

Draft Tribal Environmental Impact Report
for the

BUENA VISTA RANCHERIA OF ME-WUK INDIANS OF CALIFORNIA GAMING AND ENTERTAINMENT FACILITY



Prepared for:
**Buena Vista Rancheria of
Me-Wuk Indians of California**

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Executive Summary

Introduction

This Draft Tribal Environmental Impact Report (TEIR) for the Buena Vista Rancheria of Me-Wuk Indians Gaming and Entertainment Facility Project (proposed project) has been prepared in compliance with the *Tribal-State Gaming Compact between the Buena Vista Rancheria of Me-Wuk Indians of California, a Federally Recognized Sovereign Indian Tribe, and the State of California* (1999), and the *Amendment to Tribal-State Compact between the State of California and the Buena Vista Rancheria of Me-Wuk Indians of California* (dated December 20, 2004). The Compact and the Amendment are hereinafter collectively referred to as *the Compact*. The Buena Vista Rancheria of Me-Wuk Indians (Tribe) is a federally recognized tribe.

The Compact requires the Tribe to prepare a TEIR analyzing the potentially significant off-reservation environmental impacts of the proposed project, significant effects on the environment that cannot be avoided if the project is implemented, any significant effects on the environment that would be irreversible if the project is implemented, and feasible mitigation measures that would substantially reduce the potential significant effect on the environment.

The Compact also requires identification of alternatives to the proposed project, though the Tribe need not address alternatives that would cause it to forgo its right to engage in the gaming activities on its Indian lands as authorized by the Compact.

This Draft TEIR analyzes the off-reservation environmental effects of the proposed Buena Vista Rancheria of Me-Wuk Indians Gaming and Entertainment Facility project (proposed project), suggests ways to reduce or avoid potential environmental impacts resulting from the project, and identifies alternatives to the proposed project. This document also discloses the proposed project's significant off-reservation environmental effects that cannot be avoided, growth-inducing effects, effects found not to be significant, and significant cumulative impacts.

This Draft TEIR includes all components required by the Compact; further, it presents additional analyses and information not required by the Compact. The Draft TEIR includes an analysis of potential impacts on various public services (including staffing needs for fire and police protection), though the Compact requires only an analysis of physical impacts associated with public services

(such as new buildings or other facilities). Moreover, this document includes cost estimates for mitigation of public service impacts and mitigation of traffic impacts not required by the Compact.

This Draft TEIR is a public informational document used in the project planning and decision-making process. The purpose of the Draft TEIR is not to recommend either approval or denial of a project, but to evaluate the environmental consequences, identify mitigation, provide information to assist the Tribe and Amador County in attempting to negotiate a mutually acceptable Intergovernmental Services Agreement and, if necessary, to aid in the arbitration process.

The Tribe has considered and rejected a number of potential alternatives, such as a larger project and a project with the inclusion of a hotel. These alternatives were rejected because they would likely result in greater levels of environmental impact. The proposed project was designed to avoid and minimize environmental impacts to the extent practicable, while balancing that objective with the need for an economically feasible project that is consistent with the Tribe's goals and objectives.

To ensure selection of a project with minimal environmental impacts, the Tribe has identified alternatives to the proposed project, including a reduced-size project, a phased-implementation project, and a project with a modified access driveway. The phased project would ultimately result in the same facilities as the proposed project, but would allow greater time for implementation of appropriate off-reservation mitigation measures (e.g., road improvements). Under the phased project alternative, the project would proceed to the next phase subject to the terms of the Intergovernmental Services Agreement negotiated and agreed to by the Tribe and Amador County in accordance with Section 10.8.8 of the Compact, or at such time as specified by judgment rendered in arbitration in accordance with Section 10.8.9 of the Compact.

This Draft TEIR also identifies specific and feasible mitigation measures, where appropriate, that would reduce or minimize identified impacts on the off-reservation environment. In cases where implementation of mitigation would be the responsibility of Amador County and other local jurisdictions, the Draft TEIR provides estimates of the costs of such mitigation. Such estimates are provided for traffic and public services impacts.

The Tribe has provided mitigation cost estimates for informational purposes only. The Compact stipulates that any compensation to be paid to local jurisdictions is to be determined through negotiation with Amador County and agreed upon in a written Intergovernmental Services Agreement; such compensation can also be determined through a binding arbitration process as specified in the Compact. The Compact only requires the Tribe to negotiate with Amador County; it does not obligate the Tribe to perform or fund mitigation outside Amador County's jurisdiction.

Project Description

The Tribe is proposing to develop, construct, and operate the proposed project on Tribal land located on the east side of Coal Mine Road, near the unincorporated town of Buena Vista in Amador County, California. The entire Rancheria (hereinafter referred to as the *reservation*) encompasses approximately 67.5 acres; the area proposed for development encompasses 17.06 acres roughly in the north-central portion of the Tribal land.

The Tribe is proposing to construct a multi-level gaming and entertainment facility of 328,521 square feet. The proposed project would be designed to accommodate approximately 2,000 slot machines and 80 gaming tables, with a total of 71,525 square feet of gaming area. Additional amenities would include restaurants, dining areas, an entertainment lounge, a retail shop, and a multipurpose showroom. Proposed restaurants and dining areas include a buffet, an Asian restaurant, a 24-hour grill, a steakhouse, and a food court/fast food area. Alcohol may be served in individual restaurants but would not be served on the gaming floor.

Back of house areas would include surveillance facilities, administration/finance/accounting offices, an employee dining room, a break room, mechanical space, and kitchen areas.

The proposed project is anticipated to employ approximately 1,000–1,975 individuals.

In addition to the gaming and entertainment facility, the proposed project entails construction of a multi-level parking garage, a wastewater treatment facility, a water supply system, water supply treatment and storage facilities, landscaping, lighting, and an access driveway intersecting Coal Mine Road.

The goals and objectives of the proposed project are listed below.

- Provide the highest and best use of the Tribe's land, while restoring Tribal traditions, protecting the Tribe's cultural heritage, and supporting a Tribal government that restores the Tribe's rightful place in Amador County.
- Provide a gaming and entertainment facility in Amador County consistent with the Compact.
- Improve the socioeconomic status of the Tribe by providing a revenue source that will be used to build a strong Tribal government; improve Tribal housing; fund a variety of social, governmental, administrative, educational, and health-and-welfare services to improve the quality of life for current and future generations of Tribal members; and provide capital for other economic development and investment opportunities to further the goal of Tribal economic self-sufficiency beyond the term of the Compact.
- Provide funding for community infrastructure needs such as law enforcement, fire protection, transportation improvements, recreation and recreational facilities, and Amador County agency services.

- Protect and preserve in perpetuity the cultural and historic artifacts and sacred archaeological and cultural sites on Tribal lands through the implementation of the Tribal Cultural Resource Management Plan.

Alternatives

The Compact requires the TEIR to describe reasonable alternatives to the project or to the location of the project that would feasibly attain most of the basic objectives of the project and avoid or substantially lessen any of the significant effects on the environment. The Compact also requires the TEIR to evaluate the comparative merits of the alternatives, though the Tribe need not address alternatives that would cause it to forgo its right to engage in the gaming activities authorized by the Compact on its Indian lands. In addition to the proposed project, a No-Project Alternative, a Phased Project Alternative, a Reduced Project Alternative, and a Reconfigured Access Driveway and Surface Parking Alternative are evaluated in this Draft TEIR.

Alternative 1—No Project

Under this alternative, no Class III gaming facility would be constructed. Land uses or development on the Tribal lands would be consistent with applicable laws and regulations, but would not be subject to the requirements of the Compact. Under this alternative, a range of commercial and residential projects could be constructed without a comprehensive environmental review process as is required under the Compact. Any construction project on the Tribal lands would, however, still be subject to applicable federal laws and regulations. Under this alternative, potential off-reservation environmental impacts would likely not be evaluated, and mitigation measures would not be required for any such impacts.

Alternative 2—Phased Project

This alternative comprises three phases defined by the size of the gaming floor. It entails construction of the same buildings and associated facilities as does the proposed project, but would be configured with a reduced gaming floor under Phase I (45% of the proposed project gaming floor) and Phase II (75% of proposed project gaming floor). Phase III of this alternative would be the same as the proposed project. Under this alternative, the proposed parking facility would be the same as under the proposed project. Phase I would entail construction of a reduced gaming area of 32,900 square feet (approximately 45% of the proposed project). The gaming floor would accommodate approximately 1,150 slot machines and 40 gaming tables. Phase II would entail expansion of the gaming area to 53,600 square feet (approximately 75% of the proposed project). The additional gaming floor area would accommodate an additional 500 slot machines and 20 gaming tables, for a new total of 1,650 slot machines and 60 gaming tables. Phase III would entail expansion of the gaming area to

71,525 square feet (same as the proposed project). The additional gaming floor area would accommodate an additional 350 slot machines and 20 gaming tables, for a new total of 2,000 slot machines and 80 gaming tables.

Under the Phased Project Alternative, each phase would be implemented at a time specified in an Intergovernmental Services Agreement entered into with Amador County, or at a time specified by judgment rendered in arbitration. Implementation of Phase 1 would require substantially less off-reservation mitigation than would the proposed project and would consequently be feasible to construct and operate at an earlier date than would the proposed project.

Alternative 3—Reduced Project (Reduced Gaming Floor Area: 75% of Proposed Project)

This alternative entails construction of the same buildings and associated facilities as the proposed project, but it would be configured with a gaming floor equivalent to 75% of the gaming floor under the proposed project (identical to Alternative 2, Phase II). The proposed parking facility under this alternative would be the same as under the proposed project.

Alternative 4—Reconfigured Access Driveway with Additional Site Access and Parking

This alternative would entail a reconfigured access driveway intersecting Coal Mine Road and additional surface parking. Under this alternative, the primary access driveway would intersect Coal Mine Road adjacent to the north boundary of the reservation (an existing unpaved road) and continue east to the property located on the east side of the reservation and south to parking areas on that property. Under this alternative, the primary access driveway would direct vehicles to the adjacent property (surface parking described below) or to the proposed parking structure as described for the proposed project. Under this alternative, the access driveway described for the proposed project would be dedicated to emergency ingress and egress and restricted Tribal access. Approximately 7 acres of the adjacent property would be used for surface parking. Implementation of this alternative would require County approval for any change in land use and would require cancellation of a Williamson Act contract.

Impacts and Mitigation Measures

Sections 3A to 3P of this document analyze the potential off-reservation impacts of the proposed project for each of the resource subjects required by the Compact. Growth-inducing and cumulative impacts are analyzed in Chapter 4. A summary of the off-reservation environmental impacts of the proposed project

is presented in Table ES-1 (following this Executive Summary). The table indicates the significance of each impact before mitigation, identifies appropriate mitigation measures, and lists the significance of each impact assuming implementation of the mitigation measures.

Effects Found Not to Be Significant

The proposed project was found to have either no impact or a less-than-significant impact on the resource areas listed below.

- Mineral Resources.
- Utilities and Service Systems.

Impacts and Mitigation Measures Identified in the Draft TEIR

Construction and operation of the proposed gaming and entertainment facility would result in impacts or potential impacts on a range of environmental resources, as well as in impacts associated with growth-inducing effects of the proposed project. For a number of resource areas, implementation of identified mitigation measures will ensure that project impacts will be reduced to a less-than-significant level.

Project development would result in impacts on scenic vistas and the local viewshed and would introduce changes in view resulting from road improvements. These impacts would be reduced to a less-than-significant level by mitigation measures identified in this Draft TEIR. A substantial new source of light and glare resulting from the proposed facilities would result in a significant impact. Recommended mitigation would reduce this impact somewhat, but the impact would remain significant and unavoidable.

The proposed project conflicts with surrounding land uses, which are primarily agricultural and rural, and no mitigation is available to reduce this impact. Impacts on farmland resulting from road improvements would be less than significant and no mitigation is recommended.

Significant temporary impacts on air quality would result from project construction; however, mitigation has been recommended that would reduce these impacts to a less-than-significant level. Impacts resulting from vehicle emissions (patrons and employees) would be significant and unavoidable.

Potential impacts on biological resources—disturbance of wetlands, special-status plants and wildlife and their habitats, and nests of migratory birds and raptors, as well as the spread of noxious plants—all of which would result from

roadway improvements identified as mitigation for traffic impacts, could be mitigated to a less-than-significant level.

Potential impacts on archaeological resources could result from ground-disturbing activities. Mitigation described in this Draft TEIR will reduce those impacts to a less-than-significant level. Impacts on a traditional cultural property resulting from the introduction of proposed buildings and potential damage to historical buildings from roadway improvements identified as mitigation for traffic impacts would be significant and unavoidable. These impacts will be addressed, and mitigation will be identified, through consultation conducted under Section 106 of the National Historic Preservation Act.

Impacts on water quality resulting from construction-related soil erosion and sedimentation will be mitigated to a less-than-significant level through implementation of a Storm Water Pollution Prevention Plan (SWPPP).

Potential significant impacts from hazards and hazardous materials, including accidental release of hazardous materials, transport and use of hazardous materials, and exposure of people to wildland fires, will be mitigated to a less-than-significant level by implementing mitigation measures identified in this TEIR.

Noise impacts on existing residential uses as a result of temporary construction activities and long-term traffic increases will result in significant impacts. Mitigation measures are identified that will reduce impacts from construction activities to a less-than-significant level. Traffic generated by the project would contribute to noise impacts that cannot be reduced to a less-than-significant level by available measures, and would be significant and unavoidable.

The proposed project would likely contribute to an increase in population and demand for housing in Amador County. No mitigation has been identified to reduce this impact to a less-than-significant level. This impact would be significant and unavoidable.

The proposed project would result in impacts related to increased demand for public services; specifically fire protection, law enforcement, schools, the justice system, and health and human services. These impacts will be reduced to a less-than-significant level by implementation of mitigation measures identified in the Draft TEIR; these measures include provisions for Tribal funding. Although funding cost estimates are included in the Draft TEIR, actual funding amounts will be determined through negotiation with Amador County and agreed upon in a written Intergovernmental Services Agreement; or they will be determined through a binding arbitration process as specified in the Compact. The Compact only requires the Tribe to negotiate with Amador County; it does not obligate the Tribe to perform or fund mitigation outside Amador County's jurisdiction. No impacts on other public services (i.e., sewer, water, and drainage) were identified because the proposed project does not include connection to those public services.

The proposed project would result in increased use of recreational facilities associated with the growth-inducing effects of the project. This impact will be reduced to a less-than-significant level by implementation of mitigation measures identified in the Draft TEIR.

The proposed project would result in an increase in traffic. Impacts on traffic will be reduced to a less-than-significant level by intersection and roadway improvements identified in this Draft TEIR as mitigation measures, which include provisions for Tribal funding. Implementation of Alternative 2, the Phased Project Alternative, would initially result in substantially reduced traffic impacts and corresponding reduced traffic mitigation requirements. Although funding cost estimates are included in the Draft TEIR, actual funding amounts will be determined through negotiation with Amador County and agreed upon in a written Intergovernmental Services Agreement; or they will be determined through a binding arbitration process as specified in the Compact. The Compact only requires the Tribe to negotiate with Amador County; it does not obligate the Tribe to perform or fund mitigation outside of Amador County's jurisdiction.

Potential impacts on water quality resulting from construction-related ground disturbance, discharge of treated effluent, surface runoff from new impervious surfaces will be reduced to a less-than-significant level by implementing mitigation measures identified in this Draft TEIR, compliance with required permits, implementation of best management practices, and development and implementation of a SWPPP.

The proposed project would like have effects on off-reservation groundwater resources. In addition to the groundwater monitoring program included in the overall project development plan (see Chapter 2, *Project Description*), mitigation measures are identified in this Draft TEIR that will reduce this impact to a less-than-significant level. Implementation of Alternative 2, the Phased Project Alternative, would initially result in no impact on off-reservation groundwater resources.

Impacts Reduced to Less than Significant by Identified Mitigation Measures

Identified off-reservation significant impacts could be mitigated to a less-than-significant level for the resource areas listed below.

- Biology.
- Geology, Soils, and Seismicity.
- Hazards and Hazardous Materials.
- Public Services.
- Recreation.
- Traffic and Transportation.

- Water Resources.
- Groundwater Resources.

Significant and Unavoidable Impacts

Significant and unavoidable impacts are listed below. Discussion of these impacts is found in Chapter 3, *Impact Analysis*, and Chapter 4, *Other Environmental Considerations*, of this document.

- **Impact AES-7: Creation of a new source of substantial light or glare that would adversely affect day or nighttime views of historic buildings or views in the area associated with operation of the gaming and entertainment facility.**
- **Impact LUA-1: Land use conflicts with surrounding land uses.**
- **Impact AIR-3: Generation of significant levels of ROG, NO_x, CO, and PM10 emissions from project operations.**
- **Impact CUL-1: Visual and audible disruption of the Buena Vista Rancheria–Buena Vista Peaks complex resulting from construction of the gaming facility and associated features.**
- **Impact CUL-4: Potential impact on a significant historical resource: Buena Vista Store and Saloon.**
- **Impact N-2: Exposure of existing noise-sensitive land uses to increased traffic noise.**
- **Impact POP-1: Inducement of population and housing growth in Amador County and unincorporated cities.**

Summary of Environmental Impacts

Table ES-1 provides a summary of the off-reservation environmental impacts of the proposed project, including the significance of each impact before mitigation, identification of appropriate mitigation measures, and the significance of each impact based on the presumed implementation of the mitigation measures.

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
Aesthetics			
AES-1: Adverse effect on a scenic vista associated with construction of the proposed project	Less than significant	No mitigation is required	–
AES-2: Adverse effect on a scenic vista associated with construction of the roadway improvements	Less than significant	No mitigation is required	–
AES-3: Adverse effect on a scenic vista associated with introduction of the gaming and entertainment facility into the local viewshed	Significant	AES-1: Implement project landscaping plan to provide a visual buffer and to improve aesthetics AES-2: Design and construct buildings to be compatible with and respectful of local character	Significant and unavoidable
AES-4: Adverse effect on a scenic vista resulting from visual changes associated with road improvements implemented as mitigation for traffic-related impacts	Significant	AES-3: Replace vegetation and trees that are removed in accordance with specified guidelines	Less than significant
AES-5: Creation of a new source of substantial light or glare that would adversely affect day or nighttime views of historic buildings or views in the area associated with construction of the gaming and entertainment facility	Significant	AES-4: Limit construction to daylight hours	Less than significant
AES-6: Creation of a new source of substantial light or glare that would adversely affect day or nighttime views of historic buildings or views in the area associated with construction of road improvements	Significant	AES-4: Limit construction to daylight hours	Less than significant
AES-7: Creation of a new source of substantial light or glare that would adversely affect day or nighttime views of historic buildings or views in the area associated with operation of the gaming and entertainment facility	Significant	AES-1: Implement project landscaping plan to provide a visual buffer and to improve aesthetics AES-5: Construct walls with low-sheen and non-reflective surface materials AES-6: Apply minimum lighting standards	Significant and unavoidable

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
AES-8: Creation of a new source of substantial light or glare that would adversely affect day or nighttime views of historic buildings or views in the area associated with completed road improvements	Less than significant	No mitigation is required	–
Land Use			
LUA-1: Land use conflicts with surrounding land uses	Significant		Significant and unavoidable
LUA-2: Loss of farmland due to conversion of off-reservation farmland to non-agricultural use	Less than significant	No mitigation is required	–
Air Quality			
AIR-1: Temporary increase in construction-related emissions during grading and construction activities	Significant	AIR-1: Implement PM10 reducing measures required under ACAPCD Rule 218 (fugitive dust emissions) AIR-2: Implement construction emissions control technology	Less than significant
AIR-2: Elevated health risk from exposure to construction-related diesel particulate matter	Significant	AIR-2: Implement construction emissions control technology	Less than significant
AIR-3: Generation of significant levels of ROG, NO _x , CO, and PM10 emissions from project operations	Significant	AIR-3: Reduce emissions by implementation of alternative transportation programs	Significant and unavoidable
Biological Resources			
BIO-1: Loss or disturbance of common habitat types	Less than significant	No mitigation is required	–
BIO-2: Loss or disturbance of wetlands	Significant	BIO-1: Avoid, minimize, and compensate for impacts on wetlands	Less than significant
BIO-3: Loss or disturbance of special-status plants	Less than significant	BIO-1: Avoid, minimize, and compensate for impacts on wetlands	Less than significant
BIO-4: Introduction or spread of noxious plant species	Significant	BIO-2: Avoid the introduction of new noxious weeds	Less than significant

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
BIO-5: Nest disturbance of Swainson’s hawk, Cooper’s hawk, sharp-shinned hawk, white-tailed kite, northern harrier, and non-special-status nesting raptors and other migratory birds	Significant	BIO-3: Conduct preconstruction surveys and notify DFG of active nests if construction activities are conducted during the breeding season	Less than significant
BIO-6: Loss of special-status raptor foraging habitat for Swainson’s hawk, Cooper’s hawk, sharp-shinned hawk, white-tailed kite, northern harrier, western burrowing owl, prairie falcon, and golden eagle	Less than significant	No mitigation is required	–
BIO-7: Disturbance of nesting western burrowing owls	Significant	BIO-4: Preconstruction Survey and Adherence to DFG Guidelines	Less than significant
BIO-8: Disturbance of tricolored blackbird nesting colonies	Significant	BIO-5: Conduct preconstruction surveys and environmental awareness training	Less than significant
BIO-9: Direct impacts on listed branchiopods	Significant	BIO-6: Assume presence and consult with USFWS	Less than significant
BIO-10: Direct impacts on California tiger salamander	Significant	BIO-7: Assume presence and consult with USFWS	Less than significant
BIO-11: Direct impacts on western spadefoot	Less than significant	No mitigation is required	–
BIO-12: Direct impacts on northwestern pond turtle	Less than significant	No mitigation is required	–
BIO-13: Direct mortality and short-term disturbance of common slow-moving and ground-dwelling animals	Less than significant	No mitigation is required	–
BIO-14: Short-term disturbance and removal of habitat occupied by common wildlife species	Less than significant	No mitigation is required	–
Cultural Resources			
CUL-1: Visual and audible disruption of the Buena Vista Rancheria–Buena Vista Peaks	Significant and		

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
complex resulting from construction of the gaming facility and associated features	unavoidable		
CUL-2: Inadvertent damage to or destruction of buried or otherwise obscured archaeological resources and human remains resulting from ground-disturbing construction activities	Significant	CUL-1: Stop work if archaeological materials are discovered during construction CUL-2: Stop work if human remains are discovered during construction	Significance after incorporation of mitigation variable
CUL-3: Potential impact on a significant architectural resource: stone house	No impact	No mitigation is required	–
CUL-4: Potential impact on a significant historical resource: Buena Vista Store and Saloon	Significant	CUL-3: Document the Buena Vista Store and Saloon	Significant and unavoidable
Geology, Soils, and Seismicity			
GEO-1: Substantial Adverse Effects on Water Quality Resulting from Construction-Related Soil Erosion and Sedimentation	Significant	GEO-1: Prepare and Implement a Storm Water Pollution Prevention Plan	Less than significant
Hazards and Hazardous Materials			
HAZ-1: Potential to create a significant hazard to the off-reservation public or the off-reservation environment through the routine transport, use, or disposal of hazardous materials	Significant	HAZ-1: Containment of hazardous materials used during operation of the WWTF	Less than significant
HAZ-2: Potential to create a significant hazard to the off-reservation public or the off-reservation environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	Significant	HAZ-2: Immediately contain spills, excavate spill-contaminated soil, and dispose of it at an approved facility HAZ-3: Screen surface soils in road improvement area for residuals from agricultural chemicals	Less than significant
HAZ-3: Potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed	Less than significant	No mitigation is required	–

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
off-reservation school			
HAZ-4: Potential to expose people to wildland fires	Significant	HAZ-4: Funding of emergency wildland fire services	Less than significant
Mineral Resources			
MIN-1: Loss of availability of a known off-reservation mineral resource	Less than significant	No mitigation is required	–
MIN-2: Loss of availability of a locally important off-reservation mineral resource recovery site	Less than significant	No mitigation is required	–
Noise			
N-1: Exposure of noise-sensitive land uses to vibration and noise during construction activities	Significant	N-1: Employ noise-reducing construction practices	Less than significant
N-2: Exposure of existing noise-sensitive land uses to increased traffic noise	Significant	N-2: Implement traffic noise reduction treatments	Significant and unavoidable
N-3: Exposure of existing noise-sensitive land uses to noise from onsite mechanical equipment	Significant	N-3: Design mechanical equipment to comply with County noise standards	Less than significant
N-4: Exposure of existing noise-sensitive land uses to noise from vehicle movements, idling buses, and loading dock activities on the project site	Significant	N-4: Design the facility such that noise from onsite vehicle movements, idling buses, and loading dock activities complies with County noise standards	Less than significant
Population and Housing			
POP-1: Inducement of population and housing growth in Amador County and unincorporated cities	Significant	No further mitigation is feasible	Significant and unavoidable
Public Services			
PS-1a: Significant off-reservation impacts on CDF, Jackson Valley Fire Protection District, and Amador Fire Protection District fire	Significant	PS-1: Provide funding for fire department facilities and resources and provide fire protection services	Less than significant

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
protection and response efforts			
PS-1b: Physical changes caused by Mitigation Measure PS-1	Unknown		
PS-2: Significant off-reservation impacts on law enforcement protection and response efforts	Significant	PS-2: Provide funding for law enforcement facilities and resources and provide law enforcement protection services	Less than significant
PS-3: Off-reservation impacts on Amador County Unified School District schools	Significant	PS-3: Comply with established legal mandates for school funding	Less than significant
PS-4a: Significant off-reservation impacts on state and county justice system	Significant	PS-4: Provide funding for state and County facilities and resources and state and County personnel	Less than significant
PS-4b: Physical changes caused by Mitigation Measure PS-4	Unknown		
PS-5: Significant off-reservation impacts on Amador County Health and Human Services	Significant	PS-5: Develop caseload tracking system and provide funding for additional resource needs	Less than significant
Recreation			
REC-1: Potential increase in the use of existing recreational facilities such that physical deterioration would occur or be accelerated	Significant	REC-1: Comply with established legal mandates for recreation funding	Less than significant
Traffic, Transportation, and Circulation			
T-1: Addition of vehicular traffic to the off-reservation circulation system at the SR 88/Jackson Valley Road intersection	Significant	T-1a: Fund installation of a traffic signal at the SR 88/Jackson Valley Road intersection T-1b: Fund improvement of the SR 88/Jackson Valley Road intersection	Less than significant
T-2: Addition of vehicular traffic to the Main Street/Preston Avenue intersection	Significant	T-2: Contribute funds toward improvements of the Main Street/Preston Avenue intersection	Less than significant
T-3: Addition of vehicular traffic to the segment of Buena Vista Road from Jackson Valley Road to Coal Mine Road	Significant	T-3: Fund improvement of Buena Vista Road from Jackson Valley Road to Coal Mine Road	Less than significant
T-4: Addition of vehicular traffic to the segment of Jackson Valley Road from SR 88	Significant	T-4: Fund improvement of Jackson Valley Road from SR 88 (west) to	Less than

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
(west) to Buena Vista Road		Buena Vista Road	significant
T-5: Addition of vehicular traffic to the segment of Coal Mine Road from Buena Vista Road to the project driveway	Significant	T-5a: Fund improvement of Coal Mine Road from Buena Vista Road to the Project Access Driveway T-5b: Fund improvement of the Buena Vista Road/Coal Mine Road intersection T-5c: Fund improvement of the Coal Mine Road/Project Driveway intersection	Less than significant
T-6: Addition of vehicular traffic at the SR 88/Camanche Parkway/Liberty Road intersection	Significant	T-6: Improve the SR 88/Camanche Parkway/Liberty Road intersection	Less than significant
T-7: Addition of vehicular traffic at the SR 88/SR 12 intersection	Significant	T-7: Improve the SR 88/SR 12 intersection	Less than significant
T-8: Addition of vehicular traffic at the SR 104/SR 124 intersection	Significant	T-8: Improve the SR 104/SR 124 intersection	Less than significant
T-9: Addition of vehicular traffic to the segment of SR 88 from SR 12 (east) to Liberty Road	Significant	T-6: Improve the SR 88/Camanche Parkway/Liberty Road intersection	Less than significant
T-10: Addition of vehicular traffic to the segment of SR 88 from Harney Lane to SR 12 (east)	Significant	T-10: Improve SR 88 from Harney Lane to SR 12	Less than significant
T-11: Addition of vehicular traffic to the segment of SR 88 from Liberty Road to Jackson Valley Road	Significant	T-11: Improve SR 88 from Liberty Road to Jackson Valley Road	Less than significant
T-12: Addition of vehicular traffic to the segment of SR 88 from Buena Vista Road to SR 49	Significant	T-12: Improve SR 88 from Buena Vista Road to SR 49	Less than significant
T-13: Insufficient onsite queuing area for project ingress to accommodate peak hour traffic	Significant	T-13: Revise alignment of the project access driveway	Less than significant
T-14: Addition of vehicular traffic to the Main Street/Preston Avenue intersection	Significant	T-14: Contribute funds toward improvements at the Main Street/Preston Avenue intersection	Less than significant

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
under 2025 conditions			
T-15: Addition of vehicular traffic to the Main Street/Church Street intersection under 2025 conditions	Significant	T-15: Contribute funds toward improvements at the Main Street/Church Street intersection	Less than significant
T-16: Addition of vehicular traffic to the SR 88/Buena Vista Road intersection under 2025 conditions	Significant	T-16: Contribute funds toward installing a traffic signal at the SR 88/Buena Vista Road intersection	Less than significant
T-17: Addition of vehicular traffic to the SR 88/SR 104/Jackson Valley Road intersection under 2025 conditions	Significant	T-17: Contribute funds toward installing a traffic signal at the SR 88/SR 104/Jackson Valley Road intersection	Less than significant
T-18: Addition of vehicular traffic to the SR 16/Ione Road intersection under 2025 conditions	Significant	T-18: Install a traffic signal at the SR 16/Ione Road intersection	Less than significant
T-19: Addition of vehicular traffic to the SR 88/Camanche Parkway/Liberty Road intersection under 2025 conditions	Significant	T-19: Install a traffic signal at the SR 88/Camanche Parkway/Liberty Road intersection	Less than significant
T-20: Addition of vehicular traffic to the segment of Liberty Road from SR 99 to SR 88 under 2025 conditions	Significant	T-20: Improve Liberty Road from SR 99 to SR 88	Less than significant
T-21: Addition of vehicular traffic to the SR 104/SR 124 intersection under 2025 conditions	Significant	T-21: Improve the SR 104/SR 124 intersection	Less than significant
T-22: Addition of vehicular traffic to the segment of SR 88 from Fairchild Lane to SR 12 (west) under 2025 conditions	Significant	T-22: Improve SR 88 from Fairchild Lane to SR 12 (west)	Less than significant
T-23: Addition of vehicular traffic to the segment of SR 88 from SR 12 (west) to SR 12 (east) under 2025 conditions	Significant	T-23: Improve SR 88 from SR 12 (west) the SR 12 (east)	Less than significant
T-24: Addition of vehicular traffic to the segment of SR 88 from SR 12 (East) to Jackson Valley Road under 2025 conditions	Significant	T-24: Improve SR 88 from SR 12 (east) to Jackson Valley Road	Less than significant

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
T-25: Addition of vehicular traffic to the segment of SR 88 from Buena Vista Road to SR 49 under 2025 conditions	Significant	T-12: Improve SR 88 from Buena Vista Road to SR 49	Less than significant
T-26: Addition of vehicular traffic to the segment of SR 12 from SR 99 to SR 88 under 2025 conditions	Significant	T-26: Improve the segment of SR 12 from SR 99 to SR 88 to four-lane major road standards	Less than significant
T-27: Addition of vehicular traffic to the segment of SR 16 from Latrobe Road to Ione Road under 2025 conditions	Significant	T-27: Improve the segment of SR 16 from Ione Road to Latrobe Road to four-lane arterial standards	Less than significant
T-28: Addition of vehicular traffic to the segment of SR 16 from Latrobe Road to SR 49 under 2025 conditions	Significant	T-28: Improve the segment of SR 16 from Latrobe Road to SR 49 to four-lane arterial standards	Less than significant
T-29: Addition of vehicular traffic to the segment of SR 104 from SR 124 to Church Street under 2025 conditions	Significant	T-29: Construct the Ione Bypass	Less than significant
Utilities and Service Systems			
UTL-1: Adverse effects on the capacity of solid waste landfills	Less than significant	No mitigation is required	–
UTL-2: Potential interference with existing utility infrastructure	Less than significant	No mitigation is required	–
Water			
HYD-1: Degrade surface and groundwater quality by means of construction-related ground-disturbing activities and construction-related hazardous materials	Significant	HYD-1: Conduct construction activities in water bodies during the dry season HYD-2: Implement protection measures for work in surface waters	Less than significant
HYD-2: Water quality impairment from construction below the water table	Less than significant	No mitigation is required	–
HYD-3: Water quality impacts resulting from the discharge of treated effluent	Significant	HYD-3: Comply with NPDES Operation Permit requirements, basin plan objectives, and California Toxics Rule and conduct water quality monitoring	Less than significant

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
		HYD-4: Adjust wastewater treatment	
HYD-4: Surface runoff exceeding capacity of drainage facilities as a result of new impervious surfaces	Significant	HYD-5: Implement a drainage concept plan	Less than significant
HYD-5: Degrade water quality as a result of urban runoff	Significant	HYD-6: Maintain water quality after construction	Less than significant
HYD-6: Degraded water quality from surface runoff to surface waters that are 303(d)	Less than significant	No mitigation is required	–
HYD-7: Construction of structures within the floodplain or risk of exposure to flooding	No impact	No mitigation is required	–
Groundwater Resources			
GW-1: Adverse effect on off-reservation wells resulting from 90 gpm extraction of groundwater	Significant	GW-1: Create a basin management group to monitor and identify impacts associated with groundwater extraction GW-2: Reduce pumping to a sustainable level GW-3: Reduce pumping and secure supplementary water supplies	Less than significant
GW-2: Effects of 56 gmp water demand on off-reservation users	Less than significant	No mitigation is required	–
GW-3: Effects of 76 gpm on off-reservation users	Significant	GW-1: Create a basin management group to monitor and identify impacts associated with groundwater extraction GW-2: Reduce pumping to a sustainable level GW-3: Reduce pumping and secure supplementary water supplies	Less than significant
Growth-Inducing Impacts			
GI-1: Induce Indirect or Direct Growth	Significant and unavoidable		
GI-2: Removal of a Potential Obstacle to Growth	No Impact	No mitigation is required	–
GI-3: Tax Community Services or Facilities to an Extent that New Services or Facilities Would be Necessary	Significant	See Mitigation Measures PS-1, PS-2, PS-3, PS-4, and PS-5 above.	Less than significant

Impact	Significance without Mitigation	Mitigation Measure	Significance with Mitigation
AES-3: Adverse effect on a scenic vista associated with introduction of the gaming and entertainment facility into the local viewshed	Significant	See Mitigation Measures AES-1 and AES-2 above	Significant and unavoidable
AES-7: Creation of a new source of substantial light or glare that would adversely affect day or nighttime views of historic buildings or views in the area associated with operation of the gaming and entertainment facility	Significant	See Mitigation Measures AES-1, AES-5 and AES-6 above	Significant and unavoidable
LUA-1: Land use conflicts with surrounding land uses	Significant		Significant and unavoidable
AIR-3: Generation of significant levels of ROG, NO _x , CO, and PM10 emissions from project operations	Significant	See Mitigation Measure AIR-3 above	Significant and unavoidable
CUL-1: Visual and audible disruption of the Buena Vista Rancheria–Buena Vista Peaks complex resulting from construction of the gaming facility and associated features	Significant and unavoidable		
CUL-4: Potential impact on a significant historical resource: Buena Vista Store and Saloon	Significant	See Mitigation Measure CUL-3 above	Significant and unavoidable
N-2: Exposure of existing noise-sensitive land uses to increased traffic noise	Significant	See Mitigation Measure N-2 above	Significant and unavoidable
POP-1: Inducement of population and housing growth in Amador County and unincorporated cities	Significant	No further mitigation is feasible	Significant and unavoidable

Chapter 1

Introduction

This Draft Tribal Environmental Impact Report (TEIR) for the Buena Vista Rancheria of Me-Wuk Indians Gaming and Entertainment Facility Project (proposed project) has been prepared in compliance with the *Tribal-State Gaming Compact between the Buena Vista Rancheria of Me-Wuk Indians of California, a Federally Recognized Sovereign Indian Tribe, and the State of California* (1999), and the *Amendment to Tribal-State Compact between the State of California and the Buena Vista Rancheria of Me-Wuk Indians of California* (dated December 20, 2004). The Compact and the Amendment are hereinafter collectively referred to as *the Compact*. Specifically, this Draft TEIR complies with section 10.8 of the Compact. The Buena Vista Rancheria of Me-Wuk Indians (the Tribe) is a federally recognized tribe. Section 10.8 of the Compact requires the Tribe to prepare a TEIR to analyze significant off-reservation environmental impacts of the proposed project. Section 10.8 also outlines the process by which environmental review of the proposed project must be conducted. Although the Tribe's aboriginal land base is officially a *Rancheria*, the Compact uses the term *Reservation*. Accordingly, reservation is used throughout this document except where specific reference is made to the name of the Tribe.

TEIR Requirements

Pursuant to Section 10.8, *Off-Reservation Impact(s)*, of the Compact, the TEIR must include detailed information about significant off-reservation effects likely to result from implementation of the proposed project and mitigation measures to minimize those effects. The TEIR is not required to and accordingly, does not analyze any on-reservation environmental impacts. However, certain on-reservation impacts may be described in this Draft TEIR where they relate to off-reservation impacts.

The Compact sets forth environmental issues that must be addressed in the TEIR as well as the significance criteria for each issue. The content and format of this Draft TEIR conform to the requirements of the Compact. (The Compact is included in Appendix A of this TEIR for reference.) It should be noted that although this TEIR resembles an environmental impact report prepared pursuant to California Environmental Quality Act (CEQA) requirements, the proposed project is not subject to CEQA.

Purpose of the Draft TEIR

In accordance with the Compact, this Draft TEIR is a public document that assesses potential environmental impacts of the proposed project and identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts. This TEIR is also an information document to be used in the planning and decision-making process for the Intergovernmental Services Agreement to be negotiated between the Tribe and Amador County, pursuant to Section 10.8.8, *Intergovernmental Agreement*, of the Compact. (All further references to sections pertain to sections of the Compact unless specifically stated otherwise.)

Focus of the Draft TEIR

As stated in Section 10.8.1(a), *Tribal Environmental Impact Report*, this Draft TEIR focuses on significant effects on the off-reservation environment that are likely to result from implementation of the proposed project. The Compact requires consideration of each of the issues set forth in Exhibit A, *Off-Reservation Environmental Impact Analysis Checklist*, of the Compact. These issues are listed below.

- Aesthetics.
- Agricultural Resources.
- Air Quality.
- Biological Resources.
- Cultural Resources.
- Geology and Soils.
- Hazards and Hazardous Materials.
- Water Resources.
- Land Use.
- Mineral Resources.
- Noise.
- Population and Housing.
- Public Services.
- Recreation.
- Transportation/Traffic.
- Utilities and Service Systems.
- Cumulative and Growth-Inducing Effects.

Organization of the Draft TEIR

This Draft TEIR and supporting information are presented in the chapters and appendices listed below.

Chapter 1, *Introduction*, presents the background of the proposed project and summarizes the environmental review process.

Chapter 2, *Project Description*, presents a detailed description of the proposed project's setting, its components, the proposed construction schedule, and proposed conservation measures; this chapter also presents several alternatives to the proposed project.

Chapter 3, *Impact Analysis*, describes the existing conditions, the off-reservation impacts associated with implementation of the proposed project, and mitigation that may be implemented to ameliorate significant impacts.

Chapter 4, *Other Environmental Considerations*, analyzes the extent to which the proposed project could contribute to growth or other cumulative impacts.

Chapter 5, *References*, lists the printed literature and personal communications cited in the text.

Chapter 6, *List of Preparers*, lists the individuals who participated in the preparation of this Draft TEIR.

Appendix A, *Tribal-State Gaming Compact*, is a complete reproduction of the 1999 Compact and the 2004 Amendment.

Appendix B, *Notice of Preparation*, is a complete reproduction of the NOP that was submitted to the appropriate recipients on February 10, 2006.

Appendix C, *Scoping Comments*, present the issues raised during the public involvement process.

Appendix D, *Drainage Report*, is the *Technical Drainage Study Addendum No. 2 for the Flying Cloud Casino at Buena Vista Rancheria*, prepared by Kimley-Horn and Associates.

Appendix E, *Air Quality Technical Data*, is a compilation of the data supporting the air quality analysis in Chapter 3.

Appendix F, *Traffic Impact Analysis*, is the *Traffic Impact Analysis for the Buena Vista Rancheria of Me-Wuk Indians Gaming and Entertainment Facility*, prepared by Linscott, Law & Greenspan, Engineers.

Appendix G, *Public Services Analysis*, is the *Public Services Analysis for the Buena Vista Rancheria Gaming and Entertainment Facility*, prepared by Development Planning & Financing Group, Inc.

Appendix H, *Water and Wastewater Feasibility Study*, was prepared by HydroScience Engineers, Inc.

Appendix I, *Groundwater Technical Data*, is a compilation of the data supporting the groundwater analysis in Chapter 3.

Environmental Review Process

Lead Agency

The Tribe will serve as the lead agency for the project and will determine if the proposed project will result in significant impacts on the off-reservation physical environment. While the term *Lead Agency* is not formally defined by the Compact, Section 10.8.4 of the Compact mandates that the Tribe “...prepare, certify, and make available to the County...” the Final TEIR.

Notice of Preparation

In accordance with Section 10.8.2, *Notice of Preparation of Draft TEIR*, of the Compact, the Tribe issued a notice of preparation (NOP) for the Draft TEIR on February 10, 2006, for a 30-day review period. The NOP was filed at the State Clearinghouse in the State Office of Planning and Research, and was provided to the Amador County Board of Supervisors, the Amador County Planning Department, the City of Ione, and the Office of the Governor. The NOP included information describing the proposed project and its potential significant effects to enable meaningful response and comment. Commenters were requested to identify off-reservation environmental issues and reasonable mitigation measures to be addressed in the Draft TEIR, relevant to each individual agency’s responsibilities. The NOP is included as Appendix B of this document.

Scoping comments received for the Draft TEIR express concerns regarding traffic, law enforcement, noise, air, public safety, fire protection, emergency medical response, and potential impacts on school bus routes and student safety. The concerns raised in the response to the NOP were considered during preparation of the Draft TEIR. A list of the agencies and individuals who provided scoping comments is presented in Appendix C of this report.

Notice of Completion of Draft TEIR

In accordance with Section 10.8.3, *Notice of Completion of the Draft TEIR*, of the Compact, the Tribe will be required to file a copy of the Draft TEIR and a Notice of Completion (NOC) with the State Clearinghouse, the County, the City of Ione, and the California Department of Justice. The NOC is to be filed within

no less than 30 days following the receipt of the NOP by the State Clearinghouse and the County.

Public Review

Filing of the NOC will trigger a 45-day comment period during which the Tribe may receive comments on the Draft TEIR. Pursuant to Section 10.8.3 (b), *Notice of Completion of the Draft TEIR*, of the Compact, the Tribe will submit 45 copies of the Draft TEIR and NOC to the County, which will be asked to serve in a timely manner the NOC to all “Interested Persons,” to post public notice of the Draft TEIR at the office of the County Board of Supervisors, and to furnish the public notice at the public libraries serving the County.

In addition, the Tribe will provide public notice by at least one of the procedures specified below.

- Publication at least one time by the Tribe in a newspaper of general circulation in the area affected by the facility. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
- Direct mailing by the Tribe to the owners and occupants of property adjacent to, but outside, the Indian Lands on which the proposed project is to be located. Owners of such property will be identified as shown on the latest equalization assessment roll.

Final TEIR and TEIR Certification

Comments and recommendations received on the Draft TEIR will be presented either verbatim or in summary in the Final TEIR, and a listing of persons, organizations, and public agencies commenting on the Draft TEIR will be included. These comments, the Tribe’s responses to significant environmental points raised in the review and consultation process, and any other information deemed relevant, together with the revised Draft TEIR text, will constitute the Final TEIR. The Final TEIR will contain an index or table of contents and a summary.

Pursuant to Section 10.8.4, *Issuance of Final TEIR*, the Tribe will prepare, certify and make available the Final TEIR to the County and the City of Ione at least 55 days before the completion of negotiations pursuant to Section 10.8.8 of the Compact.

Intergovernmental Agreement—County of Amador

Pursuant to Section 10.8.8, *Intergovernmental Agreement*, and notwithstanding the intergovernmental services agreement between the Tribe and Amador County

entered into on July 3, 2001, before commencing the project and no later than the issuance of the Final TEIR, the Tribe will commence negotiations with the County and will enter into an enforceable written intergovernmental agreement. This agreement will address provisions providing the timely mitigation of any significant effects on the off-reservation environment, as described in the Compact, where these effects are attributable to the Buena Vista Gaming and Entertainment Facility. The Tribe and the County may agree that a particular mitigation is infeasible, taking into account economic, environmental, social, technological, or other considerations. This agreement will include provisions relating to compensation for law enforcement, fire protection, emergency medical services, and any other public services to be provided by the County and the City of Ione to the Tribe for the purposes of the operation of the Tribe's facility. This agreement will also include provisions for reasonable compensation for programs designed to address gambling addiction, as well as provisions providing for mitigation of any effect on public safety attributable to the facility.

Pursuant to Section 10.8.10 of the Compact, the Intergovernmental Services Agreement between the Tribe and the County entered into on July 3, 2001, will remain in effect until (1) it expires of its own terms or (2) it is expressly superseded by an agreement negotiated pursuant to Section 10.8.8 of the Compact or by an enforceable award under Section 10.8.9.

Intergovernmental Agreement—City of Ione

Where public service is provided by the City of Ione, the County may negotiate the appropriate compensation to be provided to the City of Ione. Any compensation allocated to the City of Ione for mitigation of any effect on public safety will be paid directly to the City of Ione.

Pursuant to Section 10.8.11, the intergovernmental services agreement between the Tribe and the City of Ione entered into on September 25, 2001, will remain in effect until it expires pursuant to its own terms unless it is superseded by a new agreement between the Tribe and the City of Ione. At such time as the agreement expires, the Tribe will enter into negotiations with the City of Ione to enter a new enforceable agreement. The issues to be addressed by the agreement are spelled out in the Compact.

Arbitration

Section 10.8.9, *Arbitration*, of the Compact states that if the Tribe and County have not entered into an agreement within 55 days of the submission of the Final TEIR, any party may demand binding arbitration before a single arbitrator pursuant to the Commercial Arbitration Rules of the American Arbitration Association. Should the matter proceed to arbitration, each party shall provide the other with its last, best written offer made during the negotiations undertaken pursuant to Section 10.8.8, *Intergovernmental Agreement*. Within 30 days the

arbitrator shall hear the matter and award only one of the two offers, without modification, based on which proposal best provides feasible mitigation of significant effects on the off-reservation environment and on public safety and most reasonably compensates for public services. The selection of offer will not interfere with the principal objectives of the proposed project or impose unreasonable mitigation measures that are not equivalent to the nature or scale of mitigation measures for similar projects. The arbitrator will also consider whether the Final TEIR provides the information necessary to enable the County to determine whether the proposed project may result in significant off-reservation impacts and whether the proposed mitigation measures are sufficient to mitigate such effects. Pursuant to Section 10.8.9 of the Compact, neither party may request review of the resulting arbitration award.

Incorporation by Reference

Section 10.8.1(a), *Tribal Environmental Impact Report*, of the Compact states that "...information or data which is relevant to such a TEIR and is a matter of public record or is generally available to the public need not be repeated in its entirety in such TEIR, but may be specifically cited as the source for conclusions stated therein; and provided further that such information or data shall be briefly described, that its relationship to the TEIR shall be indicated, and that the source thereof shall be reasonably available for inspection at a public place or public building."

Section 10.8.1.(b) states that "...Previously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, may be used in cumulative impact analysis."

Introduction

The Buena Vista Rancheria of Me-Wuk Indians of California (Tribe) is proposing to develop, construct, and operate the Buena Vista Rancheria of Me-Wuk Indians Gaming and Entertainment Facility Gaming and Entertainment Facility Project (proposed project) on Tribal land located on the east side of Coal Mine Road near the unincorporated town of Buena Vista in Amador County, California (Figure 2-1). The entire Rancheria encompasses approximately 67.5 acres; the area proposed for development encompasses 17.06 acres located roughly in the central portion of the Tribal land (Figure 2-2).

In addition to the Gaming and Entertainment Facility, the proposed development includes construction of a multi-level parking garage, a wastewater treatment facility, a water supply system, water supply treatment and storage facilities, landscaping, lighting, and an access driveway intersecting Coal Mine Road (Figure 2-3). Areas of the Tribal land not proposed for development (50.44 acres) have been designated by the Tribe as Archaeological and Biological Resource Protection Areas.

Goals and Objectives

The goals and objectives of the proposed project are listed below.

- To provide the highest and best use of the Tribe's land, while restoring Tribal traditions, protecting the Tribe's cultural heritage, and supporting a Tribal government that restores the Tribe's rightful place in Amador County.
- To provide a gaming and entertainment facility in Amador County consistent with the Compact.
- To improve the socioeconomic status of the Tribe by providing a revenue source that will be utilized to build a strong Tribal government; improve Tribal housing; fund a variety of social, governmental, administrative, educational, and health and welfare services to improve the quality of life for current and future generations of Tribal members; and to provide capital for other economic development and investment opportunities to further the goal

~~of Tribal economic self-sufficiency beyond the term of the Compact. To improve the socioeconomic status of the Tribe by providing a revenue source that will be utilized to build a strong Tribal government; improve Tribal housing; fund a variety of social, governmental, administrative, educational, and health and welfare services to improve the quality of life for Tribal members; and to provide capital for other economic development and investment opportunities.~~

- To provide funding for community infrastructure needs such as law enforcement, fire protection, transportation improvements, recreation and recreational facilities, and Amador County agency services.
- To protect and preserve in perpetuity the cultural and historic artifacts and sacred archaeological and cultural sites on Tribal lands through the implementation of the Tribal Cultural Resource Management Plan.

Location

The project site is located on Tribal land in Amador County on the east side of Coal Mine Road, approximately 1 mile south of the unincorporated town of Buena Vista, approximately 5 miles southeast of the city of Ione, 28 miles northeast of the city of Stockton, and approximately 32 miles southeast of the city of Sacramento. The site address is 4650 Coal Mine Road, Ione, California, 95640. The Assessor Parcel Number is 012-100-005.

The parcel is 5,280 feet long and 578 feet wide on a north-south axis. The Gaming and Entertainment Facility would be constructed on an approximately 15-acre portion of the 67-acre site. Figure 2-2 is a portion of the Ione, California U.S. Geological Survey (USGS) Topographic Quadrangle Map, showing Rancheria lands. The parcel is characterized by gently sloping oak woodlands at the higher elevations in its southern portion, dropping steeply through the midsection, and gradually leveling through the project area to generally level grassland in the north. Figure 2-4 is a 2002 color aerial photograph of the Rancheria lands.

The Tribal lands are bounded on the north by agricultural lands, on the east by mining lands owned by Pacific Coast Building Products, on the west by formerly mined lands containing an inactive cogeneration facility, and on the south and southwest by wooded private property. The Buena Vista Peaks abut the southwest part of the site.

Access

The regional and local access routes to the project site are described below (Figure 2-5). The method of determining these routes and the anticipated distribution of traffic on them is presented in Section 3M, *Traffic*.

- State Route (SR) 16 (eastbound). Eastbound on SR 16 from Sacramento County (Sacramento area) to Ione Road. South on Ione Road to Ione Michigan Bar Road, then southeast on Ione Michigan Bar Road to SR 104. SR 104 to SR 124 (in the City of Ione) then south on SR 124 to Buena Vista Road. Southeast on Buena Vista Road (crossing State Route 88) to Coal Mine Road. South on Coal Mine Road to the project site.
- Meiss Road (eastbound). East on Meiss Road from Sacramento County (Sacramento or Elk Grove areas) to Ione Michigan Bar Road, then southeast on Ione Michigan Bar Road to SR 104. SR 104 to SR 124 (in the city of Ione) then south on SR 124 to Buena Vista Road. Southeast on Buena Vista Road (crossing SR 88) to Coal Mine Road. South on Coal Mine Road to the project site.
- SR 104 (eastbound). East on SR 104 from Sacramento County (south Sacramento County area and SR 99) to SR 124 (in the city of Ione) then south on SR 124 to Buena Vista Road. Southeast on Buena Vista Road (crossing SR 88) to Coal Mine Road. South on Coal Mine Road to the project site.
- Liberty Road (eastbound). East on Liberty Road from northern San Joaquin County/south Sacramento County or from SR 99. Northeast on SR 88 to Jackson Valley Road, southeast on Jackson Valley Road to Buena Vista Road. South on Buena Vista Road to Coal Mine Road and south on Coal Mine Road to the project site. Alternatively, from Liberty Road cross SR 88 to Comanche Parkway. East on Comanche Parkway to Coal Mine Road and north on Coal Mine Road to the project site.
- SR 12 (eastbound). East on SR 12 in San Joaquin County (Lodi and Stockton areas) to SR 88. Northeast on SR 88 to Jackson Valley Road, southeast on Jackson Valley Road to Buena Vista Road. South on Buena Vista Road to Coal Mine Road and south on Coal Mine Road to the project site. Alternatively, from SR 88 turn east to Comanche Parkway. East on Comanche Parkway to Coal Mine Road and north on Coal Mine Road to the project site.
- SR 124 (southwestbound). Southwest on SR 124 from SR 16 (near intersection with SR 49) to the city of Ione. South on SR 124 through Ione to Buena Vista Road. Southeast on Buena Vista Road (crossing SR 88) to Coal Mine Road. South on Coal Mine Road to the project site.
- SR 88 (westbound). West on SR 88 from Jackson vicinity to Jackson Valley Road. South on Jackson Valley Road to Buena Vista Road. South on Buena Vista Road to Coal Mine Road and south on Coal Mine Road to the project site.

The proposed access to the project site consists of a driveway intersecting Coal Mine Road approximately 250 feet north of the Gaming and Entertainment Facility structure. The access driveway would cross an existing roadside drainage ditch with a slab bridge or culvert and turn south, roughly paralleling Coal Mine Road, providing approximately 150 feet of queuing distance to drop-off points, valet parking, or the parking facility. The driveway would provide two lanes each for public ingress and egress and one dedicated emergency lane.

This emergency lane would not be used as a public entrance and would be gated and installed with an emergency services access locking mechanism.

Circulation

The access driveway would enter the project site near the northwest corner of the Gaming and Entertainment Facility. Buses would proceed east along the north side of the building (the side housing the entry lobby side) to the designated bus entrance below the main floor. Buses would continue below the main floor to a designated drop-off point below and adjacent to the entry lobby. Buses would exit the facility on the west side of the building and rejoin the driveway heading north toward the intersection with Coal Mine Road.

Users of valet parking would enter on the north side of the building at a designated valet parking entrance adjacent to the bus entrance and would exit the facility on the west side of the building adjacent to the bus exit.

Users of the parking garage would drive south along the west side of the building to the nine-level parking garage building. Vehicles would enter and exit the parking garage on the west side of the garage. Exiting vehicles would drive north along the west side of the building to the access driveway and Coal Mine Road.

Service vehicle access points and an employee drop-off point would be located on the south side of the parking garage. Emergency vehicles would be able to circle the entire facility (Gaming and Entertainment Facility and parking garage) on a paved or compacted road encircling the facility.

Project Background

Plans for the proposed project have undergone various stages of development before reaching the version analyzed in this TEIR.

In March 2004, the schematic/programmatic drawings of the original proposed project reflected three components.

- A low-rise gaming facility building with a footprint of approximately 202,000 square feet that would accommodate 2,000 slot machines, 80 gaming tables, and amenities that included a buffet, steakhouse, food court, Asian restaurant, 24-hour grille, lounge, and a multipurpose room.
- A 12-level parking structure.
- A 21-story, 300-room highrise hotel, which would be the first phase of a 21-story, 600-room highrise hotel.

In August 2004, the proposed project was reduced in bulk and scale by reducing the height of the hotel from 21 to 10 stories with a total of 318 rooms. There was a concern that the height of the proposed hotel might present a major concern with the public and the County regarding an off-site visual impact.

In September 2004, the proposed project was reduced again in bulk and scale through the complete elimination of the hotel. These changes were made to reduce potential environmental impacts and propose a project similar to a previous proposal developed by Cascade with the former Tribal chairperson.

In January 2005, the proposed project was again reduced in bulk and scale by reducing the size of the gaming facility building by 31,000 square feet to a footprint of 170,000 square feet. In addition, the parking garage was reduced in height from the original 12 levels to nine levels.

In May 2005, a Draft TEIR was prepared and submitted for public review. That Draft TEIR presented a proposed project description similar to the proposed project described in this TEIR. Following receipt of comments, a Final TEIR was prepared and certified by the Tribe on October 12, 2005. The Tribe decided to rescind the certification of the Final TEIR and in February 2006 issued a Notice of Preparation of a new Draft TEIR (see Notice of Preparation, Chapter 1).

Project Components

Gaming and Entertainment Facility

The Tribe is proposing to construct a multi-level gaming and entertainment facility of 328,521 square feet (Figure 2-6). A detailed list of proposed facilities and space is provided in Table 2-1. The proposed project would be designed to accommodate approximately 2,000 slot machines and 80 gaming tables, with a total of 71,525 square feet of gaming area. Additional amenities would include restaurants, dining areas, an entertainment lounge, a retail shop, and a multipurpose showroom. Proposed restaurants and dining areas include a buffet, an Asian restaurant, a 24-hour grill, a steakhouse, and a food court/fast food area. Alcohol may be served in individual restaurants but would not be served on the gaming floor.

Back of house areas would include surveillance facilities, administration/finance/accounting offices, an employee dining room, a break room, mechanical space, and kitchen areas.

The proposed project is anticipated to employ approximately 1,000–1,900 individuals.

Parking

Proposed parking facilities comprise valet parking on the ground and mezzanine levels below the main casino floor and a nine-level parking garage adjoining the gaming and entertainment facility. The valet parking would accommodate 560 vehicles. The nine-level parking garage would accommodate 2,828 vehicles and 58 handicapped parking spaces, for a total of 3,446 onsite parking spaces (Table 2-2). In addition to these parking spaces, five spaces would be provided for buses. Truck loading bays and parking for service vehicles would be located on the southeast side of the parking garage.

Wastewater Treatment Facility

Estimated wastewater flows for the proposed project are about 120,000 gallons per day (gpd) weekday flow, 210,000 gpd weekend flow, and 140,000 gpd average flow. A contingency is added to each of these amounts for the purposes of ensuring adequate treatment plant capacity and ensuring that all wastewater permits obtained allow for an adequate volume of effluent water. It is anticipated that wastewater volumes would vary from month to month; accordingly, the addition of a contingency will reduce the likelihood of wastewater volumes being underestimated. Wastewater flows with contingency are estimated at 150,000 gpd weekday flow, 250,000 gpd weekend flow, and 170,000 gpd average flow.

A tertiary treatment plant meeting standards at least equivalent to those of California Title 22 would be constructed on the Tribal property to treat wastewater. A conservative peak wastewater flow of 250,000 gpd is assumed for project planning purposes. The wastewater treatment plant would have two fully redundant treatment process trains with a treatment capacity of 167,000 gpd each. The total combined treatment capacity of the wastewater treatment plant would therefore be 333,000 gpd, or more than 30% greater than projected peak weekend flows of 250,000 gpd.

An onsite treatment plant (south of the parking garage) would provide disinfected tertiary recycled water. This category of recycled water includes secondary effluent that has undergone tertiary treatment and has been disinfected to a level such that the median coliform bacteria in the water does not exceed 2.2 most probable number (MPN) per 100 milliliter (mL). Title 22 defines the tertiary treatment process as generating wastewater that has been oxidized, coagulated, clarified, and filtered. The recycled water turbidity should not exceed 2 nephelometric turbidity units (NTU) on average, should not exceed 5 NTU more than 5% of the time during any 24-hour period, and should never exceed 10 NTU.

Tertiary-treated effluent waters would be reused for non-potable domestic water uses where appropriate and as landscape irrigation water. Tertiary-treated wastewater effluent would be released into a surface water drainage course pursuant to an NPDES permit from the U.S. Environmental Protection Agency.

Table 2-1. Proposed Facilities in the Buena Vista Gaming and Entertainment Facility Project

Description	Area (square feet)
Gaming Floor	
Casino Gaming	64,760
High Limit Gaming	5,348
Poker Room	1,417
Subtotal	71,525
Other Front-of-House Facilities	
Retail Shop	393
Pre-Function Area	10,462
VIP Lounge	1,842
Buffet – 330 Seats	13,388
Asian Restaurant – 161 Seats	5,302
24/7 Casual Grill – 220 Seats	8,049
Steak House – 122 Seats	4,500
Blues Lounge – 188 Seats	6,966
Food Court – 188 Seats	9,588
Multi-Purpose Showroom – 2,020 Seats	24,935
Circulation Area	41,728
Total Front of House Area	127,153
Back-of-House Facilities	
Casino Executive Offices	5,073
Surveillance	2,017
Break Room	345
Cage Area	5,992
Mechanical Space	10,008
Buffet Kitchen/Storage	7,300
Steak House Kitchen/Storage	998
24/7 Kitchen/Storage	2,127
Asian Kitchen/Storage	2,087
Employee Dining Room/Banquet Kitchen/Storage	6,559
Employee Dining Room – 104 seats	6,626
Shell Space	690
Circulation Area	9,142
Subtotal	58,964

Table 2-1. Continued

Description	Area (square feet)
Warehouse/Back-of-House Annex (Located in Parking Garage)	
Loading Dock	8,349
Maintenance	1,710
Slot Repair	440
Housekeeping	1,287
Security	1,764
Time Keeping	501
Uniforms and Employee Change Area	4,760
Finance/Payroll/Marketing	10,597
Human Resources	1,737
IT Office	1,295
Administrative Offices	1,331
Warehouse	15,717
Mail Room	160
Tribal Office	761
Shell Space	462
Mechanical Space	1,600
Circulation Area	18,408
Total Warehouse/Back of House Annex area	70,879
Proposed Project Total	328,521

Table 2-2. Proposed Parking Facility

Description	Quantity
Parking Spaces (Parking Garage)	2,828 spaces
Valet Parking Spaces (Basement)	560 spaces
Bus Parking Spaces	5 spaces
Handicapped Parking	58 spaces

Water System

Estimated potable water demands for the Project are 170,000 gpd weekday day, 260,000 gpd weekend day, and 190,000 gpd average day. The recommended water supply is 200,000 gpd, representing the average day demand plus landscape irrigation. Wells on the reservation will supply the gaming facility's water demands.

A potable water treatment and storage facility would be located south of the parking garage and north of the wastewater treatment facility. A potable water storage tank, with a proposed capacity of approximately 1,000,000 gallons, would be constructed for water storage. The capacity of the potable water storage tank includes 500,00 gallons that is assumed would be adequate to satisfy the requirements for fire flow as specified by the local fire jurisdiction. In addition to the storage tank, the potable water system would include water treatment facilities, water filters, and onsite water conveyance piping.

The Tribe will install several monitoring wells at intervals from the project that will allow adequate assessment of the basin and any associated drawdown that may occur as part of the Proposed Project. Monitoring this well network will provide baseline data to ensure that use of the wells does not affect off-reservation users.

Recycled Water

Wastewater that has been treated sufficiently to meet or exceed the California Department of Health Services (DHS) comprehensive recycled water regulations (which define treatment processes, water quality criteria, and treatment reliability requirements for public use of recycled water [Title 22, Division 4, Chapter 3 of the California Administrative Code]) would be used for flush toilets and urinals, where appropriate, and as landscape irrigation water in order to reduce potable water demand.

An onsite recycled-water storage tank of approximately 250,000 gallons would be constructed for reclaimed water storage.

Stormwater Drainage Plan

The construction of buildings, paved areas, and other newly introduced impervious surfaces associated with the proposed project would result in higher runoff volumes during rain events than those that occur under existing conditions. The proposed project includes a stormwater drainage plan to collect stormwater discharge from impervious surfaces on the reservation and route the discharge through specifically designed catch basins, an underground detention system, vaults, and filters (for entrapment of sediments, debris, and oils). The proposed drainage plan is described in detail in Appendix D. This system was

designed to detain the increased runoff amount that will be generated by the proposed project, thereby controlling onsite runoff such that it results in a drainage volume and flood frequency equal to those under existing conditions.

The proposed drainage patterns of the onsite and offsite basins emulate the natural drainage patterns, with portions of the project site draining to the existing wetlands near the north end of the reservation and portions of the project site draining to the northeast boundary of the reservation. Construction of the proposed project would not change the overall existing drainage pattern; however, the volume of stormwater runoff entering the existing wetlands would increase because of the introduction of impervious surfaces.

The proposed drainage system would control increases in the 25- and 100-year storm runoff volumes through the introduction of an underground detention system.

The proposed drainage system is designed to negate any potential increase in the project-related discharge of sediment into the existing wetlands through use of a water quality unit to be installed at the downstream end of the underground detention system, as well as scour protection riprap at the outfall location.

As part of the drainage plan, the Tribe proposes to upgrade and reconfigure the existing culvert at the northeast end of the reservation to function as a reverse siphon, such that any petrochemicals transported in the runoff will be retained on Tribal lands. The Tribe will also implement a berm monitoring and maintenance program to prevent stormwater from overtopping the perimeter berms around the north and west boundaries of the existing wetlands.

Grading Plan

The project site generally slopes down from south to north, with the gradient trending to the northeast in the southeastern portion of the proposed project area. The grading plan that has been developed for the proposed project would provide appropriate building surfaces, maintain drainage patterns, and minimize the visual impact associated with the parking facility. The proposed access driveway would be graded with fill material that will be stabilized with the use of retaining walls along the east and west edges of the driveway.

The north side of the Gaming and Entertainment Facility (front of building and main entrance) would be graded with the use of 8–11 feet of fill, increasing slightly from west to east. Along the west side of the Gaming and Entertainment Facility building, a grade cut would vary from about 10 feet near the middle of the western edge of the building to about 26 feet near the southwest corner. The eastern portion of the Gaming and Entertainment Facility building would be graded with approximately 1–11 feet of fill (increasing from south to north).

A deeper cut would be made for placement of the proposed parking garage and water treatment facilities. A grading cut from approximately 26 feet to

approximately 60 feet (from north to south) would be made along the western side of the parking and water treatment facilities at the highest elevations of the proposed project site. The eastern side of the parking garage and water treatment facility would require a shallower cut (approximately 23 feet at the southeast corner) and a small amount of fill near the northeast corner of the parking garage.

Although a portion of the cut material would be used as fill in the lower portions of the project site (the north and northeast areas), more material would be removed than would be used. It is estimated that approximately 300,000 cubic yards of material would be removed from the project site for disposal at an approved fill area as close as practicable to the site.

The periphery of the project site—where significant grading cuts would be made or where significant quantities of fill would be placed—would be stabilized with the use of retaining walls. The retaining walls would be designed to be aesthetically compatible with the building façade. Retaining walls would be constructed around most of the project site, except for small areas where very limited grading would occur.

Utilities and Service Systems

Pacific Gas & Electric Company (PG&E) has been contacted by Tribal representatives regarding the availability of gas and electric service for the Gaming and Entertainment Facility. A natural gas transmission line is available at Coal Mine Road. PG&E has confirmed that the gas line can provide adequate capacity to serve the proposed project. PG&E is also preparing a survey to determine necessary upgrades to electrical transmission lines. PG&E will provide a *will serve* letter at the completion of the survey. Propane and natural gas would not be stored at the Facility.

Tribal representatives have contacted AT&T (previously SBC) engineering department for its feedback on the availability of telephone service. SBC provided a *will serve* letter to the Tribe dated March 1, 2005. SBC can provide 200 pairs immediately, and will upgrade this number as necessitated by requirements specified in the final project design.

Tribal representatives have contacted Volcano Communications Group (VCG) regarding the provision of cable television service. A “low-voltage consultant” is developing the proposed project’s telephone and cable requirements, which will be forwarded to these providers. VCG provided a *will serve* letter to the Tribe dated April 5, 2005.

Landscaping and Lighting

A landscaped area would surround the entire proposed facility, as well as both sides of the access driveway. Generally, the landscaped area would be approximately 60 feet wide and include trees, shrubs, groundcover plantings,

accent plants, vines, bark mulch, and round granite boulders. Proposed tree plantings include eastern red bud, Carolina cherry laurel, paper birch, scarlet oak, and Mondel pine. Approximately 30 types of shrubs, groundcovers, accent plants, and vines are also proposed.

A water feature of fountains, rock features, and plantings would be placed near the main entrance where the driveway approaches the building.

A lighting plan has been designed in combination with the landscaping plan. Exterior lighting would consist of wide-angle backlighting of landscape features (selected trees, water feature, building front) using low-wattage (35 watts) light fixtures. Entry signs on both sides of the access driveway would be illuminated with this type of lighting, as would the length of the driveway, the water feature, and the Gaming and Entertainment Facility building front.

Construction Schedule

The Tribe proposes to construct the Gaming and Entertainment Facility in a single phase, with the following construction sequence and approximate timing. The exact construction schedule and timing are subject to change depending on weather conditions and other considerations. The entire construction, from beginning grading to project completion, would be approximately 14 months. For example, if grading began on August 16, 2007, the proposed project could be completed by approximately October 15, 2008.

The proposed project area would be graded prior to commencement of any other substantial construction efforts. All necessary cut and fill operations and other preparations for foundations would be conducted. It is anticipated that grading and excavation would be conducted during the late summer to fall 2007, pending necessary permits and approvals, and would require approximately 75 days.

The foundations for the Gaming and Entertainment Facility would be poured immediately following grading operations. Foundation construction and preparation for building construction would require approximately 55 days. Once the foundations are complete, the Gaming and Entertainment Facility structural steel would be erected. The steel construction would require approximately 77 days.

The Gaming and Entertainment Facility building enclosure would commence when the steel construction is partially complete and would require approximately 82 days past the completion of the steel superstructure. The remainder of the Gaming and Entertainment Facility build-out and equipping with furniture, fixtures and equipment would require approximately 134 days past the completion of the enclosure.

The proposed parking structure and water and wastewater treatment plant would be completed within the same construction period as the Gaming and Entertainment Facility. Cut and fill activities for the parking structure, however,

would not begin until completion of the cut and fill activities for the Gaming and Entertainment Facility.

Building Codes

The Compact requires that the Tribe adopt an ordinance requiring the construction of the gaming facility to meet or exceed the California Building Code and the Public Safety Code of Amador County, including but not limited to codes for building, electrical, energy, mechanical, plumbing, fire, and safety. The Compact also requires review of plans by qualified architects or engineers and inspection by certified inspectors (Compact Amendment IV Section 6.4.2). The Tribe has adopted the required ordinance and will adhere to the requirements of the Compact.

Fire Protection and Security

In addition to meeting the requirements for public and workplace health and safety as specified in Section 10.0 of the Compact, the following fire protection and security measures will be implemented.

- The Tribe will provide 24/7 Emergency Medical Technician (EMT) support at the facility with a minimum of two EMT personnel on staff at any time. They will be provided with all necessary equipment, including defibrillators, to perform job functions.
- Tribal Security staff will consist of a minimum of 60 officers. These officers will be required to obtain and keep current a California Guard Card as well as to complete numerous hours of internal training. Officers must also obtain and keep current CPR Certification.
- The security facilities will include a dedicated holding room equipped with audio and video coverage for instances when Tribal security staff makes a citizen's arrest and must wait for the proper authorities.
- All security and EMT staff will be equipped with two-way radios for communication. Security will also provide emergency dispatch services where all emergency calls will be directed from within the casino to the proper authorities.
- The Tribe will install a state-of-the-art surveillance system that meets all requirements of the National Indian Gaming Commission's Minimum Internal Control Standards.
- The facility will be equipped with all required sprinkler and life safety control features.
- The facility will be outfitted with a fire control room that maintains direct open line communication with the local fire department.

- All employees will be provided with emergency procedure instructions upon being hired.
- A detailed Emergency Procedure Manual will be available for review.

Energy Conservation Measures

The project design includes, but will not necessarily be limited to, the following energy conservation features:

- The design incorporates a chilled water cooling system in lieu of air-cooled system which will provide a saving of 30% +/- in energy cost.
- Variable speed drives will be used on the cooling louvers in lieu of constant speed drives to provide energy savings.
- Variable speed drives will be used on the chilled water system pumps in lieu of constant speed drives to provide energy savings.
- Variable primary chilled water distribution systems will be used in lieu of primary/secondary chilled water distribution systems
- Variable air volume air distribution systems will be used in lieu of constant volume air distribution systems.
- Domestic hot water semi-instantaneous water-to-water heat exchangers will be used in lieu of a hot water storage system.
- Air side economizers on air handling system for free cooling in mild weather months will be used.
- The design includes a dual piped recycled water system throughout the building to provide recycled water for all toilets and urinals in lieu of using potable water.
- Recycled water will be used for irrigation in lieu of potable water.
- Recycled water will be used for the cooling tower blow-down water in lieu of potable water.
- All R-values meet or exceed the code requirements (Roof is R-30 and walls are R-26).
- Low "E" glazing will be used to reduce energy costs.

Protection and Management of Significant Resources on Rancheria Lands

Areas of Tribal land not proposed for development (50.44 acres) have been designated by the Tribe as Archaeological and Biological Resource Protection Areas. The Tribe will develop and implement a resources protection and management plan that specifies how important cultural and biological resources

on the Rancheria will be protected, interpreted, and managed. It is anticipated that technical biological and cultural resource studies being conducted in conjunction with the proposed project will provide information needed to develop the resource protection and management plan for Tribal land.

Analysis of Alternatives

The Compact states that the TEIR shall

describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project and which would avoid or substantially lessen any of the significant effects on the environment, and evaluate the comparative merits of the alternatives; provided that the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by this compact on its Indian lands. The TEIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison.

This section identifies feasible alternatives to the proposed project that would accomplish most of the objectives of the project and that would result in the avoidance or substantial reduction of one or more significant effects on the environment as identified in Chapter 3, *Environmental Impact Analysis*. Each resource topic analyzed in Chapter 3—as identified in Exhibit A, *Off-Reservation Environmental Impact Analysis Checklist*, of the Compact—includes a discussion of environmental effects or potential effects that would result from implementation of each alternative. These environmental resource topics are: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water resources, land use, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

In addition to an environmental analysis of selected alternatives, this section also describes alternatives that were identified but were eliminated from further consideration because the alternative was determined to be infeasible, because it would not accomplish most of the basic objectives of the proposed project, or because the alternative would not result in the avoidance or substantial reduction in significant effects on the environment.

Chapter 4 presents a summary of the analysis of the alternatives compared to the effects of the proposed project.

Factors in the Selection of Alternatives

Alternatives addressed in this Draft TEIR were identified through a review of constraints and opportunities associated with the project site and issues identified through the public input process. Moreover, the factors listed below were considered in the selection of alternatives.

- The extent to which the alternative would accomplish most of the basic goals and objectives of the project (see Chapter 2, *Project Description*).
- The extent to which the alternative would avoid or lessen one or more of the identified significant environmental effects of the project.
- The potential feasibility of the alternative, taking into account site suitability, economic viability, and ownership of Tribal lands.
- The appropriateness of the alternative in contributing to a reasonable range of alternatives as required by the Tribal-State Compact (Section 10.8.1[b]).

Although not specifically required by the Tribal-State Compact, this Draft TEIR considers a no-project alternative (Alternative 1). In an effort to identify alternatives that could potentially meet project objectives and reduce environmental impacts, particularly those related to traffic impacts, three additional alternatives have been identified and are described in detail below.

- Alternative 2 is a phased implementation of the gaming component of the facility.
- Alternative 3 is a reduced-size facility.
- Alternative 4 entails a reconfiguration of the access driveway and additional surface parking on adjacent property.

Alternatives Selected for Further Consideration and Analysis

Alternative 1—No-Project Alternative

The Tribal-State Compact does not specifically require analysis of a no-project alternative and states that “the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by this Compact on its Indian lands” (Section 10.8.1[iv]). The no-project alternative is included in this analysis in order to provide a baseline of impacts and potential impacts to compare with other alternatives and with the proposed project.

Under this alternative, no Class III gaming facility would be constructed. Land uses or development on the Rancheria lands would be consistent with applicable laws and regulations, but would not be subject to the requirements of the Tribal-State Compact. Under this alternative, a range of projects could be constructed without a comprehensive environmental review process as is required under the Tribal-State Compact. Any construction project on the Rancheria lands, however, would still be subject to applicable federal laws and regulations (e.g., the Clean Water Act). Under this alternative, potential off-Rancheria environmental impacts would not be evaluated, and mitigation measures would not be required for any such impacts.

Alternative 2—Phased Project Implementation

Alternative 2, the Phased Project Alternative, comprises three phases defined by the size of the gaming floor. Alternative 2 entails construction of the same buildings and associated facilities as does the proposed project, but would be configured with a reduced gaming floor under Phases I and Phase II. The reduced gaming floor would result in fewer vehicle trips to the facility and, consequently, in reduced traffic impacts. The proposed parking facility under this alternative would be the same as under the proposed project. If the parking garage and valet parking components were to be constructed on a reduced scale to accommodate only Phase I of the alternative, constructability issues, site constraints, and operational constraints would preclude any possibility of increasing the parking to accommodate Phase II and III parking needs.

Under Alternative 2, each phase would be implemented at such time as specified in an Intergovernmental Agreement entered into with Amador County in accordance with Section 10.8.8 of the Compact; or at such time as specified by judgment rendered in arbitration in accordance with Section 10.8.9 of the Compact.

Phase I (Reduced Gaming Floor Area: 45% of Proposed Project)

Phase I would entail construction of a reduced gaming area of 32,900 square feet (approximately 45% of the proposed project). The gaming floor would accommodate approximately 1,150 slot machines and 40 gaming tables (Figure 2-7).

Phase II (Reduced Gaming Floor Area: 75% of Proposed Project)

Phase II would entail expansion of the gaming area to (approximately 75% of the proposed project). The additional gaming floor area would accommodate an additional 500 slot machines and 20 gaming tables, for a new total of 1,650 slot machines and 60 gaming tables (Figure 2-8).

Phase III (100% of Proposed Project)

Phase III would entail expansion of the gaming area to 71,525 square feet (same as the proposed project). The additional gaming floor area would accommodate an additional 350 slot machines and 20 gaming tables, for a new total of 2,000 slot machines and 80 gaming tables (Figure 2-6).

Alternative 3—Reduced Project (Reduced Gaming Floor Area: 75% of Proposed Project)

Alternative 3, the Reduced Project Alternative, entails construction of the same buildings and associated facilities as the proposed project, but would be configured with a gaming floor of 53,600 square feet (75% of the proposed project), the same as under Alternative 2, Phase II (Figure 2.8). The gaming floor would accommodate approximately 1,650 slot machines and 60 gaming tables. The reduced gaming floor area would result in fewer vehicle trips to the facility and, consequently, in reduced traffic impacts. The proposed parking facility under this alternative would be the same as under the proposed project.

Alternative 4—Reconfigured Access Driveway with Additional Site Access and Parking

Alternative 4 would entail a reconfigured access driveway intersecting Coal Mine Road and additional surface parking. Under this alternative, the primary access driveway would intersect with Coal Mine Road adjacent to the north boundary of the Rancheria (an existing unpaved road) and continue east to the property located on the east side of the Rancheria and south to parking areas (Figure 2-9). Under this alternative, the primary access driveway would direct vehicles to the adjacent property (surface parking described below) or to the proposed parking structure on the Rancheria. This access driveway would reduce traffic impacts associated with vehicle queues backing onto Coal Mine Road. Under this alternative, the access driveway described for the proposed project would be dedicated to emergency ingress and egress and restricted Tribal access. This emergency access driveway would not be used as a public entrance and would be gated and installed with an emergency services access locking mechanism.

Approximately 7 acres of the adjacent property would be used for surface parking (Figure 2-9) to accommodate approximately 680 vehicles, for a total of 4,126 parking spaces overall.

Alternative 4 is designed to enhance the vehicular access to the project site and provide additional parking. The proposed project would operate adequately without the additional features included in Alternative 4, which could be implemented subsequent to completion of the proposed project when the required permits and approvals have obtained.

Alternatives Eliminated from Further Consideration

The following alternatives were identified but were eliminated from further consideration for the reasons outlined below.

Alternative Site

An alternative project site located off Buena Vista Rancheria lands is not considered feasible because no other lands are available that are subject to the conditions of the Compact. The Compact defines a *project* as an “activity occurring on Indian lands, a principal purpose of which is to serve the Tribe’s Gaming Activities...” An alternative site would not meet the definition of *Indian lands* subject to the Compact as described in Section 4.3.5 of the Amendment: “...the Tribe may operate any and all Gaming Devices only on Indian lands within the boundaries of its rancheria...” An alternative location off the Buena Vista Rancheria would not meet this definition and would not fall within the process defined by the Compact. For this reason an alternative project site located off the Buena Vista Rancheria was eliminated from further consideration. Alternative locations on the Buena Vista Rancheria were also considered but were eliminated from further consideration due to the presence of sensitive biological (i.e., wetland) and cultural resources on other portions of the Rancheria.

Inclusion of a Hotel

A project design that included a hotel in addition to the components of the proposed project was considered but eliminated from further analysis. Two hotel configurations were considered: a 21-story structure with 300 guest rooms and a 10-story structure with 318 guest rooms. Although inclusion of a hotel in the project design may be feasible, a hotel would not significantly reduce any identified impacts.

Reduced Project (Reduced Gaming Floor Area: 15% of Proposed Project)

A reduced project design was considered but eliminated from further analysis. This design reduced the gaming floor to 10,250 square feet (approximately 350 machines and 10 gaming tables; approximately 61,275 square feet less than the proposed project). The reduced project configuration was defined primarily in terms of reduced gaming floor area (square footage roughly corresponds to number of gaming machines and gaming tables) because the gaming floor area is the principal factor in calculating vehicle trips to and from the project site and is used to identify impacts associated with traffic. A significantly reduced gaming floor would result in fewer vehicle trips to the project site, resulting in reduced traffic impacts. The reduced gaming floor alternative was eliminated from further analysis because it is not considered to be economically feasible. The income generated by the reduced gaming floor would not finance the loan debt for the project and would therefore preclude project development funding.

Reduced Project (Reduced Gaming Floor Area: 45% of Proposed Project)

A second reduced project design was considered but eliminated from further analysis. This design reduced the gaming floor to 34,000 square feet (approximately 1,150 machines and 40 gaming tables; approximately 40,000 square feet less than the proposed project). The reduced project configuration was defined primarily in terms of reduced gaming floor area (square footage roughly corresponds to number of gaming machines and gaming tables) because the gaming floor area is the principal factor in calculating vehicle trips to and from the project site and is used to identify impacts associated with traffic. A significantly reduced gaming floor would result in fewer vehicle trips to the project site, resulting in reduced traffic impacts. The reduced gaming floor alternative was eliminated from further analysis because it is not considered to be economically feasible as a sustainable project. The providers of capital for this project must be compensated for the risk to their capital. Risk is measured in terms of uncertainty as to actual returns and the timing of those returns. The providers of capital will consider the challenged location, the already large and established competition in the area, and the regulatory risk faced by this project, among other risk factors. The return to the providers of capital would be insufficient over time if the 45% alternative were made a permanent facility.

Larger Project (Increased Gaming Floor)

An increased project design was considered but eliminated from further analysis. This design increased the gaming floor to 93,000 square feet (3,000 machines, 120 tables; approximately 21,475 square feet more than the proposed project). An increased project configuration was defined primarily in terms of increased gaming floor area (square footage roughly corresponds to number of gaming machines and gaming tables) because the gaming floor area is the principal factor in calculating vehicle trips to and from the project site and is used to identify impacts associated with traffic. A significantly increased gaming floor would result in more vehicle trips to the project site, resulting in greater traffic impacts. An increased gaming floor would also likely entail construction of a larger building and associated parking facilities. The increased gaming floor alternative was eliminated from further analysis as infeasible due to likely significant increases in environmental impacts.

Permits and Required Approvals

In addition to the requirements and the approval process described in the Compact, it is anticipated that the agency approvals and permits listed below would be necessary components in the review and approval of the proposed project.

- Verification of nationwide permit under Section 404 the Clean Water Act—U.S. Army Corps of Engineers (USACE).
- Biological Opinion under Section 7 of the Endangered Species Act (ESA)*—U.S. Fish and Wildlife Service (USFWS) following consultation with the Bureau of Indian Affairs (BIA), National Indian Gaming Commission (NIGC), USACE, or U.S. Environmental Protection Agency (EPA).
- Water quality certification under Section 401 of the Clean Water Act—EPA.
- National Pollutant Discharge Elimination System permit under Section 402 of the Clean Water Act—EPA.
- Compliance with Section 106 of the National Historic Preservation Act (NHPA)*—BIA, NIGC, USACE, or EPA following consultation with State Historic Preservation Officer.
- Compliance with the National Environmental Policy Act (NEPA)*—BIA, NIGC, USACE, or EPA.

*It will be necessary to determine a *lead agency* (agency with most control and responsibility) for ESA, NHPA, and NEPA compliance; the most likely candidates are BIA and NIGC.

Chapter 2 Figures

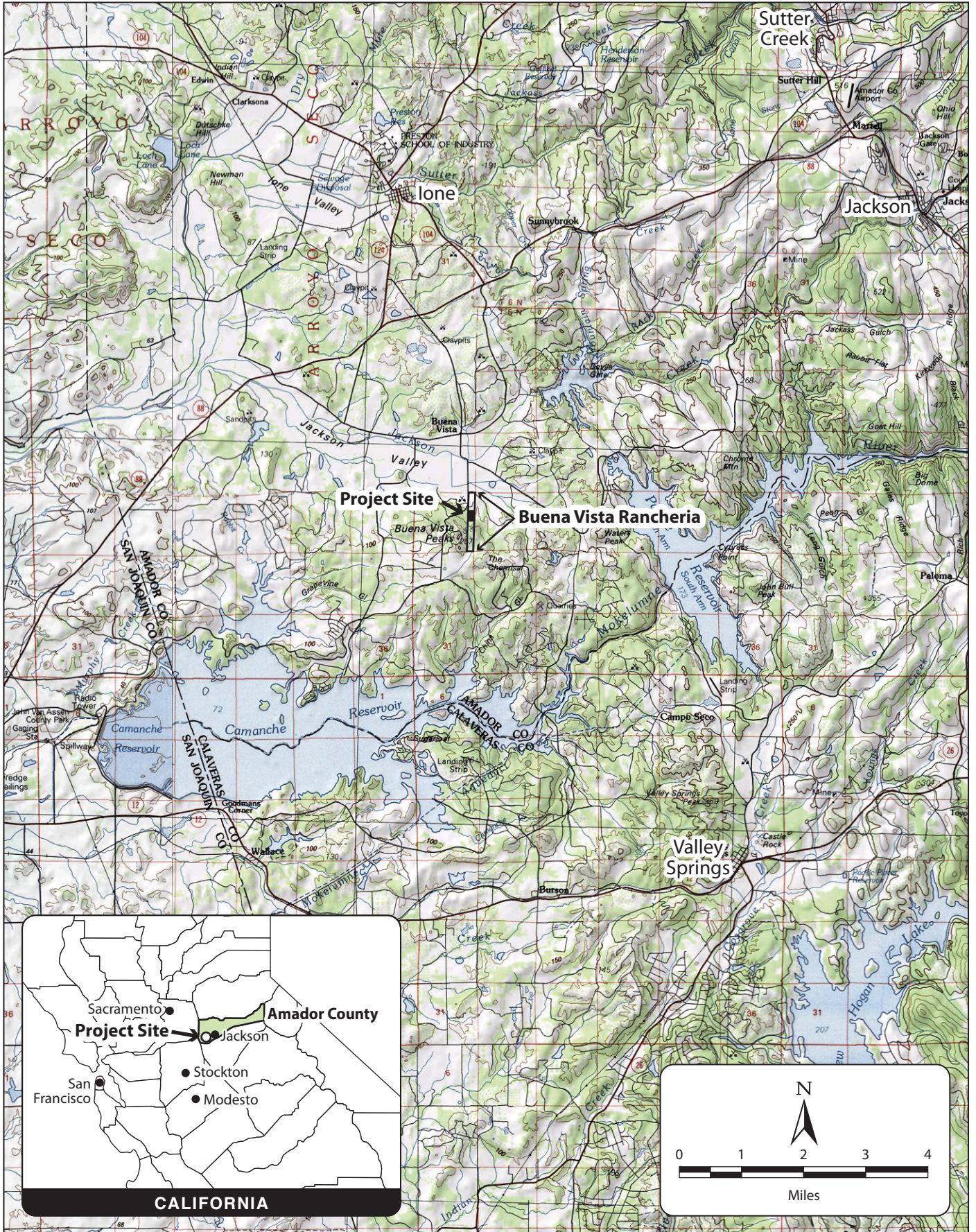
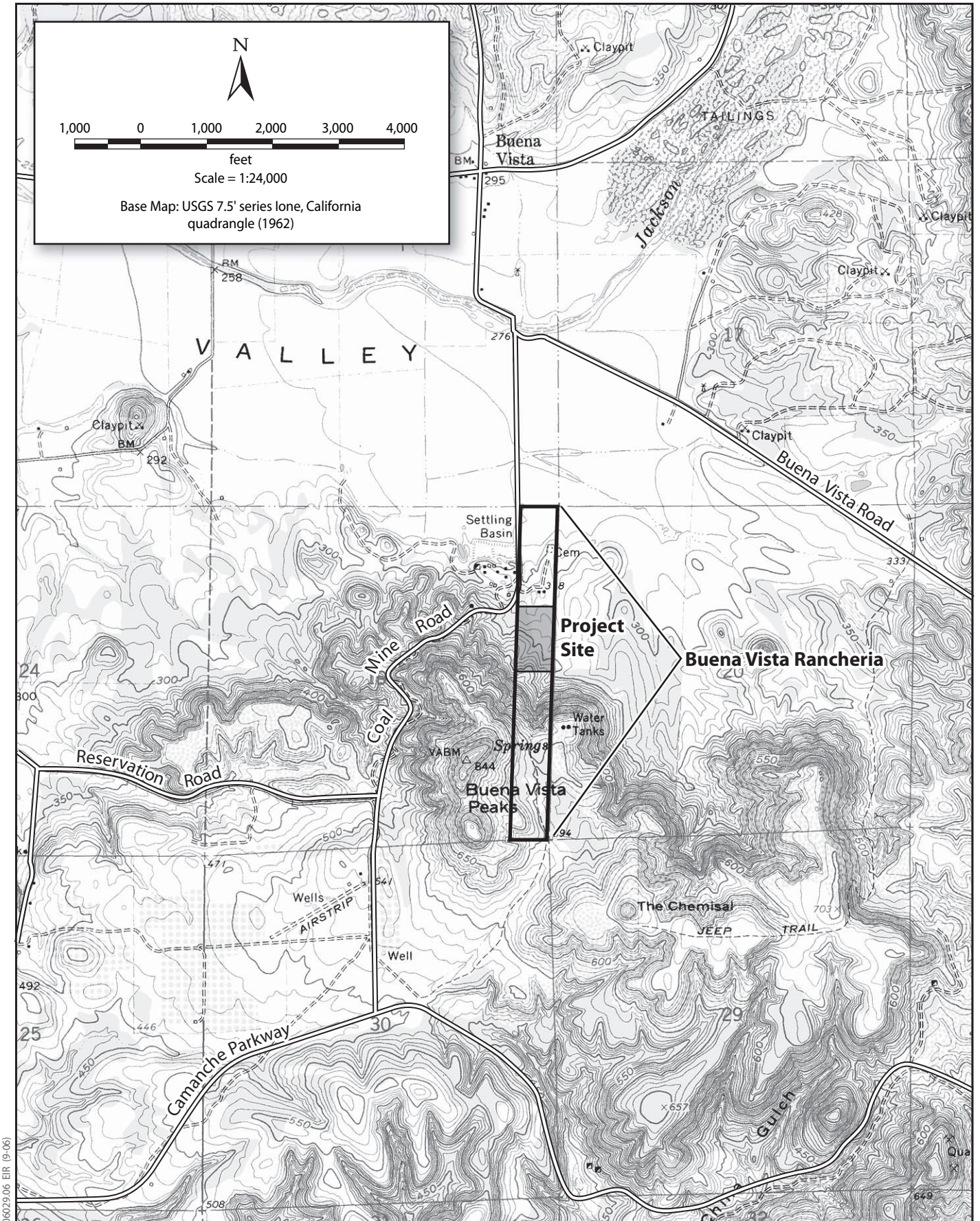


Figure 2-1
Regional Site Location Map



06029.06 EIR (9-06)



06029.06 EIR (9-06)

Source: Paul Steelman Design Group