

February 14, 2007

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OFFICIAL RECORDS
AMADOR COUNTY, CA.

Patrick Blacklock, County Administrative Officer
Amador County Administrative Agency
County Administration Center
810 Court Street
Jackson, California 95642-9534

Re: Buena Vista Rancheria's Draft Tribal Environmental Impact Report, Flying Cloud
Gaming and Entertainment Facility, City of Ione, Amador County

Dear Mr. Blacklock:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Tribal Environmental Impact Report (EIR) for the Flying Cloud Gaming and Entertainment Facility, Ione, Amador County. EBMUD has the following comments.

TRAFFIC

According to Section 3M, Traffic, Transportation, and Circulation, it is assumed that traffic to the Facility is to be served by a combination of Amador and San Joaquin County roads and state highways. No reference or consideration of the traffic impacts to the mid-county roadways from Calaveras County, specifically Camanche South Parkway and Sandretto Road, is discussed in the Draft Tribal EIR. These are major roads between Amador and Calaveras counties and could be used to reach the proposed project site. Sandretto Road is a private road owned by EBMUD. It is open to public use contingent upon load requirements and speed limits being followed. As suggested in our June 2005 comments (see enclosed), EBMUD requests that a traffic survey and impact analysis be performed on Camanche South Parkway and Sandretto Road, and included in the Final Tribal EIR. Mitigations should also be provided in the Final Tribal EIR for significant impacts to traffic volume and load.

WATER RESOURCES

The Draft Tribal EIR identifies groundwater as a potable water source. While EBMUD recognizes that the Buena Vista Rancheria of Me-Wuk Indians of California is considering a number of options for providing potable water to the project, the Draft Tribal EIR does not provide sufficient discussion of impacts related this option. As suggested in our June 2005 comments, EBMUD requests the Draft Tribal EIR include the way in which this option will be incorporated into the current Amador County water

diversion, if this will lead to a more immediate increase of Amador County's Mokelumne River diversions, and how it will affect Amador County existing entitlements.

Two of the mitigation measures associated with using groundwater as potable water (GW-2 and GW-3 on p. 3P-13) include reducing pumping and securing "supplementary" water supplies. The source of the supplementary water supply is not identified; EBMUD requests that the source be identified.

Mitigation Measure GW-1 (p. 3P-13) includes the collection of monitoring well data to assess the basin and any associated drawdown that may take place as a result of the proposed project. EBMUD requests to review the monitoring well data.

In the October 2005 Final Tribal EIR, a mitigation measure to include the preparation of a "Water Treatment Contingency Plan" was identified to preclude any contamination into the aquifer, Jackson Creek or non-tribal lands should the wastewater treatment facility fail. This measure does not appear to have been incorporated in the current Draft Tribal EIR; EBMUD requests that this measure be included.

EBMUD, per Federal Energy Regulatory Commission license requirements, coordinates the Emergency Action Plan for Camanche and Pardee Dams. The proposed project site is in close proximity to the flood inundation area that could result from a possible failure of the Jackson Creek Spillway during a probable maximum flood. EBMUD recommends that the Facilities emergency personnel participate in the Mokelumne River Project Functional and Table Top Exercises, held every 5 years to evaluate response procedures to dam failure scenarios. The next exercise will be held in 2008. EBMUD also recommends that the Facility have a copy of the Emergency Action Plan as a reference.

BIOLOGICAL RESOURCES

Although the Draft Tribal EIR states (p. 3D-11) an impact would be considered significant if it would result in the substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impediment to the use of native nursery sites, the document ignores the potential effects of a significant increase in vehicle traffic (5,927 weekday and 9,200 weekend Average Daily Trips) on off-reservation roads to wildlife species movement. The Draft Tribal EIR also ignores the effects of significant vehicle traffic increases on direct mortality of wildlife species.

The Draft Tribal EIR does not address but should include the impacts of the depletion and/or degradation of surface and groundwater resulting from the proposed project on the biological resources in the area.

As suggested in our June 2005 comments on the Draft Tribal EIR, deferring mitigations to a future date does not provide sufficient disclosure of potential significant

Patrick Blacklock
February 14, 2007
Page 3

environmental affects. For example, the Draft Tribal EIR states "A wetlands mitigation and monitoring plan will be prepared and implemented." However, it goes on to say that "No specific wetland mitigation sites have been identified in the study area." In addition, although the Draft Tribal EIR states there is a high potential for vernal pool fairy shrimp and implementation of Mitigation Measure BIO-6 would reduce this impact (undisclosed impact) to less than significant, Mitigation Measure BIO-6 only assumes consultation with the U.S. Fish and Wildlife Service and that mitigation credits would be likely.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

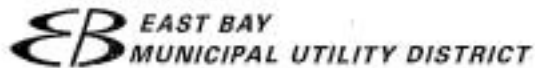


for William R. Kirkpatrick
Manager of Water Distribution Planning

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sb07_032.doc

Enclosure

cc: Rhonda L. Morningstar Pope, Tribal Chairwoman
Buena Vista Rancheria
P.O. Box 162283
Sacramento, CA 95816



June 24, 2005

Rhonda L. Morningstar Pope, Tribal Chairwoman
Draft Tribal EIR Comments
Buena Vista Rancheria
P.O. Box 162283
Sacramento, CA 95816

Re: Notice of Completion of a Draft Tribal Environmental Impact Report – Flying Cloud Gaming and Entertainment Facility, City of Ione, Amador County

Dear Ms. Morningstar Pope:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Tribal Environmental Impact Report (EIR) for the Flying Cloud Gaming and Entertainment Facility (Facility) in the City of Ione, Amador County. EBMUD has the following comments.

TRAFFIC

According to Section 5.15, *Transportation & Traffic*, it is assumed that traffic to the Facility is to be served by a combination of Amador and San Joaquin County roads and state highways. No reference or consideration of the traffic impacts to the mid-county roadways from Calaveras County, specifically Camanche South Parkway and Sandretto Road, is discussed in the Draft Tribal EIR. These are major roads between Amador and Calaveras counties and could be used to reach the proposed project site. Sandretto Road is a private road owned by EBMUD. It is open to public use contingent upon load requirements and speed limits being followed. EBMUD requests that a traffic survey and impact analysis be performed on Camanche South Parkway and Sandretto Road, and included in the Final Tribal EIR. Mitigations should be provided in the Tribal EIR for significant impacts to traffic volume and load.

WATER RESOURCES

On page 118, Section 5.8.2, *Environmental Setting – Water Resources*, the Draft Tribal EIR states, “The ephemeral drainages and swales of the south half of the Tribal lands flow to the south...and thence into Camanche Reservoir and the Mokelumne River.” Precipitation runoff into Camanche Reservoir is incorporated into the reservoir operations of maintaining thermal stratification and instream fish flows. The precipitation runoff quality should not be adversely impacted by the operations of the Facility.

EBMUD encourages the proposal for use of recycled water on the proposed site. However, as stated in the Draft Tribal EIR on page 119, Section 5.8.2.1, Wastewater Treatment, development of the options for disposition of wastewater effluent into on-site drainage may lead to reclaimed water moving off-site to non-Tribal lands and water ways. EBMUD would request as a mitigation measure and a condition of the surface water and waste discharge permits, that EBMUD be immediately notified of any adverse impact to runoff quality entering Camanche Reservoir.

On page 119, Section 5.8.2.2, Water Resources, the Draft Tribal EIR states that an option for providing potable water for the project is through the "...purchase of potable water from a public or private source off-site and conveyance to the site via pipeline...", such as Amador Water Agency. While EBMUD recognizes that the Buena Vista Rancheria of Me-Wuk Indians of California (Tribe) is considering a number of options for providing potable water to the project, the Draft Tribal EIR does not provide sufficient discussion of impacts related this option. EBMUD requests the Draft Tribal EIR include the way in which this option will be incorporated into the current Amador County water diversion, if this will lead to a more immediate increase of Amador County's Mokelumne River diversions, and how it will affect Amador County existing entitlements.

On page 121, Section 5.8.2.3 Drainage, the Draft Tribal EIR states, "The Tribe will develop a flood evacuation plan..." EBMUD, per their Federal Energy Regulatory Commission license requirements, coordinates the Emergency Action Plan for their Camanche and Pardee Dams. The proposed project site is in close proximity to the flood inundation area that could result from a possible failure of the Jackson Creek Spillway during a probable maximum flood. EBMUD recommends that the Facilities emergency personnel participate in the Mokelumne River Project Functional and Table Top Exercises, held every 5 years to evaluate response procedures to dam failure scenarios. The next exercise will be held in 2008. EBMUD also recommends that the Facility have a copy of the Emergency Action Plan as a reference.

On page 125, Section 5.8.5, Impacts and Mitigation Measures – Water Resources, Mitigation Measures 5.8-6 and 5.8-7 provide only for future studies and monitoring of potential impacts to groundwater levels. EBMUD understands that the Tribe is exploring several options for potable water for the project. However, impacts to groundwater resources and associated mitigation measures have been deferred to a later date and, therefore, uncertainties regarding the project's potential significant impacts on groundwater resources is unresolved. It is not clear if groundwater extraction for the project will impact base flow to local streams, which feed into the Mokelumne River and Camanche Reservoir. EBMUD requests that the Final Tribal EIR address potential impacts to groundwater resources and provide mitigation measures, as appropriate.

Rhonda L. Morningstar Pope
June 24, 2005
Page 2

BIOLOGICAL RESOURCES

Based on a review of Section 5.4, Biological Resources, the off-site impacts section for Biological Resources defers all off-site mitigation to be the responsibility of Amador County, when road widening and construction begins and that no specific mitigation measures will be developed until that time. Deferring impacts and mitigations to a future date does not provide sufficient disclosure of potential significant environmental affects. EBMUD requests that the mitigation measures for significant impacts to off-site biological resources be included in the Final Tribal EIR.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:JLM:sb
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cc: Patrick Blacklock
Amador County Administrative Agency
500 Argonaut Lane
Jackson, CA 95642-9534