

# SECTION 5.0

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## MITIGATION MEASURES

### 5.1 INTRODUCTION

The Council on Environmental Quality (CEQ) NEPA Regulations require that mitigation measures be developed for all of a proposal's effects on the environment where it is feasible to do so (CEQ 46 Fed. Reg. 18026, 19a; 40 CFR Sections 1502.14(f) and 1502.16(h)). The NEPA Regulations define mitigation as "avoiding the impact altogether by not taking a certain action or parts of an action, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating, or restoring the affected environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, compensating for the impact by replacing or providing substitute resources or environments" (40 CFR Section 1508.20).

These principles have been applied to guide design and siting criteria for the alternatives. Where potential effects on the environment were identified in early stages of project design and Draft EIS preparation, appropriate changes in the project description were made to minimize or eliminate them. For example, a detention facility was designed to attenuate stormwater runoff flows that would result from increased impervious surfaces. Other applications of mitigation have been incorporated into the design of the alternatives and have been mentioned throughout the Draft EIS. Additionally, foreseen impacts were originally mitigated through a Mutual Services Agreement (MSA) between the City of Plymouth and the Tribe. However, the California Superior Court voided the MSA as an illegal contract, as provisions of the MSA indicate the City of Plymouth should have instigated a California Environmental Quality Act review of their actions of endorsing the Proposed Project and commitment to provide resources to the Tribe for the Proposed Project. Therefore, the Tribe has passed a Tribal Gaming Ordinance that incorporates the mitigation measures outlined in the voided MSA into Tribal ordinance. The following section provides measures to mitigate specific effects identified in the preparation of the Draft EIS. Mitigation measures have been identified where feasible to address specific effects regardless of whether they are considered "significant" (CEQ 46 Fed. Reg. 18026, 19a). These measures shall be financed and/or implemented following project approval.

To ensure that the mitigation measures recommended to reduce significant impacts to a less-than-significant level are enforceable, mitigation measures have either been included as an integral part

of the project description, required by Federal law, or enforceable by the National Indian Gaming Commission (NIGC) via the Tribal Gaming Ordinance. By incorporating mitigation conditions into the Tribal Gaming Ordinance, all project components including mitigation measures will be enforceable not only by the Tribe, but by the NIGC's oversight and enforcement authority as set out in 25 C.F.R. Parts 522, 571, 573, 575, and 577.

## **5.2 COMMITTED MITIGATION MEASURES**

### **5.2.1 INTRODUCTION**

The following regulatory requirements, mitigation measures, and recommended Best Management Practices (BMPs) would avoid, minimize, or mitigate adverse effects identified in **Section 4.0** to the existing environment as described in **Section 3.0**. Mitigation measures are grouped under each heading and the applicable alternative is identified.

### **5.2.2 LAND RESOURCES**

The following measures are recommended for Alternatives A, B, C and D and would reduce impacts to soils identified in **Section 4.2** to a less than significant level:

- A. In compliance with the Clean Water Act, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared that shall address water quality impacts associated with construction and operation of the project. Water quality control measures identified in the SWPPP shall include but not be limited to the following list. These measures shall be implemented where feasible.

#### ***GENERAL CONSTRUCTION ACTIVITIES***

1. Existing vegetation shall be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
2. Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary revegetation, rock bag dams, and sediment traps) shall be employed for disturbed areas.
3. No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
4. Construction area entrances and exits shall be stabilized with crushed aggregate.
5. Sediment shall be retained on-site by a system of sediment basins, traps, or other appropriate measures.

6. A spill prevention and countermeasure plan shall be developed, if necessary, which shall identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on-site.
7. Petroleum products shall be stored, handled, used, and disposed of properly.
8. Construction materials, including topsoil and chemicals shall be stored, covered, and isolated to prevent runoff losses and contamination of groundwater.
9. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff.
10. Sanitary facilities shall be provided for construction workers.
11. Disposal facilities shall be provided for soil wastes, including excess asphalt produced during construction.
12. The Tribe shall educate all workers in the proper handling, use, cleanup, and disposal of all chemical materials used during construction activities and provide appropriate facilities to store and isolate contaminants.
13. The Tribe shall educate all contractors involved in the project on the potential environmental damages resulting from soil erosion prior to development by conducting a pre-construction conference. Copies of the project's erosion control plan shall be distributed at this time. All construction bid packages; contracts, plans and specifications shall contain language that requires adherence to the plan.
14. Construction activities shall be scheduled to minimize land disturbance during peak runoff periods. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff.
15. Creating construction zones and grading only one part of a construction zone at a time shall minimize exposed areas. If possible, grading on a particular zone shall be delayed until protective cover is restored on the previously graded zone.
16. Utility installations shall be coordinated to limit the number of excavations.
17. Preserving as much natural cover, topography, and drainage as possible shall protect disturbed soils from rainfall during construction. Trees and shrubs shall not be removed unnecessarily.
18. Disturbed areas shall be stabilized as promptly as possible, especially on long or steep slopes. Recommended plant materials and mulches shall be used to establish protective ground cover. Vegetation such as fast-growing annual and perennial

grasses shall be used to shield and bind the soil. Mulches and artificial binders shall be used until vegetation is established. Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment onto State Route (SR) 49.

19. Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage outlets. Surface roughening, berms, check dams, hay bales, or similar devices shall be used to reduce runoff velocity and erosion.
20. Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out.
21. Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events.
22. All necessary permits and approvals shall be obtained, including a National Pollutant Discharge Elimination System (NPDES) Phase II General Permit for Storm Water Discharges from Construction Activities.

**GENERAL OPERATION MEASURES**

23. Storm drains shall be equipped with silt and oil traps to remove oils, debris, and other pollutants. Storm drain inlets shall also be labeled “No Dumping–Drains to Streams and Rivers.”
24. The parking lot shall be designed to allow storm water runoff to be directed to vegetative filter strips to help control sediment and to control non-point source pollution, where possible.
25. Permanent energy dissipaters shall be included for drainage outlets.
26. The Tribe shall create, utilize, and update as necessary a maintenance plan for all Best Management Practices (BMPs).

The following measures are recommended for the construction of the reclaimed water reservoir proposed for Option 1 for treated effluent disposal for Alternatives A, B, and C, and would

reduce impacts from geological, soil, and seismic hazards identified in **Section 4.2** to a less than significant level:

- B. The recommendations within the geotechnical study (**Appendix E**) for the treated wastewater reservoir will be incorporated into the project description to reduce potential impacts to land resources and from geological and seismic hazards, and include the following:
1. The existing fill, alluvium and residual soil are not considered suitable foundation materials for the embankment dam. Fill materials generally consists of excavated and weathered Mariposa Formation, with fragments that are slightly clayey, silty, sandy angular gravel with cobble-sized, angular rock fragments. The materials shall be completely removed within the footprint of the embankment.
  2. The upper, weathered portion of the Mariposa formation shall be removed to expose sound, relatively unweathered bedrock.
  3. The exposed rock surface shall be cleaned of all loose fragments, including semidetached surface blocks of rock spanning relatively open crevices. Projecting knobs of rock shall be removed to facilitate operation of compaction equipment and to avoid differential settlement.
  4. Cracks, joints, and openings shall be filled with mortar or lean concrete according to the width of opening. The treatment of rock defects should not result in layers of grout or gunite that cover surface areas of sound rock, since they might crack under subsequent fill placement and compaction operations.
  5. Some adverse bedding conditions may be exposed with foundation and abutment excavations. If these conditions are exposed, additional pinning and grouting may be necessary.
  6. A cut-off trench to control under-seepage may be necessary depending on the design of the dam. The cutoff trench would likely be excavated four to six feet into the relatively unweathered portion of the Mariposa formation. The width of the cut-off trench is typically half the height of the dam, with a minimum width of 14 feet.

7. Based on an expected dam height of 75 feet, the top width of the dam shall be between 25 and 45 feet. Narrower top widths may be suitable, if approved by the dam designer.
8. Assuming an earth or rock-fill dam with an impermeable core, the upstream embankment shell shall be inclined at 3:1 (horizontal to vertical) or flatter. The downstream embankment shell may be inclined at 2:1 or flatter. These inclinations are considered conservative estimates for planning purposes. Final inclinations shall be based on reservoir design operating conditions, material source laboratory test results and detailed slope stability analyses. Other conditions, such as required widths of the core, filter and transition zones may dictate flatter slopes.
9. The Tribe shall submit the final dam design to the BIA for review and approval prior to construction. The BIA shall review the design in cooperation with the Bureau of Reclamation based on the Bureau of Reclamation standard design guidelines.
10. Based on the BIA's downstream hazard classification, an Operation and Maintenance Program may be required to promote the safety of people and property downstream. If required, the Tribe shall enter into a Memorandum of Agreement (MOA) with the BIA to implement an Operation and Maintenance Program for the life of the dam.
11. Prior to design and construction, a detailed design-level, geotechnical investigation must be completed by the Tribe to determine final design parameters.

### **5.2.3 WATER RESOURCES**

#### ***SURFACE WATER QUALITY***

The following measures are recommended for Alternatives A, B, C and D and would reduce impacts to surface water quality from construction and operation, as identified in **Section 4.3**, to a less than significant level:

- A. In compliance with the Clean Water Act, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared that shall address water quality impacts associated with construction and operation of the project. These measures are identified above in measure 5.2.2.A.

The following measures are recommended for Option 2 of treated effluent disposal proposed for Alternatives A, B, C and D and would reduce impacts to surface water quality from construction and operation of the wastewater reservoir as identified in **Section 4.3** to a less than significant level:

- B. An NPDES permit shall be obtained for discharge of treated effluent into the Waters of the U.S, including storage within the reservoir.

***GROUNDWATER USE***

The following measures are recommended for water supply Option 2 proposed for Alternatives A, B, C and D and would reduce impacts to groundwater as identified in **Section 4.3** to a less than significant level:

- C. If water supply Option 2 is selected, the Tribe shall develop and implement a groundwater-monitoring program in consultation with the BIA and USEPA. The purpose of the program shall be to monitor groundwater levels to determine if the Tribe's groundwater pumping practices are significantly affecting an off-site user of groundwater. In order to monitor groundwater levels the Tribe shall equip a number of existing wells on the project site as monitoring wells. These wells shall not be used for groundwater supply. Monitoring wells shall be in place prior to the commencement of groundwater pumping and measurements collected to establish pre-project baseline groundwater levels. The Tribe may also develop additional monitoring wells if it is determined that the existing wells are insufficient. The monitoring plan shall identify the number of monitoring wells, the frequency and duration of monitoring, reporting requirements, and the selection of contractors to conduct the monitoring and prepare monitoring reports.

If it is determined that off-site wells are significantly affected by the Tribe's pumping practices, the Tribe shall undertake one or more of the following measures:

1. The Tribe may alter its groundwater-pumping regime. This may include increasing the resting period or decreasing pumping rate of individual wells.
2. The Tribe may pay for an off-site user's well to be drilled deeper in order to recover pre-project consumptive use that was reduced or lost as the result of the Tribe's pumping practice.
3. The Tribe may pay for the development of a new well to replace an off-site user's existing well that is no longer able to supply pre-project consumptive use as the result of the Tribe's pumping practice.

4. The Tribe may replace the water used by off-site user that is lost as the result of the Tribe's pumping practice by either connection to the Tribe's water supply or through the import of water via tanker truck.
  5. The Tribe may decrease the project's reliance on groundwater and increase the importation of water via tanker truck.
- D. If water supply Option 2 is selected, the three wells for obtaining groundwater shall be pumped in rotation to allow for recharge of the aquifer.

### ***GROUNDWATER QUALITY***

The following measures are recommended for Alternatives A, B, C and D and would reduce impacts to groundwater quality as identified in **Section 4.3** to a less than significant level:

- E. A sampling and monitoring program for the wastewater treatment plant shall be developed and implemented with oversight from USEPA in accordance with the Clean Water Act. Treated effluent shall be monitored to determine the efficacy of the treatment process and to assure compliance with the NPDES permit and Title 22.

### **5.2.4 AIR QUALITY**

The following BMPs are recommended for Alternatives A, B, C, and D to minimize the emission from construction activities and operation identified in **Section 5.4**:

#### ***CONSTRUCTION***

The following mitigation is required for demolition activities involved during the construction of Alternatives A through D:

- A. The Tribe will follow US Environmental Protection Agency, Region 9, reporting and operating requirements in compliance with the National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos as regulated under the Federal Clean Air Act.
- B. The Tribe shall control emissions of volatile organic compounds (VOC{ XE "VOC" }), nitrogen oxides (NOx{ XE "NOx" }), sulfur oxides (SOx{ XE "SOx" }), and carbon monoxide (CO{ XE "CO" }) whenever reasonable and practicable by requiring all diesel-powered equipment be properly maintained and minimize idle time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would



be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions.

**OPERATION**

- C. The Tribe shall provide on-site pedestrian facility enhancements such as walkways, benches, property lighting, and building access, which are physically separated from parking lot traffic.
- D. Emissions associated with operation of the facility shall be reduced by requiring buses arriving at the project site to turn off their engines if the bus is not going to be operated for a 10-minute period of time.
- E. The Tribe shall encourage and facilitate the use of ‘carpools’ by construction workers, facility employees, and patrons. Encouraging and facilitating carpools would reduce the number of trips to and from the casino-hotel, which would reduce operational emissions.
- F. The loading dock at the casino-hotel will provide electrical outlets to refrigeration trucks. By providing electrical outlets to refrigeration trucks they will not need to idle, thus reducing emissions.

**5.2.5 BIOLOGICAL RESOURCES**

The following mitigation measures are recommended for Alternatives A, B, C and D to reduce potential impacts to habitats, waters of the U.S., special-status species, and migratory birds to a less than significant level:

**HABITATS**

- A. Project site plans shall be modified to avoid or minimize impacts to oak trees to the extent feasible. During construction, oak trees that are not to be considered impacted shall be enclosed in four-foot-high temporary construction fencing, installed at least one foot outside the dripline of all oak trees located in the vicinity of active construction. Encroachment into fenced areas shall not be permitted until all construction has been completed.
- B. Removal of oak trees with a diameter at breast height (dbh) of 5 inches or greater, shall be avoided to the extent feasible. If avoidance is not possible, oak trees with a dbh between 5 inches and 24 inches shall be replaced at a 2:1 ratio and oak trees with a dbh greater than 24 inches shall be replaced at a 3:1 ratio. Replacement plantings shall be monitored for 7 years, consistent with Section 21083.4 of the Public Resources Code. Any failed oak tree plantings shall be replaced.

- C. Project site plans shall be modified to avoid or minimize impacts to riparian woodland habitat to the extent feasible. Temporary fencing shall be installed around riparian woodland habitat outside of construction areas. Fencing shall remain in place until all construction activities within the vicinity of the protected riparian area are complete. Impacted riparian areas shall be either restored or mitigated for by enhancement of riparian habitat within the property at a 1:1 ratio. Restored and/or enhanced riparian woodland habitats shall be monitored for a period of 5 years.
- D. Invasive plant species of concern for Amador County and the State of California shall not be used for landscaping development of the proposed project. Management of the spray fields for wastewater disposal shall be conducted in a way that will discourage the growth of exotic and invasive plant species. Horticultural species of concern in Amador County and the State of California that shall not be included for use in the landscaping plan include, but are not limited to: iceplant (*Carpobrotus edulis*), periwinkle (*Vinca major*), all brooms (*Cytisus* spp., *Spartium* spp.), pampasgrass (*Cortadaria selloana*), cottoncaster (*Cotoneaster* spp.), scarlet wisteria (*Sesbania punicea*), English and Algerian Ivy (*Hedera* spp.), black acacia (*Acacia melanoxylon*), Russian olive (*Elagnus angustifolia*), *Myoporum laetum*, black locust (*Robinia pseudoacacia*), Chinese tallow tree (*Sapium sebiferum*), Brazilian and Peruvian pepper tree (*Schinus terebinthifolius* and *S. molle*), and fountain grass (*Pennisetum setaceum*).

#### **WATERS OF THE U.S.**

- E. A formal delineation of waters of the U.S. occurring within the proposed project area shall be submitted to the U.S. Army Corps of Engineers (USACE) for verification.
- F. Project site plans shall be modified to avoid or minimize impacts to jurisdictional waters of the U. S. and wetland habitats to the extent feasible.
- G. A Department of the Army permit shall be obtained from the USACE prior to the discharge of any dredged or fill material within jurisdictional wetlands and other waters of the U.S. In addition, Water Quality Certification shall be obtained from the U.S. Environmental Protection Agency (EPA).
- H. Unavoidable impacts to waters of the U.S., including wetlands and wetland habitat, shall be mitigated by creating or restoring wetland habitats either on-site or at an appropriate off-site location. Compensatory mitigation shall occur at a minimum of 1:1 ratio and shall be approved by the USACE prior to any discharge into jurisdictional features. A wetland restoration plan shall be prepared by a qualified biologist for any

wetland habitat to be created or restored on-site. The restoration plan will describe the mitigation ratio, location of restoration, size and type of native vegetation to be used, and a monitoring and maintenance schedule. Off-site mitigation shall be conducted through the purchase of credits from a mitigation bank.

- I. Construction activities in the vicinity of any jurisdictional features shall be conducted during the dry season to minimize erosion.
- J. Temporary fencing shall be installed around wetland and intermittent drainage features and associated riparian woodland that is outside of the construction area. Fencing shall be located as far as feasible from the edge of wetlands and riparian habitats and installed prior to any construction. The fencing shall remain in place until all construction activities have been completed.
- K. Staging areas shall be located away from the areas of wetland, intermittent drainage and riparian habitat that are fenced-off. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be used on-site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. tarps, silt fences, straw bales).
- L. BMPs shall be employed by the construction contractor to prevent the accidental release of fuel, oil, lubricant, or other hazardous materials associated with construction activities into jurisdictional features. As part of the project's NPDES permit, a contaminant program shall be developed and implemented in the event of release of hazardous materials.

***SPECIAL-STATUS SPECIES***

- M. A Site Assessment for California tiger salamander (CTS; *Ambystoma californiense*) habitat is pending submittal to the U.S. Fish and Wildlife Service (USFWS). If the USFWS determines that potential habitat for the CTS occurs within the project site, measures recommended by the USFWS, including conducting protocol level surveys, shall be adhered to.

***MIGRATORY BIRDS***

- N. If tree disturbance or other project-related activities are to occur during the nesting season (approximately March – September), pre-construction surveys for nesting migratory bird and raptor species, including the tricolored blackbird (*Agelaius tricolor*), shall be conducted within 500 feet of the proposed construction areas by a qualified

biologist. If active nests are identified in these areas, the USFWS shall be consulted to develop measures to avoid any “take” of active nests prior to commencing tree removal or project related activities. Avoidance measures may include the establishment of buffers and biological monitoring. If active nests are identified within trees proposed for removal or disturbance, such acts shall be postponed until after the nesting season or after a qualified biologist had determined that the young have fledged and are independent of the nest site.

#### ***OFF-SITE ROADWAY IMPROVEMENTS***

- O. The Tribe shall contribute to the funding of the environmental review and mitigation for traffic improvements identified in **Section 5.2.8**. The contribution shall be based on the amount of traffic generated by land uses on the 228.04± acre site as a percentage of the overall traffic volume. In the case of improvements that are identified within this document as the sole responsibility of the Tribe, the Tribe’s contribution must provide 100-percent of the necessary funds. The Tribe’s contribution shall include the cost of preparing environmental documents and the cost of mitigation for biological resources, including but not limited to purchases of land, contributions to mitigation banks or programs, and restoration of habitat. The Tribe’s contribution shall be provided to the agency undertaking the improvement (e.g. Caltrans, Amador County, City of Plymouth).

#### **5.2.6 CULTURAL RESOURCES**

The following mitigation measures are recommended for Alternatives A, B, C and D to reduce potential impacts to previously unknown archaeological sites, including the potential for human remains during construction:

- A. In the event of any inadvertent discovery of archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR 800). Once the land has been taken into trust for the Tribe, the inadvertent discovery of archaeological resources would also be subject to the Native American Graves Protection and Repatriation Act (25 USC 3001 et seq.) and the Archaeological Resources Protection Act of 1979 (16 USC 470 aa-mm). Specifically, procedures for post-review discoveries without prior planning found in 36 CFR 800.13 shall be followed. The following shall apply to the inadvertent discovery of both archaeological and paleontological resources: All work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist as appropriate, can assess the significance of the find. If any find is determined to be significant by the archaeologist, or the

paleontologist, then representatives of the Tribe and BIA shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action.

- B. If human remains are discovered during ground-disturbing activities on Tribal lands, pursuant to the Native American Graves Protection and Repatriation Act and the implementing regulations found at 43 CFR 10 Section 10.4, *Inadvertent Discoveries*, the County coroner, the Tribal Official and the BIA representative shall be contacted immediately (on non-Tribal land, the BIA representative does not need to be called). No further disturbance shall occur until the County coroner, Tribal Official, and BIA representative have made the necessary findings as to the origin and disposition (on non-tribal land, no BIA representative is present). If the remains are determined to be of Native American origin, the coroner shall notify the Native American Heritage Commission, which shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods
- C. Implementation of **Mitigation Measure 5.2.5.O** will reduce impacts associated with off-site roadway improvements and potential impacts to cultural resources.

### 5.2.7 SOCIOECONOMIC CONDITIONS

The following mitigation measures are recommended for Alternatives A, B, and C:

- A. The Tribe shall pay an annual contribution of \$10,000 to an organization or organizations mutually agreed upon by the Tribe and the BIA to address problem gambling issues.

The following mitigation measures are recommended for Alternatives A, B, C and D:

- B. The Tribe shall negotiate in good faith with the City of Plymouth and Amador County regarding monetary compensation of the impact of the Tribe's intended use of its trust lands. Monetary compensation shall be in the form of either a one-time payment or annual payments, as determined appropriate during good faith negotiations. The exact amount of compensation shall be negotiated. The amount of payment shall be subject to annual review.
- C. The Tribe will develop and implementation of a housing program to address the availability of affordable housing within Amador County. The housing program would coordinate its activities with Amador County and the City of Plymouth in order to further countywide planning efforts.

The following mitigation measure is recommended for Alternative A:

- D. The Tribe shall contribute to school impact fee revenues to mitigate potential fiscal effects to the Amador County Unified School District by paying a one-time payment of \$107,610 to the School District.

The following mitigation measure is recommended for Alternative B:

- E. The Tribe shall contribute to school impact fee revenues to mitigate potential fiscal effects to the Amador County Unified School District by paying a one-time payment of \$101,065 to the School District.

The following mitigation measure is recommended for Alternative C:

- F. The Tribe shall contribute to school impact fee revenues to mitigate potential fiscal effects to the Amador County Unified School District by paying a one-time payment of \$41,905 to the School District.

The following mitigation measure is recommended for Alternative D:

- G. The Tribe shall contribute to school impact fee revenues to mitigate potential fiscal effects to the Amador County Unified School District by paying a one-time payment of \$26,945 to the School District.

## **5.2.8 RESOURCE USE PATTERNS**

### ***TRANSPORTATION***

#### ***Access***

- A. Access from the northern intersection of Village Drive would be limited to right-in/right-out movements.
- B. The Tribe shall require at least three Tribal security personnel to be educated in traffic control procedures. These security personnel will perform traffic control at the access roads during special events at the event center to make sure that when fire/emergency vehicles need to leave the site, traffic control is provided at the exit of the service entrance to allow smooth movement of emergency vehicles.

**Construction**

- C. A Traffic Management Plan (TMP) shall be prepared to identify which lanes require closure, where night construction is proposed, and other standards set forth in the *Manual on Uniform Traffic Control Devices for Streets and Highways* (US DOT FHWA, 2003). The TMP shall be submitted to each affected local jurisdiction and/or agency.
- D. Prior to the finalization of construction plans, the Tribe shall work to notify all potentially affected parties in the immediate vicinity of the project site. Notification shall include a construction schedule, exact location of construction activities, duration of construction period, and alternative access provisions.
- E. Also prior to the finalization of construction plans, the Tribe shall work with emergency service providers to avoid restricting emergency response service. Police, fire, ambulance, and other emergency response providers shall be notified in advance of the construction schedule, exact location of construction activities, duration of construction period, and any access restrictions that could impact emergency response services. Traffic Management Plans shall include details regarding emergency service coordination. Copies of the TMPs shall be provided to all affected emergency service providers.

**Operation**

Each mitigation measure indicates whether the Tribe is responsible for paying for a proportionate share of the mitigation cost or the full mitigation cost. A proportionate share is appropriate when the level of service (LOS) at the study intersection or roadway segment is recorded as an unacceptable LOS without the project trips added in. The Tribe shall be responsible for the impact that the added project trips generate. This impact is calculated as a proportionate share of the costs involved for construction of the mitigation measure. The proportionate share is derived from the percentage that the added project trips contribute to the new total trips at each specific study intersection and roadway segment. The percentage determined from this calculation is the proportionate share percentage. In this case, the Tribe shall be responsible for that proportionate percentage of the total cost to construct the mitigation measure.

The full mitigation costs are applicable when the LOS at the study intersection or roadway segment is recorded as an acceptable LOS without the project trips added in and the addition of the project trips result in an unacceptable LOS at the intersection or roadway segment. In this case, the Tribe shall be responsible for full payment of the costs to construct the mitigation measure.

Construction timing of the below-listed mitigation measures varies for measures where the Tribe is responsible for full costs as opposed to where they are responsible for a proportionate share of the mitigation costs. When the Tribe is responsible for paying the full costs, the improvements shall be constructed and funded when the need is first realized. When the Tribe is responsible for paying a proportionate share of the costs, the improvements shall be constructed when the applicable jurisdiction initiates or, in the case of already identified projects, begins specific improvement projects.

*Alternative A*

For Alternative A's project intersections, the following mitigation measures would improve the LOS to an acceptable level and the Tribe is responsible for paying the full mitigation cost:

- F. SR 49 and Project Driveway. Signalize the intersection and split out the southbound approach combined through/left-turn lane into an exclusive left-turn lane and an exclusive through lane. As part of the intersection design, the northern Village Drive connection with SR 49 shall be restricted to right-in/right-out movements enforced by a raised median that would extend from the northern project driveway to just south of the northern Village Drive intersection. The southern Village Drive intersection shall continue to allow all vehicular movement.
  
- G. SR 49 and Service Access Driveway. Signalize the intersection.

The following mitigation measures would improve the level of service for project intersections to an acceptable level reducing project impacts to a less-than-significant level and are measures that the Tribe is responsible for paying a proportionate share of the mitigation cost:

- H. SR 16 west of Old Sacramento Road. Based on traffic projections in the cumulative condition, this roadway segment will need to be widened to four lanes from Bradshaw Road to Old Sacramento Road. The Sacramento County General Plan of 1993 identified the need to widen SR 16 from Grant Line Road to Rancho Murieta (past Latrobe Road) to four lanes.
  
- I. SR 49 and Main Street. Based on traffic projections in the Phase I condition, the intersection would need to be signalized. Based on traffic projections in the 2025 cumulative condition, all approaches would need to be widened to include an exclusive left-turn lane and a combined through/right-turn lane. Improvements to this intersection are planned as noted in the Regional Transportation Plan (RTP).



- J. SR 49 and Empire Street. Based on traffic projections in the Phase I condition, the intersection would need to be signalized. Based on traffic projections in the 2025 cumulative condition, the northbound and southbound approaches would need to be widened to include an exclusive left-turn lane and a combined through/right-turn lane. Improvements to this intersection are planned as noted in the RTP. These improvements to this intersection shall also include signalization.
- K. SR 49 and SR 16. Based on traffic projections in the Phase I condition, this intersection would need to be signalized. This intersection improvement is planned by Caltrans.
- L. SR 16 and SR 124. Based on traffic projections in the cumulative condition, this intersection would need to be signalized.
- M. SR 16 and Latrobe Road (Amador County). Based on traffic projections in the Phase I condition, an additional through lane shall be added to the eastbound and westbound approaches. Based on traffic projections in the 2025 cumulative condition, the intersection would need to be signalized and the eastbound approach would need to be widened to include an exclusive left-turn lane and a combined through/right-turn lane. Improvements at this intersection are planned in the RTP.
- N. SR 104 (Preston) and SR 124. Based on traffic projections in the Phase I condition, this intersection would need to be signalized. Also, the northbound and westbound approaches would need to be widened to include an exclusive left-turn lane and a combined through/right-turn lane. The eastbound and westbound approaches shall be coded with split phasing. Improvements at this intersection are planned in the RTP.
- O. SR 104 (Main Street) and SR 124 (Church Street). Based on traffic projections in the Phase I condition, the intersection would need to be signalized. Based on traffic projections in the 2025 cumulative condition, improvements at this intersection shall include widening the northbound approach to accommodate an exclusive left-turn lane and a combined through/right-turn lane.
- P. SR 88 and SR 12 (East). Based on traffic projections in the Phase I condition, this intersection would need to be signalized. This intersection improvement is planned by Caltrans.
- Q. SR 88 and SR 12 (West). Based on traffic projections in the Phase I, this intersection would need to be signalized. Based on traffic projections in the 2025 condition, this

intersection would need to be widened at the eastbound approach to include an exclusive left-turn lane and a combined through/right-turn lane. The eastbound and westbound approaches shall be coded with split phasing. Signalization at this intersection is planned by Caltrans.

- R. SR 88 and Kettleman Lane. Based on traffic projections in the 2025 cumulative condition, this intersection would need to be widened at the eastbound approach to accommodate an exclusive left-turn lane and a combined through/right-turn lane.
- S. SR 49 and Pleasant Valley Road. Based on traffic projections in the 2025 cumulative condition, this intersection would need to be signalized and the northbound approach would need to be widened to include an exclusive left-turn lane and an exclusive right-turn lane. Caltrans has no planned improvements at this intersection.
- T. SR 16 and Stone House Road. Based on traffic projections in the Phase I conditions, an additional through lane to the eastbound and westbound approaches is needed. Based on traffic projections in the Phase II condition, improvements at this intersection would need to include widening the eastbound approach to accommodate an exclusive left-turn lane and two through lanes. The intersection would need to also include widening the westbound approach to accommodate one through lane and one combined through/right-turn lane. Based on traffic projections in the 2025 cumulative condition, improvements at this intersection would need to include signalizing the intersection. The Sacramento County General Plan of 1993 identified the need to widen SR 16 from Grant Line Road to Rancho Murieta (past Latrobe Road) to four lanes.
- U. SR 16 and Latrobe Road (Sacramento County). Based on traffic projections in the Phase II condition, an additional through lane would need to be added to the eastbound and westbound approaches. Based on traffic projections in the 2025 cumulative condition no improvements are available, as the intersection does not meet the Caltrans Peak Hour Warrant (Warrant 11). There are 10 other signal warrants possible that would need to be run to see if a signal is needed at this intersection; however, only the Peak Hour traffic data was available. This would result in an unavoidable adverse effect.
- V. SR 16 and Dillard Road. Based on traffic projections in the 2025 cumulative condition, improvements at this intersection would need to include widening the northbound approach to accommodate an exclusive left-turn and right-turn lane. The Sacramento County General Plan of 1993 identified the need to widen SR 16 from Grant Line Road to Rancho Murieta (past Latrobe Road) to four lanes.

- W. SR 16 and Sloughhouse Road. Based on traffic projections in the 2025 cumulative condition no improvements are available, as the intersection does not meet the Caltrans Peak Hour Warrant (Warrant 11). There are 10 other signal warrants possible that would need to be run to see if a signal is needed at this intersection; however, only the Peak Hour traffic data was available. This would result in an unavoidable adverse effect.
- X. SR 16 and Grant Line Road. Based on traffic projections in the Phase I condition, this intersection would need to be widened at the northbound approach to accommodate a combined through/left-turn lane and an exclusive right-turn lane and widened at the southbound approach to include an exclusive left-turn lane and a combined through/right-turn lane. Based on traffic volumes in the 2025 cumulative condition, intersection improvements would need to include widening the northbound and southbound approaches to include an exclusive left-turn lane, an exclusive through-lane and a combined through/right-turn lane with protected phasing. Additionally, this intersection needs the eastbound and westbound approaches widened to accommodate an additional exclusive through-lane. The Sacramento County General Plan of 1993 identified the need to widen SR 16 from Bradshaw Road to Grant Line to six lanes, and from Grant Line Road to Rancho Murieta (past Latrobe Road) to four lanes.
- Y. SR 16 and Sunrise Boulevard. Based on traffic projections in the 2025 cumulative condition, the southbound approach would need to be widened to add an exclusive left-turn lane, creating dual left-turn lanes and an additional through-lane. Also, the northbound, eastbound and westbound approaches would need to be widened to accommodate an exclusive through-lane. The Sacramento County General Plan of 1993 identified the need to widen SR 16 from Bradshaw Road to Grant Line to six lanes.
- Z. SR 16 and Excelsior Road. Based on traffic projections in the Phase I condition, this intersection would need to be signalized. Based on traffic projections in the 2025 cumulative condition, improvements at this intersection would need to also include the widening of the eastbound and westbound approaches to accommodate an additional exclusive through-lane.
- AA. SR 16 and Bradshaw Road. Based on traffic projections, in the 2025 cumulative condition, improvements at this intersection would need to include the widening of the northbound and southbound approaches to accommodate an exclusive left-turn lane, creating dual left turn lanes. The eastbound and westbound approaches would need to

also be widened to accommodate an additional exclusive through-lane. The Sacramento County General Plan of 1993 identified the need to widen SR 16 from Bradshaw Road to Grant Line to six lanes.

- BB. A Traffic Management Plan would need to be prepared to identify which lanes require closure, where night construction is proposed, and other standards set forth in the *Manual on Uniform Traffic Control Devices for Streets and Highways*. The TMP would need to be submitted to each affected local jurisdiction and/or agency. TMPs would need to include details regarding emergency service coordination. Copies of the Traffic Management Plans would need to be provided to all affected emergency service providers.

Additional mitigation measures identified with the inclusion of project traffic estimated to be added to the local roadway network from the proposed Buena Vista Casino project were identified. The Tribe would pay a proportionate share of the mitigation cost.

- CC. SR 104 (Preston) and SR 124. Widen the northbound approach and reconfigure to accommodate one left-turn lane, one through lane and one exclusive right-turn lane.
- DD. SR 16 and Ione Road. Signalize this intersection. This intersection meets Caltrans Warrant #11 for peak hour volume.

#### *Alternative B*

Mitigation measures recommended for Alternative B are the same as Alternative A, except that mitigation measures M and P are unnecessary for Alternative B. Measure H differs from Alternative A in that Alternative B does not need an additional through lane for the eastbound and westbound approaches, as identified in Alternative A, until the Phase II condition. The Tribe is responsible for paying a proportionate share of the mitigation cost.

#### *Alternative C*

Mitigation measures recommended for Alternative C are the same as Alternative A, except that measures C, M, and P are unnecessary. In addition to the recommended mitigation measure B described for Alternative A, under Alternative C, based on traffic projections in the 2025 cumulative condition, left turns will need to be prohibited from exiting the driveway. The Tribe is responsible for paying the full mitigation cost.

Measure H differs from Alternative A in that Alternative C does not need an additional through lane for the eastbound and westbound approaches, as identified in Alternative A based on traffic

projections in the Phase I condition. The Tribe is responsible for paying a proportionate share of the mitigation cost.

*Alternative D*

Mitigation measures recommended for Alternative D are the same as Alternative A, except that measures C, M, and P are unnecessary. Measure H differs from Alternative A in that Alternative D does not need an additional through lane for the eastbound and westbound approaches, as identified in Alternative A based on traffic projections in the Phase I condition. The Tribe is responsible for paying a proportionate share of the mitigation cost.

**LAND USE**

- EE. The Tribe will provide the City of Plymouth with the proposed development design plans and solicit input regarding the City's design review guidelines as a means to further City goals addressed by the Zoning Ordinance.

**5.2.9 PUBLIC SERVICES**

***CONSTRUCTION RELATED SOLID WASTE***

The following mitigation measures are recommended for Alternatives A, B, C and D:

- A. Construction waste shall be recycled to the fullest extent practicable by diverting green waste and recyclable building materials from the solid waste stream.
- B. Environmentally preferable materials shall be acquired to the extent practical for construction of facilities.

***OPERATIONAL SOLID WASTE***

The following mitigation measures are recommended for Alternatives A, B, C and D. Mitigation measures applicable to the design of the hotel, casino and retail facilities shall include, but would not be limited to:

- C. Installation of a trash compactor for cardboard and paper products.
- D. Installation of recycling bins throughout the facilities for glass, cans and paper products.

***ELECTRICITY, NATURAL GAS AND TELECOMMUNICATIONS***

The following mitigation measures are recommended for Alternatives A, B, C and D:

- E. , The Tribe will fund the upgrade of the existing lines in accordance with PG&E engineers' recommendations.

***PUBLIC HEALTH AND SAFETY***

***Law Enforcement***

The following mitigation measures are recommended for Alternatives A, B, and C:

- F. The Tribe shall adopt a Responsible Alcoholic Beverage Policy that shall include, but not be limited to, requesting identification and refusing service to those who have had enough to drink. This policy shall be discussed with the California Highway Patrol (CHP) and the Amador County Sheriff's Office.
- G. All parking areas shall be well lit and monitored by parking staff, and/or roving security guards at all times during operation. This will aid in the prevention of auto theft and other related criminal activity.
- H. Areas surrounding the gaming facilities shall have "No Loitering" signs in place, shall be well lit and shall be patrolled regularly by roving security guards. This will aid in the prevention of illegal loitering and all crimes that relate to, or require, illegal loitering.
- I. The Tribe shall provide traffic control with appropriate signage and the presence of peak-hour traffic control staff. This will aid in the prevention of off-site parking, which could create possible security issues.
- J. The Tribe shall consult with the City of Plymouth and Amador County to assess and reasonably address the potential impacts to County law enforcement services including increased activities of the Amador County District Attorney's office.
- K. The Tribe shall provide payments to the Amador County Sheriff's Office to provide for one officer to be based in Plymouth on a 24 hour a day/ 7 day a week basis. This would require the addition of 6.5 officers. The Tribe shall negotiate the exact amount of compensation for services with the Amador County Sheriff's Office. The amount of payment shall be subject to annual review.
- L. The Tribe shall provide payments to Amador County to mitigate impacts to the Amador County District Attorney's Office services. The Tribe shall negotiate the exact amount of compensation with Amador County. The amount of payment shall be subject to annual review.

- M. The Tribe shall consult with the CHP to assess and mitigate potential impacts to CHP services in the area.

***Emergency Call Taking and Dispatching***

- N. The Tribe shall negotiate in good faith to make a reasonable contribution to Amador County to address impacts to emergency dispatching in Amador County. The amount of payment shall be subject to annual review.

**5.2.10 OTHER VALUES**

***NOISE***

The following mitigation measures are recommended for Alternatives A, B, C and D:

- A. Construction activities shall be limited to normal daytime hours to the extent feasible.
- B. Noise attenuation walls or earthen berms shall be constructed to reduce the effect of on-site traffic noise on nearby residences to below an average (Leq) of 45 decibels at level A attenuation (dBA). For Alternatives A, B, and C the noise walls or earthen berms shall be designed to reduce noise levels from parking lot activities on residences to the northwest by 4 dBA and designed to reduce parking lot noise on residences to the southwest by 8 dBA. For Alternative D, no noise walls would be needed for residences to the northwest, but residences to the southwest would need attenuation of 14 dBA.
- C. Noise attenuation walls shall be constructed on the west end of the Service Court to block the line of site between the loading dock areas and the off-site residences to the west. In combination with the walls identified in measure 5.2.10.B, these wall need to reduce loading dock noise below 45 Leq at the nearest off-site residential receptor.
- D. Roof mounted mechanical equipment shall be designed and installed so that noise levels from the mechanical equipment shall not exceed 45 Leq at existing residential property lines.
- E. The Tribe shall contribute to the funding of the environmental review and mitigation for traffic improvements identified in **Section 5.2.8**. The contribution shall be based on the amount of traffic generated by land uses on the 228.04± acre site as a percentage of the overall traffic volume. In the case of improvements that are identified within this document as the sole responsibility of the Tribe, the Tribe's contribution must provide

100-percent of the necessary funds. The Tribe's contribution shall include the cost of preparing environmental documents and the cost of mitigation for traffic noise, including but not limited to the installation of sound walls. The Tribe's contribution shall be provided to the agency undertaking the improvement (e.g. Caltrans, Amador County, City of Plymouth).

***HAZARDS AND HAZARDOUS MATERIALS***

The following mitigation measures are recommended for Alternatives A, B, C and D:

- F. Personnel shall follow written standard operating procedures (SOPs) for filling and servicing construction equipment and vehicles. The SOPs, which are designed to reduce the potential for incidents involving the hazardous materials, shall include the following:
1. Refueling shall be conducted only with approved pumps, hoses, and nozzles.
  2. Catch-pans shall be placed under equipment to catch potential spills during servicing.
  3. All disconnected hoses shall be placed in containers to collect residual fuel from the hose.
  4. Vehicle engines shall be shut down during refueling.
  5. No smoking, open flames, or welding shall be allowed in refueling or service areas.
  6. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.
  7. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.
  8. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.
  9. All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. All maintenance and refueling areas shall be inspected monthly. Results of inspections shall be recorded in a logbook that shall be maintained on-site.
  10. Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.



11. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order.
- G. The amount of hazardous materials used in project construction and operation shall be consistently kept at the lowest volumes needed.
- H. The least toxic material capable of achieving the intended result are consistently used to the extent practicable.
- I. A hazardous materials and hazardous waste minimization program shall be developed, implemented, and reviewed annually by the Tribe to determine if additional opportunities for hazardous materials and hazardous waste minimization are feasible, for both project construction and operation.
- J. The contractor shall be requested to avoid and minimize the use of hazardous materials during the project's construction to the fullest extent practicable.
- K. Minimize the use of pesticides and toxic chemicals to the greatest extent feasible in landscaping or using less toxic alternatives.
- L. A trained inspector shall be hired to test the existing on-site residences that will be demolished for lead based paint. If lead based paint is found at existing on-site residences, all applicable Occupational Safety and Health Administration (OSHA) regulations shall be complied with.