creek Conservation Bank, which was established to preserve vernal pools and wetlands (*id.* at p. 4-4). Although the Project is located within the Sunset Industrial Area (SIA) in unincorporated Placer County, approximately two thirds of the 9,000 acres that comprise the SIA are currently undeveloped and/or used for agricultural activities. (*Id.* at p. 4-1.) The developed uses within the SIA include light and heavy industrial, private and public utilities and services, recreation, and agricultural. (*Ibid.*)

The Draft TEIR states that the MOU between the Tribe and Placer County specifies that the project site will be used and developed "in a manner consistent with and in compliance with all applicable Placer County general and community plans, zoning ordinances, and design guidelines, as well as the Uniform Building Codes" (Draft TEIR at p. 8-2.) To that end, the Tribe's existing facility -- a building that is approximately 50 feet tall at its highest point (*id.* at p. 8-1) -- was designed to be consistent with the goals and objectives of the Placer County Design Guidelines (*id.* at p. 8-2). But the Tribe now proposes to construct a 20-level, 550,000-square-foot hotel, sitting atop four levels of casino/meeting space. (*Id.* at p. 3-12.) The total building

¹ As the temporary overflow parking lot is located on fee land, if the improvements proposed for the land are subject to a public agency discretionary decision, then they are also subject to the requirements of the California Environmental Quality Act (Pub. Res. Code, §§21000, *et seq.*).

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height would be approximately 300 feet, with communications antennae adding an additional 18 feet of height. (*Ibid.*) The Draft TEIR anticipates that the Project may be seen from a distance of four miles away or more. (*Id.* at p. 8-3.)

The Draft TEIR also identifies numerous sensitive receptors, including nearby residents, commuters, and school children, (Draft TEIR at p. 8-6.) Although the Draft TEIR states that the Project “would be visible from a variety of locations” (*id.* at p. 8-16), and it concludes that “[t]he photo simulations demonstrate the visual impact is less than significant” (*id.* at p. 8-17), it appears from the photo simulations that the Project will be visible from all of the locations evaluated in the Draft TEIR, including the residential developments, State Route 65, and a middle school, at distances ranging from .65 to 3.4 miles away (*id.* at p. 8-16; figures 8-5 & 8-6).² In the words of the Draft TEIR, this Project “clearly dominates the view” from every vantage point. (*Id.* at p. 8-9.)

Based on the visual simulations of the proposed Project, the Project has the potential to degrade the off-Reservation environment’s visual quality. Therefore, the final TEIR needs to recognize the significance of this impact, discuss this impact in greater detail and evaluate measures to mitigate this impact.

Thank you for this opportunity to comment on the Draft TEIR.

Sincerely,



ANDREA LYNN HOCH
Legal Affairs Secretary

² Notably, although the Draft TEIR includes photo simulations from various locations and distances around the proposed Project, each of these photos was taken during the daytime. The Draft TEIR omits similar visual depictions during nighttime hours.

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