



County of Amador

FEIS Comments Ione Band of Miwok Indians Land Transfer and Casino Project

County of Amador
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**Comments on the Final Environmental Impact Statement
for the Ione Band of Miwok Indians' 228.04-Acre
Fee-to-Trust Land Transfer and Casino Project**

To Whom It May Concern:

Amador County appreciates the opportunity to provide comments on the Final Environmental Impact Statement (FEIS) for the Ione Band of Miwok Indians 228.04-Acre Fee-to-Trust Land Transfer and Casino Project. These comments identify issues that need to be considered by the Bureau of Indian Affairs (BIA) in order to provide an FEIS that is compliant with NEPA for the proposed project.

General Comments

The mission of elected officials and staff of Amador County is to maintain and protect the quality of life for our residents. Our review of potential projects strives to ensure the safety of Amador County residents; maintain the quality of life for Amador County residents by protecting our infrastructure, environment, agriculture, historical integrity, and open space areas; and ensure the cost effective operation of County services without undue and unfair financial burdens on County residents. This mission underscores the importance of the environmental review process, which, as required by the National Environmental Policy Act (NEPA), must include an analysis of all of the direct and indirect environmental impacts of the proposed project alternatives.

In preparing comments on the Draft EIS in July 2008, the County identified and documented serious deficiencies in the Draft EIS. Much of the data included in the Draft EIS, including the technical appendices, was created in 2004. The FEIS includes updates to some of these data; however, much of the data remain outdated. For data that have been updated, significant changes have been made to the analysis that the public has been deprived of the opportunity to review and comment. For example, the updated traffic analysis included in Appendix M of the FEIS has been prepared by a completely different consulting firm (Dowling Associates) from the traffic report included in the Draft EIS (TY Lin International/CCS). Not surprisingly, the conclusions of the revised traffic analysis included in the FEIS differ substantially from those identified in the Draft EIS.

Traffic improvements that were required in the Draft EIS to mitigate significant traffic impacts have been removed from the FEIS (e.g., Preston /SR 124, Church/Main), intersection improvement requirements have been reduced (e.g., Sunrise Boulevard/SR 16), and new traffic improvements have been identified (e.g., widen SR 16 between Latrobe Road and SR 124 from two lanes to three lanes, and widen SR 16 between SR 124 and SR 49 from two lanes to four lanes). A roadway widening of the magnitude identified in the FEIS for SR 16 will clearly have significant environmental impacts that

have not been adequately disclosed in the FEIS. By ignoring significant Amador County roadway-segment impacts in the Draft EIS, disclosing these impacts in the FEIS, and then identifying a substantial roadway expansion that will require significant habitat removal, including the removal of numerous oak trees, the public disclosure requirements of NEPA have been clearly violated.

The Executive Summary included in the FEIS purports to identify the areas of controversy associated with the proposed project. Four areas of controversy are identified in the FEIS including water, problem gambling, crime, and traffic. The preparers of the FEIS clearly did not review the comments received during the Draft EIS scoping process or the comments received from responsible agencies and the public on the Draft EIS. As identified in these comments, almost all aspects of the proposed action are controversial and the dismissal of the public's concerns, as represented by this truncated list, undermines the credibility of the document.

The FEIS' pattern of reducing the mitigation commitments identified in the Draft EIS, which occurs throughout Chapter 5 of the FEIS, is inappropriate, disappointing and is inconsistent with the intent of NEPA. Activities that appeared to be a commitment now are modified by phrases such as "to the extent feasible," or "where feasible and when reasonable." No explanation is provided as to why this language has been inserted into the mitigation measures or who will determine if the mitigation measures are feasible or reasonable. This "watering-down" of the air quality mitigation measures substantially diminishes their effectiveness. The FEIS cannot reasonably assume that the project's significant impacts will continue to be reduced to a less-than-significant level with this awkward and inappropriate mitigation language revision.

Project Description and Alternatives

One of the most egregious deficiencies in the FEIS is related to the shifting descriptions of the project alternatives. For the three casino alternatives described in the Draft EIS, all included a casino building located directly adjacent to SR 49 with surface parking lots located to the north and east. However, the FEIS includes substantially divergent development scenarios for each of the casino alternatives.

For example, the description of Alternative A in the FEIS includes a site development plan that identifies the casino building located adjacent to SR 49 with surface parking (Figure 2-1). However, Figure 2-6 identifies a completely different development footprint with the main casino building located east of Village Drive and the development of a 5-story parking garage. The hotel and conference center, which would have been blocked to a large degree from SR 49 by the casino building are relocated to the north in a substantially more prominent location and the hotel tower would be clearly visible from SR 49. Alternatives B and C also include two conflicting site plans that have different development footprints and different development components (e.g., surface parking versus multi-story parking garages).

The FEIS references on page 2-5 that updated site plans and renderings are included in Appendix Y of the FEIS, but no explanation is provided in Chapter 2 as to why two radically different site plans are included for each of the casino alternatives. It is unclear, based on the conflicting site plans included in the FEIS, what project is actually being proposed. Without clarity regarding the actions being proposed, it is unreasonable for the Bureau of Indian Affairs to assume the public understands what action the Bureau will consider approving in the Record of Decision.

The site plan identified for Alternative A in Figure 2-6 of the FEIS includes a larger casino building, more parking spaces and a larger hotel/conference center than identified in the Draft EIS. The development footprint clearly extends further to the south, resulting in greater land disturbance and additional oak tree removal. However, the impact analysis included in Chapter 4.0 of the FEIS does not acknowledge these changes. The construction of a 5-story parking garage would have environmental impacts substantially different from those anticipated with surface parking (e.g., visual degradation, potential geotechnical instability, emergency vehicle access and evacuation). Nowhere in the FEIS are these impacts disclosed.

Land Resources

No Analysis of Effect of Wastewater Reservoir Construction on Floodplain – The FEIS response to the extensive concerns voiced by the County relative to the potential for dam failure is vague and not supported with any quantitative data. Our concerns regarding inundation in the event of dam failure remain. The FEIS response fails to justify the conclusion that construction of a 75-foot tall, 25-40 foot wide earthen dam would not be a significant impact to onsite topography.

Water Resources

Project Would Constitute 33 Percent of City's Water Supply – Water Supply Option 1 for the proposed project includes connecting to the City of Plymouth's municipal water supply system. In connecting to this system, the project is projected to use 33 percent of the City's average daily water supply during full buildout. However, no analysis is provided regarding the ability of the City's water system to meet this increased demand or the environmental impacts associated with allocating such a large volume of water to the proposed project. This increased water supply demand would have long-term implications on the City's ability to meet its own water supply requirements. The City's water is supplied from both surface and groundwater sources, and as described below, the City's groundwater resources are overdrafted. A 33 percent increase in City water demand could have serious impacts on the City's groundwater and surface water resources, particularly during prolonged droughts. The FEIS needs to include a much more detailed discussion of the City's municipal water supply system and what the long-term effects of the proposed project would be on this system.

Use of Existing Wells – Responses to comment L2-45 and L2-46 indicate use of wells and hauled water to be the preferred option. It is suggested that the Plymouth pipeline

would reduce groundwater demand by the City of Plymouth, offsetting potential impacts by the project. It is not clear that the location of the area impacted by wells serving the city coincides with the area potentially impacted by the project. There is no discussion of baseline conditions or potential impacts that may result from the project. The Draft EIS states that a groundwater monitoring program would be developed with BIA and USEPA (it appears that USEPA was stricken from section 5.2.3 (D) of the FEIS) to detect significant impacts to offsite wells. The threshold of significance is not defined.

Mitigation in the event of significant offsite impacts includes alteration of the Tribe's pumping regime, payment to have offsite wells deepened or replaced, connection of the impacted user to the tribe's water supply, having water hauled to the impacted user, and decreasing the tribe's reliance on groundwater and increased use of hauled water. No source is identified from which to haul water. There is no discussion of connection to a piped water supply as mitigation nor is curtailment or cessation of business mentioned as mitigation. There is no indication of whether hauled water was considered in the traffic analysis. The response to comment L2-55 does not realistically quantify potential truck trips for hauled water nor are sources identified from which to haul. Doing so would help evaluate whether there may be other impacts related to traffic congestion or safety concerns or to water availability from the identified source(s).

The U.S. Environmental Protection Agency (USEPA) stated in their comments on the Draft EIS that they had "Environmental Objections" and "Environmental Concerns" due to insufficient information being provided regarding the project's water supply and wastewater disposal options. USEPA states that, "The groundwater basin is currently in overdraft, and it is not clear from limited pump testing that there is sufficient long-term capacity to provide a reliable water source if recycled water use is not maximized. Additionally, based on our knowledge of Tribal experiences, the use of trucked water is not likely to be feasible and is not recommended." USEPA's concerns regarding the use of trucked water have been disregarded in the FEIS, as the project continues to assume the use of trucked water to offset the project's inadequate water supply.

USEPA raised concerns in their comment letter regarding the long-term reliability of the proposed groundwater supply due to a boundary condition that could affect long-term well performance. The Draft EIS indicates that groundwater on the project site primarily occurs in confined chambers at depth in the fractured bedrock zones, creating a unique groundwater chamber that allows for limited recharge from surface water infiltration. However, the long-term yields were calculated using an approach that assumes a significant percentage of recharge will reach the aquifer. This assumption is inappropriate.

Pumping Assumptions Are Not Supported – The FEIS does not directly address the potential for failure of one or more wells, nor does it provide a quantitative description of intended pumping rates and run time vs recovery time for the wells. The FEIS does not address the concern that the methodology used to estimate maximum daily and average daily water demand may result in underestimation of true water demand.

The FEIS response to comment L2-51 suggests reverse osmosis (RO) water treatment would produce approximately 10,000 gallons per day of brine which would be hauled to a treatment facility. More information should be provided documenting the efficiency of the RO unit, whether only a portion of the water supply is to be so treated, and where the brine would be disposed.

The FEIS response to comment L2-52 assumes that the wastewater treatment facility will at all times produce effluent compliant with Title 22 standards. It is unrealistic to expect any such system to be failsafe. The Thunder Valley Casino wastewater treatment plant is of a similar design and has had difficulty maintaining compliance. The wastewater facility serving the Jackson Rancheria, though not of a similar design, has undergone redesigns and expansions as problems developed necessitating significant offsite hauling of wastewater at times. Provision of reasonable storage or other alternatives to discharge and recycled water use in the event of noncompliance are not discussed.

The FEIS does not address the potential for impacts due to pumping two or three wells simultaneously. The Draft EIS assumed the use of rotational pumping of the project's groundwater wells to allow recharge of the groundwater wells to occur. This assumes that two of the three wells would be pumped continuously, on a rotational basis, to allow one well the opportunity to recover. However, with rotational pumping, the combined yield of the project wells would not be sufficient to meet the project's water demands.

The FEIS concludes that based on pump tests described in Appendix B, the combined long-term yield of the project's three proposed groundwater wells is 81 gallons per minute (gpm) or 116,640 gallons per day. The specific well yields are 10 gpm for Well M1, 37 gpm for Well M3, and 34 gpm for Well H1. In order to accommodate the proposed rotational pumping, the continuous well yields for two of the three wells, pumping continuously, would range from 44 gpm to 71 gpm, depending upon the individual wells being pumped. Table 6-1 included in Appendix B of the FEIS identifies the required pumping rate for Phase I of Alternative A as 75 gallons per minute (gpm) and for Phase II as 90 gpm. Based on the identified need in the Draft EIS for groundwater recharge to maintain the recommended well yields and the project's proposed use of rotational pumping to ensure this recharge occurs, the proposed groundwater pumping would be insufficient to meet the needs of both Phase I and Phase II of the Proposed Action (Alternative A).

The project proposes to supplement the groundwater supply by importing water to the project site in water tanker trucks. Based on the above water supply deficiency, between 3 and 27 water truck deliveries would be required per day during Phase I of the Proposed Action and between 14 and 33 water truck deliveries would be required per day during Phase II, assuming 2,000 gallons per truck. Depending upon this volume of water deliveries per day to supply the proposed casino and hotel complex would be unsustainable over the long-term, would result in unmitigated traffic impacts, and is inconsistent with good public policy.

Surface Discharge of Wastewater Could Degrade Local Surface Waters – The FEIS has not addressed concerns about degradation of surface waters. The response to comment L2-60 suggests that the existence of an NPDES permit will prevent water quality impacts. An NPDES permit allows direct discharge, significantly increasing the potential for water quality impacts in the event of plant upset or equipment malfunction. Such upset or malfunction may not be immediately recognized or, once discovered, may not be readily corrected. Recognition of potential impact and discussion of realistic mitigation is imperative.

Wastewater Disposal Impacts on Groundwater Quality Inadequately Evaluated – The FEIS response to comment L2-62 states that compliance with an NPDES permit for wastewater discharge would ensure that the treated effluent meets established water quality objectives. The FEIS fails to acknowledge that non-compliance is not an uncommon occurrence and that direct discharge of non-compliant wastewater poses a substantial risk to public health and the environment.

The response to comment L2-63 assumes that the area influenced by water supply wells for the City of Plymouth and the area influenced by supply wells for the project are identical. The text description within the document suggests otherwise; this inconsistency should be clarified and resolved.

The response to comment L2-64 should provide a better description of the details of the groundwater-monitoring program offered as mitigation including, but not limited to, a description of baseline conditions, water quality constituents to be monitored, significance thresholds triggering additional mitigation, and verification of success of the additional mitigation measures. The monitoring program should be subject to the oversight of a regulatory agency, not just the BIA; it appears the USEPA was stricken from section 5.2.3 (D) of the FEIS. The monitoring program should also be subject to review and input from the public.

The response to comment L2-65 does not provide information regarding the hydraulic capacity of the proposed disposal site. Appendix S provides a recommended maximum rate of 0.2 gallons per square foot per day for the application of tertiary treated wastewater for subsurface disposal. There is no recommended rate of application for spray application nor is there a clear description of the hydraulic capacity of the proposed disposal sites to document disposal capacity of spray fields and/or subsurface disposal.

Groundwater Impacts from Construction of Unlined Wastewater Reservoir Are Not Evaluated or Mitigated – The response to comment L2-66 indicates that potential impacts to groundwater quality were addressed in the geotechnical analysis, Appendix E. There is no information in that document addressing the concern that the unlined reservoir could impact groundwater quality. In the absence of a reservoir, lack of storage for non-compliant effluent in the event of plant upset is a concern.

The FEIS fails to address the potential for beneficial reuse of reclaimed water off-site.

The response to comment L2-70 cites regulatory and permitting standards that would apply to the wastewater treatment plant. The same or similar standards apply to other wastewater facilities, but this has neither guaranteed compliance nor prevented impacts. Non-compliance, sometimes resulting in adverse impacts to ground and surface waters, has been documented at wastewater treatment facilities within Amador County and throughout the state. This reality should be recognized by the preparer of the document, and some meaningful discussion of monitoring and true mitigation should be provided.

Air Quality

Mitigation Measures Have Been Modified To Become Essentially Meaningless – The Draft EIS includes specific mitigation measures to reduce the project’s anticipated significant air quality impacts. However, instead of being required, the text of both the construction and operational air quality mitigation measures has been modified in the FEIS to include the caveat, “where feasible and when reasonable.” No explanation is provided as to why this language has been inserted into the mitigation measures or who will determine if the mitigation measures are feasible or reasonable. This “watering-down” of the air quality mitigation measures substantially diminishes their effectiveness. The FEIS cannot reasonably assume that the project’s significant air quality impacts will continue to be reduced to a less-than-significant level with this mitigation language revision.

Libraries and Parks

Inadequate and Contradictory Assessment of Impacts to Libraries and Parks – As in the Draft EIS, the FEIS does not present any analysis or assessment of the extent of impacts to libraries or parks; it simply asserts on page L-41, without providing any substantiating analysis, that the potential impacts “would be less than significant because only a limited number of employees would reside in the area or relocate, and patrons would not frequent these facilities because of the entertainment nature of the proposed project.” This assumption that a limited number of employees would reside in the area or relocate is contradictory to statements elsewhere in the FEIS; specifically, the FEIS addresses impacts to local schools where they promise monetary contributions. The FEIS acknowledges that 819 new employees annually are expected to reside in Amador County, resulting in approximately 410 students requiring education from county schools (page 4.7-7). The County pointed out that elsewhere in the Draft EIS there were assertions regarding the likelihood of lower-paid employees seeking to relocate and that it would have an effect on library services but the FEIS ignores the County’s comments. A detailed assessment still needs to be performed to determine the impacts to libraries and parks. Furthermore, it is anticipated that if an assessment were performed, the impacts would likely extend beyond the Plymouth branch due to the fact that employees would reside throughout Amador County and may utilize other library facilities.

The FEIS similarly simply declares that the impacts to parks would be less-than-significant without performing an actual assessment. Furthermore, it is anticipated that if an assessment were performed, the impacts would likely extend beyond adjacent open

space and parks due to the fact that employees would reside throughout Amador County and may utilize other parks and park facilities. The assumption that patrons would not use county parks is unsubstantiated; on the contrary, patrons who are vacationing in Amador County because of the casino entertainment that is available may also use the local parks.

Finally, the County previously commented that the Draft EIS failed to specify proposed mitigation measures despite acknowledging that mitigation would be incorporated to reduce impacts to libraries and parks to a less-than-significant level. The FEIS response was simply to remove the statement “with incorporation of mitigation” and now claim that “this [impact on libraries and parks] is considered a less-than-significant impact” without providing a detailed analysis to support that claim. As stated above, the Tribe’s claim that a limited number of employees would reside in the area or relocate is contradictory to the Tribe’s statements provided elsewhere in the FEIS. A detailed assessment still needs to be performed to determine the impacts to libraries and parks. The Tribe should develop mitigation measures for libraries and parks after conducting a thorough analysis of need, or explain why no mitigation is necessary based on the results of that thorough analysis.

Problem and Pathological Gambling

Problem and Pathological Gaming Impacts Dismissed – The FEIS reiterates the limited, conclusory statements in the Draft EIS that the Proposed Project “is not expected to substantially increase the prevalence of problem gamblers.” No attempt was made to meaningfully address the numerous studies indicating contradictory results, nor was an attempt made to quantify the impacts of problem or pathological gambling on Amador County’s population or its social service network. The proposed contribution of \$10,000 not as mitigation but to provide resources to an unnamed organization to accommodate services that might be needed to address problem gambling is laughable. As pointed out in the County’s response to the Draft EIS, this amount would fund approximately 200 therapist hours, compared with the Tribe’s estimates of 3,400,000 patron visits per year. Almost all pathological gamblers seriously consider suicide. Sixty percent will commit a criminal offense, and twenty percent will appear before the judicial system. It is by no means obvious that more than a doubling of the local gambling facilities would not result in any marginal increase in social effects.

The gambling industry in California has grown exponentially over the last twenty years with the most substantial growth associated with the expansion of tribal casinos. Gambling revenues in California have risen since 1997 from \$2.5 billion to an estimated \$143 billion in 2003 (Associated Press, 2003; Dunstan, 1997). There are presently 53 tribal casinos with more than 54,000 slot machines operating throughout California. Estimates indicate that tribal gambling generates approximately \$5 billion dollars annually (Associated Press 2003). A small portion of this amount (3%) is directed to the State in the development of services for California’s problem gamblers. The FEIS’s proposed contribution of \$10,000 to provide resources to address problem gambling is

not a meaningful response to the social ills that the community will face: domestic violence, abuse, depression, homelessness, divorce and joblessness.

Crime

FEIS Ignores Substantial Increases in Crime Resulting From the Proposed Gaming Activities – The FEIS fails to address the increased crime that will occur with the Proposed Project. Based upon statistical comparisons with other identified casinos, reasonable estimates can be determined, but the FEIS has failed to do so. Instead of making a meaningful attempt to identify the nature and magnitude of increased crime, the FEIS makes unsupported statements that roving security patrols will prevent criminal activity, or that unidentified, to-be-negotiated payments to law enforcement will mitigate any increase in crime. The FEIS has failed to obtain and consider available statistics (such as statistics compiled by the Amador County Sheriff's Office showing a dramatic increase in criminal activity and ACSO response following the disbanding of the Jackson Rancheria Tribal Police Force), and has opted to fill the FEIS with vague statements indicating that impacts and mitigations cannot be identified at this time or are not available. These statements are inaccurate and demonstrative of an attempt to evade articulating impacts and identifying appropriate mitigations.

The FEIS makes the assertion that the presence of parking staff and unarmed security guards will reduce criminal activity. This is a preposterous assertion, one that is unsubstantiated and is easily refuted by readily available statistics, including the above-mentioned information relative to dramatic increases in criminal activity and calls to ACSO following the elimination of the Jackson Rancheria Tribal Police Force.

Loss of Tax Revenues – The FEIS makes statements to indicate that sales tax increases will generate sufficient revenues to off-set and mitigate other lost revenues. If the FEIS cannot reasonably identify the impacts created by its casino, it surely cannot project sufficient sales tax revenues being generated to off-set other lost revenues.

Smoking

No Analysis of Impact of Allowing Smoking in the Casino – The FEIS does not dispute the County's comments on the severity and importance of the health issues and costs that accompany second-hand smoking. However, the sole response is to state that the casino will post signs and hand out brochures.

In 2006, the California Air Resources Board classified secondhand smoke as a "Toxic Air Contaminant" in the same category as asbestos, cyanide, arsenic, and car exhaust which can lead to serious illness and death. Secondhand smoke seeps into and out of open windows and doors, shared ventilation systems, ceiling crawl spaces and gaps around electrical wiring, light fixtures, plumbing, ductwork and even baseboards. The U.S. Surgeon General says there is no safe level of exposure to secondhand smoke. Secondhand smoke exposure is toxic and causes cancer, heart disease, adult and childhood asthma and sudden infant death syndrome (SIDS). To assume that signs

posted in the lobby would mitigate a problem as serious as second-hand smoke would be laughable if it were not tragic.

Other Social Impacts

Need for Analysis of Social Costs – The County’s response to the Draft EIS detailed the numerous social costs associated with the Proposed Project and asked that they be reviewed, analyzed and mitigated. The FEIS did not address the increase in domestic violence incidents involving project patrons and employees as well as resulting services demands (law enforcement response, battered women’s shelter services, child welfare services, court intervention, probation, etc). Child abuse and neglect stemming from parent/guardian’s absences due to patronage at the project and/or subsequent behavior toward children because of gambling losses or increased consumption of alcohol were ignored. Likewise, the FEIS did not address the increases in elder abuse, particularly fiduciary abuse due to problem and/or pathological gambling, nor did it estimate the number of individuals and families who would require Cal Works or General Assistance as a result of loss of income due to gambling.

Child Care

Inadequate Response to Need for Child Care Facilities at the Casino – The FEIS does not address the impact regarding child care. The recent Child Care Needs Assessment for Amador County shows the overall unmet need for licensed child care in the County to be 58% overall – more than 1,000 children currently going without licensed care whom we estimate to need it because their parents are in the workforce. The overall demand for child care would surely increase if local residents with families are employed at the casino, and the demand for off-hour care would greatly increase.

The Jackson Rancheria showed foresight in providing child care for its employees, particularly by providing 24/7 care. It is unlikely that they would have been able to attract needed employees without providing such care. If the casino proposes to pull from the “local labor pool,” the children of those workers need to be cared for while they work. The existing supply of child care provides very little for evening, overnight and weekend care. The current system cannot absorb additional demand without additional facilities.

Transportation/Traffic

We have reviewed the transportation related elements of the FEIS and offer the following comments, intended to supplement our previous comments on *Final Traffic Study for: Ione Band of Miwok Indians – Casino/Hotel Proposal (Dowling Associates, Inc., November 2008)*:

1. The traffic count data used in the revised traffic impact study prepared by Dowling Associates, Inc. dated November 7, 2008 (the “TIA”) as well as the FEIS appears to be two years old. Typical industry standards recommend traffic counts be no more than one to two years old when the document goes through

the public review process. Traffic count data is used as the basis for existing and near-term scenarios. Utilization of baseline count data greater than one year old may not correctly identify base conditions and therefore not accurately identify significant traffic impacts and required mitigation measures.

2. In the FEIS, phase 1 and phase 2 are analyzed as years 2010 and 2013. Since the TIA is already two years old, the project opening years seem unlikely. Since ambient growth is utilized in determining future year traffic volumes, the analysis may misstate project impacts. The analysis must be revised to reflect more feasible opening years.
3. Based on our review of the *Amador County Regional Transportation Plan (RTP) Update* dated September 2004 and the *Amador County Traffic Study Guidelines* dated July 2006, acceptable level of service (LOS) should be modified to LOS D for the following study intersections:
 - SR 124/Shakeley Lane/Preston Avenue;
 - Preston Avenue/Main Street; and
 - Church Street/Main Street.

This comment applies to all analysis scenarios. Revise traffic analysis and determine based on applicable thresholds of significance if significant impacts are forecast, potentially requiring additional mitigation measures.

4. Based on our review of the *Amador County Regional Transportation Plan (RTP) Update* dated September 2004 and the *Amador County Traffic Study Guidelines* dated July 2006, acceptable LOS should be modified to LOS C for the study roadway segment of SR 49 between Main Casino Entrance and SR 49/SR 16 Junction. This comment applies to all analysis scenarios. Revise traffic analysis and determine based on applicable thresholds of significance if significant impacts are forecast, potentially requiring additional mitigation measures.
5. Based on our review of the *Amador County Regional Transportation Plan (RTP) Update* dated September 2004 and the *Amador County Traffic Study Guidelines* dated July 2006, acceptable LOS should be modified to LOS D for the following study roadway segments:
 - SR 124 between SR 16 and Tonzi Road;
 - SR 124 between Tonzi Road and SR 104;
 - SR 104 between SR 124 and Main Street;
 - SR 104 between Main Street and Church Street; and
 - SR 124 between Main Street and SR 88.

6. This comment applies to all analysis scenarios. Revise traffic analysis and determine based on applicable thresholds of significance if significant impacts are forecast, potentially requiring additional mitigation measures.
7. Cumulative conditions analysis analyzes year 2025 conditions. The current accepted cumulative year for Caltrans analysis is 2035. Since the majority of the study facilities are Caltrans facilities, the cumulative conditions analysis should be revised to present 2035 conditions. While Page 2 of the TIA indicates year 2035 analysis was prepared, all other long-range dates in the TIA use 2025. Please resolve the apparent discrepancy.
8. Page 20, based on Table 8, the deficient study roadway segment list is missing the segment of SR 16 between SR 124 and SR 49. Please update the traffic analysis accordingly.
9. Page 30, fourth paragraph explains the study intersection LOS was calculated using the TRAFFIX and Synchro software packages. Based on LOS analysis data contained in Appendix A, it seems as though TRAFFIX was the only software used for the LOS analysis. Please update the traffic analysis accordingly.
10. Page 27 and Page 41, the TIA indicates an ambient growth rate is utilized to derive year 2013 traffic volumes, however, no ambient growth rate is applied during derivation of year 2010 conditions. Please clarify and/or update the traffic analysis accordingly.
11. Page 51, the traffic analysis utilizes the *ITE Trip Generation Manual*, 7th Edition (2003) to estimate daily and peak hour hotel trips. Please update the analysis to utilize the more recent *ITE Trip Generation Manual*, 8th Edition (2008).
12. Page 53, provide trip rates for land uses where *ITE Trip Generation Manual* is referenced. The use of *ITE Trip Generation Manual*, 8th Edition (2008) may modify trip generation for the shopping center and hotel land uses.
13. Page 51, the last paragraph explains ITE Land Use Code 310 (Hotel) is utilized to calculate hotel trips while the footnotes in Tables 16 and 17 make reference to ITE Land Use Code 320 (Motel). Since the proposed use is a hotel, please update the trip generation tables to reflect ITE Land Use Code 310. This typographical item does not appear to change the trip generation calculations. Please revise accordingly.

Mitigation Measures Have Been Revised and Significantly Weakened – Traffic signals that were required in the Draft EIS to mitigate significant traffic impacts have been removed from the FEIS (e.g., Preston /SR 124, Church/Main), intersection improvement requirements have been reduced (e.g., Sunrise Boulevard/SR 16), and new traffic improvements have been identified (e.g., widen SR 16 between Latrobe Road and SR 124 from two lanes to three lanes, and widen SR 16 between SR 124 and SR 49 from two lanes to four lanes). A roadway widening of the magnitude identified in the FEIS for SR

16 will clearly have significant environmental impacts that have not been adequately disclosed in the FEIS. By ignoring significant Amador County roadway-segment impacts in the Draft EIS, disclosing these impacts in the FEIS, and then identifying a substantial roadway expansion that will require significant habitat removal, including the removal of numerous oak trees, the public disclosure requirements of NEPA have been clearly violated.

Text changes were made to the traffic mitigation measures in the FEIS that step back from the commitment to implement appropriate intersection and roadway improvements identified in the Draft EIS. The FEIS traffic mitigation measures include the following new language: “Actual funding mechanisms for impact mitigation shall be determined through negotiations at the time of project implementation.” By deferring the project’s commitment to funding traffic improvements to future negotiations, the effectiveness of the mitigation measures cannot be determined at this time and the FEIS cannot conclude that significant project traffic impacts will be reduced to a less-than-significant level when the Proposed Action is implemented.

Incorrect Categorization of Unapproved Projects as Approved Projects – In the FEIS, a number of unapproved projects were counted as approved projects, therefore skewing the Tribe’s fair share contribution. These matters are more particularly described in the comment letter from John Gedney, Chief, Office of Rural Planning and Administration, California Department of Transportation District 10 dated September 9, 2010. The comments and observations in this letter are incorporated herein by reference.

Land Use Patterns

Inadequate Analysis of Land Use Compatibility Issues; Project Inconsistency with General Plan and Zoning Designations – The FEIS response to the issue of inadequate analysis of land use compatibility issues is insufficient. The response continues to contend the project is “generally consistent with both local and county plans.” It overlooks the fact the “revised” Alternative A is now proposed to be located on land in the County’s jurisdiction, not the city’s jurisdiction; the impact of this change has not been addressed. A casino is not consistent with the County’s R-S, Residential-Suburban General Plan designation and the “R1A,” Single Family Residential and Agricultural zoning designation on the property where the casino facility is located. Moreover, the reference to inconsistency issues being addressed by mitigation measure 5.2.8AAA is completely wrong. That mitigation measure addresses road issues in an adjoining county and has nothing to do with mitigating parcels that are not consistent with local plans.

The response also does not address the potential effects of incompatible land uses between the casino and the existing and proposed land uses on neighboring properties. The response states the “FEIS states that there are certain parcels are [sic] not consistent with local plans” but is silent on the impacts on surrounding properties by placing an incompatible land use in an area designated for low density residential, agricultural and mining uses.

Incorrect Density and Allowed Use Assumptions – The FEIS is again incorrect in its discussion of density and allowed land uses. The “X,” Special Use District zoning does not allow anything with a use permit in the R-S, general plan designation. The uses allowed are those “not otherwise prohibited by law,” the law being the general plan, and so the uses must be consistent with the R-S designation. A hotel, commercial parking lot, and casino are not consistent with R-S. Appropriate uses listed are “single family residential, agricultural and schools, parks, etc.” The County’s zoning code was last updated in 2004, 2006 and 2007, not 2002 as stated in the EIS. The density for the R-S, general plan classification is 5 acres if served by a well (see Policy 23 of Land Use Element) and 1 acre if served by a public water supply. The R1A zone district parcel size minimum is 5 acre if the project is served by a well, and 1 acre if served by a public water supply (see County Code Section 19.24.045).

Other Resource Use Patterns

Failure to Evaluate Proposed Expansion of Mining Operations and Effects on Mineral Resources on the Project Site – The FEIS completely fails to address the fact that there is an application “on hold” to *expand* current mining operations onto what is now the proposed casino site. This factor, along with the fact the historic gold district runs through the eastern side of the property, indicates the existence of mineral resources of value on the property. No evaluation of the potential impacts has been provided.

Public Services – Water

FEIS Does Not Show Availability of Water from City of Plymouth – The response to comment L2-223 indicates that the preferred alternative would be use of groundwater wells (with some reliance on hauled water, per the text). Though not preferred, connection to the Amador Water Agency pipeline now supplying Plymouth has not been ruled out. Possible connection to this water source should be evaluated to determine what potential impacts exist and whether there may be appropriate mitigation.

Public Services – Wastewater

No Examination of Regional Alternatives – The response to comment L2-224 regarding lack of examination of regional wastewater alternatives suggests that this concept was addressed in the response to comment L2-38. It is not. The FEIS states that the Tribe has throughout the environmental review process expressed its willingness to enter into agreement with the City and/or County, but there is no documentation of any such contact or inquiry. Furthermore, the response to comment L2-225 restates determination to deal with wastewater on-site without exploring any regional alternative.

Public Services – Fire and Emergency Services

The FEIS Continues to Fail to Adequately Address Offsite Impacts to Fire and Emergency Service Providers – Mutual aid from an onsite casino department does not mitigate AFPD’s and other fire jurisdictions inability to handle the offsite call volume

caused by the Proposed Project. The suggested terms for a mutual aid agreement in Appendix F (4.4) provides for help only when requested by the responsible agency at an emergency situation requiring resources in excess of those at scene of the incident. This type of agreement works well when the responsible party has sufficient personnel and equipment at the scene to control an emergency until help arrives. That is not always the case in a rural county fire department staffed mainly with volunteers, who at times will have no resources available for a timely response to an emergency. In recognition of this factor, the fire agencies in Amador County are dispatched as needed by the Emergency Command Center regardless of jurisdiction, as a closest available resource until sufficient personnel and equipment to mitigate the emergency has arrived on scene. Any onsite tribal fire department must be included and participate in the existing dispatch system to help mitigate the impacts from increased offsite calls.

The response to the request to quantify the staffing level of the onsite fire station points to Section 2.0 of the FEIS, which states “The Tribal Fire Department would be staffed at a minimum, with three persons, 24 hours a day.” Appendix F (4.1) of the FEIS provides that initial fire/EMS response will be four persons. Clarification is needed.

Described Fire Command Center Is Too Small – The response states that the size of the proposed Fire Command Center is consistent with the International Building Code (Code). This is correct; Chapter 9 of the Code provides that a “Fire Command Center” be a minimum of 96 square feet. However a Fire Command Center is defined in the Code as “the principle attended or unattended location where the status of detection, alarm communications and control systems is displayed, and from which the system(s) can be manually controlled”, and is not intended to be used as a Fire/EMS dispatching and 911 coordination center as described in Appendix F (4.5) of the FEIS.

FEIS Appendix F (2.1) Applicable Code should be updated to reflect that the Proposed Project will comply with the latest editions of California codes in effect at the time of construction.

Public Services – Law Enforcement

Impact of Lack of Uniformed, Armed Tribal Police Force – The FEIS makes the assertion that the presence of parking staff and unarmed security guards will mitigate impacts to law enforcement to a less than significant level. This is a preposterous assertion, one which is easily refutable by readily available statistics. The FEIS goes further and states that the presence of armed tribal police reducing crime and reducing law enforcement impacts is unsubstantiated. This statement is completely inaccurate and can be substantiated by current statistical data collected by ACSO.

Increased Demand for Service from Amador County Sheriff’s Office – The FEIS states mitigation to the Sheriff’s Office will be made for the impacts within the City of Plymouth and at the Proposed Project. This is wholly insufficient as it fails to address the off-site impacts created by the Proposed Project, which have already been identified as significant and disclosed by the County based upon our experience with the Jackson Rancheria Casino.

The Law Enforcement Services Agreement between the ACSO and the City of Plymouth calls for the City to provide their \$100,000 COPS Grant monies to the ACSO for patrol and dispatch services. Due to ever increasing personnel costs, these funds only allow for 6/10 of a full-time deputy for police services to the City. These funds do not cover all other ACSO expenses incurred for police services including investigations, coroner, civil, jail, administration, etc. Additionally, forty five days after the signing of the gaming compact, the Amador County Sheriff's Office contract with the City of Plymouth terminates, thus mitigation for casino impacts in the City of Plymouth and those areas of the casino which are within the city limits may or may not be made to the Amador County Sheriff's Office.

With regard to facilities to house law enforcement agencies, the FEIS (Section 3.9.5) discusses a long abandoned facility that the ACSO shared with the local fire department, which was never adequate for the purpose. This section also discusses response time for both emergency and non-emergency calls for service. This information is based upon 6 year old data and therefore is no longer valid.

The FEIS (Section 3.9.5) discusses the history of the current ACSO jail facility and accurately describes the overcrowding issues we still face today. However, there is no discussion of the potential impacts to jail space, staffing or program needs to deal with the increased impacts caused by a Tribal casino that serves alcohol. Recent data shows that visitors to the current Jackson Rancheria, which does not serve alcohol, are directly responsible for over 10% of the daily ACSO jail population 24/7/365. Contrary to the FEIS, the ACSO and the County of Amador have been working with the state to acquire funding for the building of a new 165 bed jail facility and have acquired property for that purpose.

Mitigation Measures Included in the FEIS for Law Enforcement Are Wholly Inadequate – Throughout the FEIS, it is stated that the Tribe will negotiate fees to be paid to compensate for increased law enforcement services. Negotiating fees to be paid by the Tribe is not synonymous with mitigating impacts created by the Proposed Project. If the FEIS cannot reasonably identify the law enforcement impacts created by the Proposed Project, it cannot be reasonably assumed that sufficient mitigations will be provided.

Additionally, the FEIS implies that law enforcement impacts created by the Proposed Project are off-set by mitigations received from other area casinos. This is wholly unsubstantiated, inaccurate and inappropriate.

The mitigation measures included in the FEIS are non-specific, ambiguous and qualified by such terms as “where feasible and when reasonable,” without specifying who or how the determination is made that a mitigation is either “feasible” or “reasonable.”

Specific problems with law enforcement proposed mitigation measures are as follows:

- Item G states that the Tribe shall adopt a responsible alcohol beverage policy consisting of requesting identification and refusing to serve those who have had enough to drink. This policy would be discussed with both the ACSO and the CHP.

This is not a sufficient mitigation measure, as it is well documented that such policies do not substantially impact the number of drunk drivers that are arrested after leaving establishments with similar policies. The impacts of drunk drivers through accidents and injuries will have a significant impact on the resources of the ACSO, the CHP, as well as other emergency services such as fire, EMS, and the local hospital.

- Item H states that all parking areas will be well lit and patrolled by security guards and monitored by parking staff that will aid in the prevention of crime. While well intentioned, it is the experience of the ACSO that security, lighting, and even video surveillance, does not sufficiently mitigate the impact of crimes that are committed in or around parking areas. ACSO response will still be required on a routine basis.
- Item I states that exterior areas surrounding the gaming facilities shall have no loitering signs in place, be well lit, and patrolled by security guards to aid in the prevention of crimes related to loitering. It is unclear what crimes are being referred to; however, such mitigation efforts will be insufficient to significantly reduce the need for ACSO response to crimes that will occur in these areas.
- Item J states that the Tribe shall provide traffic control and signage and traffic control staff, when they feel it is appropriate, to reduce the impacts of offsite parking. Any offsite parking will create opportunities for criminal acts to take place away from the project site, even though they would still be related to the project operation and therefore require appropriate mitigation.
- Item K relates to impacts to non-ACSO county criminal justice agencies and states the Tribe shall negotiate in good faith to provide “reasonable payment” for services to mitigate impacts to these agencies. There is no further comment required other than the costs reimbursed must be actual costs of the necessary resources.
- Item L states that the Tribe shall make “reasonable payments” to the county to provide for 6.5 ACSO Deputies for 24/7 coverage plus necessary equipment. This item also calls for the Deputies to be based in Plymouth where in fact there is no suitable office space for them. The decision as to how to best deploy resources is at the determination of the Sheriff and no one else. It is not stated who makes the determination of what is reasonable payment. ACSO must receive actual cost reimbursement for those resources required to mitigate the impacts of this project.

Item L fails to address the impacts of this project on other aspects of the ACSO, including but not limited to, investigative services, coroner, jail impacts on bed space, fees and staffing, civil services, records processing etc. All of these impacts can be determined and also need to be mitigated.

Item L further fails to address the significant impacts on the ACSO for all off-site activities that will inevitably result from visitors traveling to and from the project site. These include increased vehicle accidents, coroners cases, crimes committed in transit, drunk driving, narcotics, etc. Recent experience has documented that such activities can double the number of ACSO Deputies provided for in this FEIS for mitigation.

- Item M states that the Tribe will provide payments to the CHP to mitigate the impacts on their operations. The number of CHP resources provided could impact the workload of the ACSO Deputies if they are insufficient.
- Item N states the Tribe will make a “reasonable contribution” to Amador County for the increased costs of emergency dispatching. All police, fire and medical dispatching is provided by the ACSO. The mitigation will also require the costs of new equipment, and perhaps new space needs as the current facility is already at capacity. Again the mitigation must be for actual costs associated with dispatching impacts caused by the project.

FEIS Does Not Adequately Address Impacts to Amador County District Attorney’s Office – The FEIS states that “Alternative A would have an impact on the caseload of the Amador District Attorney’s (DA) Office.” We agree. The FEIS continues that the District Attorney processes criminal referrals from the ACSO. Again, we agree, but that is only one agency that we receive criminal referrals from. Using our experience with the Jackson Rancheria as a reference, with the Plymouth casino we can expect to receive criminal referrals from the Jackson, Sutter Creek and Ione Police Departments, as well as the California Highway Patrol.

The FEIS appears to be only willing to consider crimes committed at the Plymouth casino in assessing impact to the ACDA, hence their continued recitation of data produced by the ACDA in the Draft EIS showing that of the County’s total of 1,248 criminal filings in 2003, 135 were committed *at the Jackson Rancheria*. However, as our office’s analysis of the total of 1,754 cases filed in 2007 indicates, at least 268 were directly associated with the Jackson Rancheria and represented 15.3% of our total 2007 caseload. The 2007 data represented a 100% increase over the 2003 Jackson Rancheria crime data used in the DEIS and is a more accurate reflection of actual impact.

The FEIS states that the “. . . impact from Alternative A is expected to be similar to that of the Jackson Rancheria.” This conclusion ignores the factors that the ACDA discussed in its response to the Draft EIS. Alternative A provides for a casino that will operate up to 2,000 slot machines and 40 gaming tables. In comparison, the Jackson Rancheria casino operates only 1,500 slot machines and slightly more gaming tables (44). The Plymouth casino will serve alcohol and the Jackson Rancheria does not. Undoubtedly, the presence of alcohol will increase

the number of casino-related criminal referrals, particularly for off-site vehicular offenses. Until recently, the Jackson Rancheria had a tribal police force in addition to 100 unarmed security guards. The proposed Plymouth casino will not have a tribal police force. As our office stated in the DEIS, the import of this fact is that the lack of a tribal police force may lead to an increase in calls to ACSO for assistance because the security guards are ill-equipped to handle situations that armed tribal police officers can handle. We will be unable to assess the impact that the disbanding of the Jackson Rancheria tribal police force has had on the number of calls to ACSO for assistance until mid-2011, when most of the casino-related criminal cases originating in 2010 have been resolved in court.

The mitigation measures described in the FEIS are vague, ambiguous and inadequate as applied to the ACDA. The Tribe's proposed Responsible Alcoholic Beverage Policy, while appreciated, will still allow the sale and consumption of alcohol. The FEIS still does not address where alcohol will be available within the Plymouth casino, hotel and convention center. Increased access to alcohol will increase consumption. The FEIS does not indicate what compensation they believe is reasonable payment in mitigation of impacts to the ACDA. The FEIS doesn't acknowledge what impacts it believes the Plymouth casino will create for the ACDA. The FEIS seeks to limit the true impacts to the ACDA by only considering on-site criminal activity—not off-site criminal activity that can be directly attributed to the casino. The Tribe changed their position in the FEIS to delete language indicating their agreement to annually review the amount of payment to the ACDA. This one-time payment approach ignores the fact that ACDA's cost of providing services will rise significantly over the life of the agreement thus assuring that the gap between the Plymouth casino's impact and adequate mitigation will continue to grow larger.

Impacts to Public Defender Services – The Draft EIS did not address impacts the casino will have on public defender (“PD”) services. The FEIS contains one conclusory statement in Section 4.9: The significant impacts anticipated to the ACSO and the ACDA would also result in significant impact to other County law enforcement services including the probation office, Public Defenders office, and to court services. Mitigation has been included in Section 5.2.9 to provide monetary compensation to reduce potential impacts.”

Although the FEIS has been updated in Sections 4.9 and 5.2.9 to include the PD's Office, the FEIS performs no analysis and provides no specific information on expected caseload increases or resulting staffing impacts. Acknowledging that there will be significant impacts but not specifically identifying those impacts is insufficient. Also, Appendix R estimates costs for the Amador County Sheriff's Office and Amador County District Attorney's office but fails to estimate costs for PD services.

With respect to Public Defender services, Section 5.2.9 of the FEIS specifically mentions only the PD's Office. The Tribe must acknowledge the specific distinction between the PD's Office and PD services. As explained in the County's comments provided on the DEIS, the County contracts for PD services so there will be impacts that will be felt by the PD's Office as well as the County for all PD services, including but not limited to costs associated with appointments made outside of the County's contracts for PD services, investigators, expert witnesses, psychological testing and any other legal

services the County is legally obligated to pay for under the “Public Defender” budget. Also, Appendix R estimates costs for the Amador County Sheriff’s Office and Amador County District Attorney’s office but fails to estimate costs for PD services.

Furthermore, no specific information is provided on County administrative staffing impacts. Acknowledging that there will be significant impacts but not specifically identifying those impacts is insufficient. The Tribe simply offers “Impacts to the County’s General Service Administration (GSA) would be mitigated through the funding measures identified in Section 5.2.9 of the FEIS for the specific law enforcement agencies that would potentially be impacted by the project alternatives.” GSA is not a law enforcement agency and the County’s administrative responsibilities as they relate to PD services in their entirety are not handled by law enforcement agencies.

(NOTE: Due to County reorganization in 2010, the responsibilities of GSA, as they relate to PD services, have shifted to the Public Services Agency.)

Impacts to Other Law Enforcement Programs Are Neither Assessed Nor Mitigated – Although Comment L2-294 is beyond those comments specific to PD services, the comment should be addressed here as it may affect mitigation of impacts to PD services. The Tribe asserts that since their patrons will be from other local casinos, mitigation will already be in place through mitigations provided by other casinos. While it might be assumed that *some* of their patrons would be from the local Jackson Rancheria casino (as that is the only casino currently operating in Amador County), there are no mitigation measures or compensation that is received for the impacts caused by the Jackson Rancheria specifically on PD services. Therefore, mitigation requirements for PD as well as other law enforcement services should not be predicated on the assumption that the impacts are mitigated by contributions from other venues. Furthermore, the cumulative effect of having multiple casinos in close proximity to one another would likely result in new impacts as patrons engage in “casino hopping”. Since the Tribe proposes to serve alcohol and patrons will be traveling between casinos, the resulting effect will be increased crime and traffic accidents occurring both on-and-off Tribal lands. These “new” impacts have not already been mitigated for.

Most importantly, the mitigations for law enforcement that were provided in the Draft EIS have now been watered down to insignificance by changes in the FEIS. Where previously it was proposed that the exact amount of compensation to mitigate the effects on law enforcement would be negotiated and subject to review each year, now the FEIS provides only that the Tribe will provide *reasonable* payment that will not be subject to review.

While the FEIS does acknowledge that there will be significant impacts to the Probation Department, there is no analysis of the nature or extent of those impacts. As above, the mitigation measures, although amended to include payment for Probation Department services, have been significantly weakened by a commitment only to “negotiate” for “reasonable” compensation, which is not subject to review if costs change.

The FEIS should describe in detail the functions and responsibilities of the ACSO, the CHP, local police departments, the Probation Department, the Public Defenders Office, and the Superior Court, as it has done for the ACDA’s Office in the Draft EIS.

Mitigation Measures for Impacts to Public Services Are Vague, Non-Specific, and Inadequate – Mitigation Measures 5.2.9 (J, K, L, M, and N) under Public Health and Safety all use negotiations with County and City agencies to determine the mitigations and “contributions” from the Tribe for various additional services that will be needed for the proposed action (Alternatives A-D). These mitigation measures lack any specific payment information and hold no guarantee that an agreement will be met in order to ensure that the project’s adverse effects are properly mitigated; therefore, the public cannot be assured that necessary services will be made available upon project completion.

Public Services – Miscellaneous

FEIS Does Not Evaluate Increased Demands on Health Care – The FEIS does not address the issue of increased demands on health care by simply stating that it will provide insurance coverage for its employees.

A review of the literature shows evidence of a strong correlation between low income wage earners and the need for local subsidized healthcare services. The US Department of Health & Human Services Agency for Healthcare Research & Quality states, “Among all non elderly full-time workers, insurance status varied by income. Full-time low income workers were less likely than full-time middle income workers and high income workers to have private health insurance coverage. Full-time low income workers were more likely than other groups to have public coverage or to be uninsured. The study further goes on to state that in 2005-2006, the subgroups with the lowest rates of private coverage (highest rates of uninsured) included: Hispanic, had less than a high school education, were not U.S. citizens or worked in leisure/hospitality/other services. The UC Berkeley Center for Labor Research and Education Research Brief, 2007, clearly illustrates these findings in the table below:

Source of Insurance Coverage by Income for Non-elderly in California, 2005

FPL	100-200% FPL	201-250% FPL	251-300% FPL	301%-400% FPL	Over 400% FPL
Employment Based	32.6%	55.2%	66.7%	74.2%	82.7%
Non employment (Individual based)	3.9%	6.8%	7.6%	7.1%	8.5%
Public Funded	36.7%	19.6%	13.6%	8.0%	3.0%
Uninsured	26.8%	18.4%	12.1%	10.7%	5.8%

The 2009 Family size and Annual Income Level Chart: 250 % of Federal Poverty Level (FPL) for a family of 4 is a yearly gross income of \$55,128, while a family of 6 can make

a yearly income up to \$73,836. The UCLA Center for Health Policy Research suggests that most Californians with incomes at or below 200% of the poverty level may not be able to contribute any resources toward their healthcare and that partial subsidies are needed for many families with incomes well above the 300% of the poverty line.

In 2006 the state of Wisconsin funded a study looking at the hidden cost of low-wage jobs and found that despite these families' commitment to work, the researchers found heavy reliance on public funding to make ends meet. The most important and expensive support to year-round working families is medical assistance, which accounted for 38% of the money. These costs are both hidden and public because the local community directly and indirectly pays in order to fill in the gap between what work pays and what families need in order to survive.

Low-income workers cause an increase in assistance, including health care assistance. This factor has not been recognized, analyzed or evaluated in the FEIS.

Disregard of Need for Hazardous Materials Emergency Response Team – The FEIS response to comment L2-310 is quite disturbing. Rejecting out of hand the possible need for a hazardous materials emergency response team for a facility of this size is irresponsible and exhibits a disregard both for the customers the Proposed Project intends to serve and the community in which the facility will be located.

Food Safety Issues Are Not Addressed – The response to comment L2-311 provides no additional information regarding food safety. Reference to Appendix U, Tribal Gaming Ordinance, provides no additional information. Food handling is inferred rather than explicit in the section 12 statement, “The Tribal Council shall adopt standards that assure adequate protection of the environment and the public health and safety.” The EIS should clarify what the standards are and how they will be implemented.

Noise

Incorrect Assumptions Regarding Noise Impacts on Nearby Residences and Businesses – The response to Comment L2-313 included in the FEIS ignores the project's noise impacts on residents and businesses located closer than 100 feet to the roadways affected by casino traffic. The response implies that the increase in noise levels attributable to project traffic at 100 feet would be the same at 50 feet and 25 feet because the baseline noise conditions would proportionally increase. However, no analysis is provided to support this assertion.

Noise levels clearly increase the closer a person is to the noise source so it is a specious argument to conclude that the increase in traffic noise associated with the project would be the same regardless of the distance to the receptor. Based on the high volume of traffic anticipated to be generated by the proposed project on local roadways, the noise analysis needs to specifically document the anticipated noise level increases for residents and businesses located in close proximity to the affected roadways and to identify specific mitigation measures to ensure these impacts are reduced to a less-than-significant level.

Hazards and Hazardous Materials

Newly Added Appendix O Does Not Address Acknowledged Hazardous Material Issues – Appendix O, Phase I Hazardous Materials Study, which was missing from the Draft EIS, has now been added. The Findings and Conclusions section of Appendix O acknowledges several exceedences for arsenic in bulk soil samples collected from mine tailings within the project boundary in 2008. It states that exceedences for arsenic are common in the foothills of Northern California but shows arsenic levels in three background samples to be 8 – 10 mg/kg. There is the potential that the Proposed Project may increase potential for exposure of the public to unsafe levels of arsenic. The document recommends placing a soil cap on the tailings and avoiding disturbance but there is no discussion of further investigation, sampling, or mitigation of areas planned for development. A Preliminary Endangerment Assessment is necessary to discover the extent and concentrations of constituents of concern and to evaluate the efficacy of any proposed mitigation before approving a project that exposes the public to dangerous levels of hazardous materials. These are serious issues that warrant recirculation of the Draft EIS, since the material was not provided until the FEIS was issued.

Aesthetics

New Project Increases Impacts to the County's Unique Visual Resources Beyond Draft EIS Impacts – Detailed comments were provided on the Draft EIS regarding the adverse impacts of the proposed casino and hotel/conference center on the unique visual resources located along the scenic State Route 49 corridor. The project would introduce a multi-story hotel, event center, surface parking lots, substantial casino infrastructure, and substantial changes in the site's topography within a predominantly rural area. The project would indisputably result in a significant change in the area's visual character and the visual mitigation measures identified in the Draft EIS do little to reduce this adverse impact. In response to the concerns raised by the County and other commenters, the FEIS concludes that the project's visual impacts would be minimized through the preservation of existing trees and vegetation. In other words, not every tree will be removed from the property, therefore, the impacts are not significant.

The FEIS states that the planting of landscaping will break up and soften the massing of the proposed casino building. However, this conclusion ignores the proposed height of the building and the proposed multi-story hotel. Due to the scale of the proposed facilities, there is no possible way for landscaping to screen the facilities from State Route 49.

In addition, the project footprint included in the Draft EIS has been substantially altered and a five-story parking garage has been added to the project, which would be directly visible from State Route 49 and from residents within the City of Plymouth. New project renderings are included in Appendix Y of the FEIS. Not only do these renderings directly conflict with the renderings included in Chapter 2 of the FEIS but they represent a completely different project that is clearly out of scale with the rural character of State

Route 49 in Amador County. It is inappropriate to respond to community concerns regarding a project's adverse visual impacts by substantially increasing the intensity, scale and massing of a project in the FEIS.