

# ***SECTION 5.0***

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## ***MITIGATION MEASURES***

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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 and Final 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 Final 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, finding that the City of Plymouth should have initiated a California Environmental Quality Act review of its decision to enter into the MSA. Despite the invalidation of the MSA, the Tribe will put in place measures to mitigate the approved project's potential environment effects. The following section provides measures to mitigate specific effects identified in the preparation of the Final 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 are included as an integral part of the project description, required by and enforceable under Federal law, enforceable by the Tribe through tribal environmental laws, and/or enforceable by the National Indian Gaming

Commission (NIGC). The Tribe will ~~pass seek NIGC approval of a~~ Tribal gaming ordinance ~~once the land is taken into trust~~, which will provide that the development of the approved project will be subject to Tribal and applicable Federal environmental laws. The project will also be subject to Tribal environmental laws. By incorporating mitigation measures into the Tribal gaming ordinance, project components including mitigation measures will be enforceable not only by the Tribe, but ~~by also through~~ the NIGC's oversight and enforcement authority as set out in 25 C.F.R. Parts 522, 571, 573, 575, 577, and 559. A draft Tribal gaming ordinance (~~Section 12 of which requires compliance with Tribal and federal environmental laws~~) is attached as **Appendix U**. As the Tribe currently does not have any land over which it exercises governmental authority, there are no existing Tribal environmental laws. However, Tribal environmental laws ~~and regulations~~ will be adopted ~~once after~~ the land is taken into trust, and these Tribal ~~and Federal~~ environmental laws, along with Federal environmental and regulations, will operate to mitigate effects identified in the preparation of the Final EIS.

## 5.2 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, the Tribe shall apply for coverage under the USEPA's National Pollution Discharge Elimination System (NPDES) General Construction Permit (GCP). In compliance with permitting requirements, the Tribe shall develop a Storm Water Pollution Prevention Plan (SWPPP) 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 phasing construction through 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. An independent storm water inspector would be hired by the Tribe to ensure all NPDES permitting requirements are being implemented. The inspector will have

authority to require construction contractors as well as their subcontractors to stop work until all aspects of the NPDES permit are implemented.

**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) for erosion and sediment control. BMPs will be selected and installed according to guidelines in the State of California Stormwater Quality Handbook and/or Caltrans Stormwater Quality Handbook.

The following measures are recommended for the construction of the reclaimed water reservoir proposed 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 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 gunitite 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. A Dam Safety Program would be implemented according to the Indian Dam Safety Program if the reservoir option is selected. The overall program would include incorporation of an Early Warning System (EWS) to warn downstream landowners of potential rising waters in case of dam failure. 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.

The following measures are recommended for Water Supply Option 2 during development of Alternatives A, B, C, and D, and would reduce impacts from seismic hazards identified in Section 4.2 to a less-than-significant level:

- C. The existing water pipeline connecting the project wells will be evaluated for compliance with the UBC. Sections and components of the existing pipeline that do not meet UBC standard shall be retrofitted with components complying with the UBC, Division IV, which covers earthquake design.

### 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, the Tribe shall apply for coverage under the USEPA's NPDES GCP. In compliance with permitting requirements, the Tribe shall develop a SWPPP that shall address water quality impacts associated with construction and operation of the project. These measures are identified above in **Mitigation 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 United States, including storage within the reservoir.

The following measure is recommended for Options 1 and 2 for spray field disposal of treated effluent proposed for Alternatives A, B, C and D. These measures are intended to reduce



potential impacts to surface water quality from the operation of dry weather spray fields as identified in **Section 4.3**. These measures will further reduce impacts:

- C. As part of the overall water sampling and monitoring program for the wastewater treatment plant (WWTP) a spray field monitoring plan shall be developed and implemented to ensure potential tail water is being captured and that no tail water is discharged to surface waters. The monitoring plan will include, but not be limited to the following:
1. Water from spray field drift shall not migrate out of the spray field boundary.
  2. All tail water and/or stormwater shall be collected and returned to the WWTP holding pond at all times when water is being applied to the spray disposal field.
  3. The Tribe shall use the spray fields only during periods of dry weather. The Tribe will not use the spray fields 24 hours prior to a forecasted rain event and will wait 24 hours after the rain event to return to spray field operation.
  4. A tail water capture system will be operated to capture all waste water runoff, as well as stormwater runoff that occurs 24 hours after the last application of wastewater to the spray fields.
  5. The spray fields shall not be operated during periods of high winds exceeding 30 mph.
  6. A controlled 100-foot buffer shall be maintained around the spray field operating area.

**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:

- D. 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. The Tribe shall develop additional monitoring wells if it is later

determined that the developed monitoring wells are insufficient. Should off-site monitoring wells be developed, the Tribe shall ensure compliance with the State of California Department of Public Health requirements for well development and the California Department of Water Resources Bulletin 74-90: California Well Standards.

A long term monitoring plan shall be developed and shall include the siting, design and installation of monitoring wells appropriately placed between the Project wells and the nearest off-site wells, taking into consideration the topography, geology, hydrogeology, pump rates of offsite users, and planned future development. 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. Baseline groundwater elevations and water quality data would then be collected. This would be performed during the facility design and construction stage to allow for the monitoring to encompass an entire hydrogeologic cycle. In addition, variances to the baseline values along with “not to exceed” values would be established to ensure there are no significant impacts to offsite well owners.

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. The determination regarding whether the groundwater user’s pre-project consumptive use is reasonably determined to have been reduced or lost as the result of the Tribe’s groundwater pumping practice shall be made by an engineer retained by the Tribe.
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 or financially compensate the impacts to the well owner through mutual agreement.
4. The Tribe may replace the water used by off-site user that is lost as the result of the Tribe’s pumping practice through the import of water via tanker truck or, if practical, through the development of a connection to the municipal system.

5. The Tribe may selectively recharge portions of the basin impacted by the Tribe's wells.
  6. The Tribe may decrease the project's reliance on groundwater and increase the importation of water via tanker truck.
- E. 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.
- F. The following additional conservation measures shall be implemented by the Tribe to further reduce water usage:
1. Checking steam traps and ensuring return of steam condensate to boiler for reuse.
  2. Planting of drought resistant landscaping.
  3. Limiting boiler blowdown and adjusting for optimal water usage.
  4. Using low flow faucets and/or aerators in casino and hotel.
  5. Using low flow showerheads in hotel.
  6. Encouraging voluntary towel re-use by hotel guests.
  7. Using pressure washers and water brooms instead of hoses for cleaning.
  8. Using garbage disposal on-demand in restaurant.
  9. Incorporating a re-circulating cooling loop for water cooled refrigeration and ice machines in restaurants.
  10. Serving water to customers on request at restaurant.

#### ***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:

- G. A sampling and monitoring program for the wastewater treatment plant shall be developed and implemented with oversight ~~from~~ by 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 emissions from construction activities and operations identified in **Section 4.4**:

### *CONSTRUCTION*

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

- A. The Tribe will follow USEPA, 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), nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), and carbon monoxide (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.
- C. The following mitigation measures shall be implemented where feasible and when reasonable to ~~would~~ reduce particulate matter emission from construction activities:
  - Water all active construction areas at least three times daily during dry weather.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - Pave or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
  - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - Hydroseed or apply (non-toxic) soil stabilizes to inactive construction areas (previously graded areas inactive for ten days or more).
  - Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

- Limit traffic speeds on unpaved roads to 15 miles per hour.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.
  - Install windbreaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas.
  - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour.
  - Limit the area subject to excavation, grading and other construction activity at any one time.
- D. \_\_The Tribe shall ensure through contract requirements that all development contractors locate construction staging areas on the east side of the project site away from residents. This would reduce sensitive receptor exposure to DPM.
- E. \_\_The Tribe shall ensure through contract requirements that development contractors establish activity schedules designed to minimized traffic congestion around the construction site. This mitigation measure would reduce idling; thus, reducing NOx, ROG, and DPM emissions.
- F. The Tribe shall ensure through contract requirements that all contractors use only construction vehicles and heavy equipment that are equipped with, with at a minimum, EPA-approved emission control devices. This mitigation measure would reduce NOx, ROG and DPM emissions.
- G. The Tribe shall limit outdoor construction activities at the project site to Monday through Saturday between the hours of 6 am to 6 pm.

#### ***OPERATION***

The following mitigation ~~is required~~ shall be implemented where feasible and when reasonable during operation of Alternatives A through D:

- H. 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.
- I. Buses and other commercial diesel-fueled vehicles shall comply with the California Air Resource Board's (CARB) Airborne Toxic Control Measure to Limit Diesel-Fueled

Commercial Motor Vehicle Idling (California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485), which requires that the driver of any diesel bus shall not idle for more than five minutes at any location, except in the case of passenger boarding where a ten minute limit is imposed, or when passengers are onboard.

Furthermore, the Tribe shall provide a “Drivers Lounge” for bus and truck drivers to discourage idling.

- J. The Tribe shall install electrical outlets at the loading dock(s) of the development for refrigeration trucks. By providing electrical outlets to refrigeration trucks they will not need to idle, thus reducing emissions.

The following mitigation is required during operation of Alternatives A through C:

- K. 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 development, which would reduce operational emissions.
- L. The Tribe shall provide signs that inform patrons that smoking is allowed at the facility and shall provide nonsmoking areas. The Tribe shall also provide pamphlets to employees on the health risk from second hand smoke.
- M. The Tribe shall ensure the installation of solar, low-emission, central, or tank less water heaters; wall insulation; and energy efficient appliances in the project facilities where feasible and when reasonable that shall exceed California Title 24 energy requirements.
- N. The Tribe shall require the use of energy efficient lighting where feasible and when reasonable, which would reduce indirect greenhouse gas emissions.
- O. The Tribe shall install water efficient water heaters, toilets, showers heads, ice machines, and faucets where feasible and when reasonable ~~where applicable~~.
- P. The Tribe shall develop an alternative energy plan, which shall include installation of photovoltaic cell arrays where feasible and when reasonable. Potential locations for the photovoltaic cell arrays include the parking structure and other facility rooftops.

## 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**

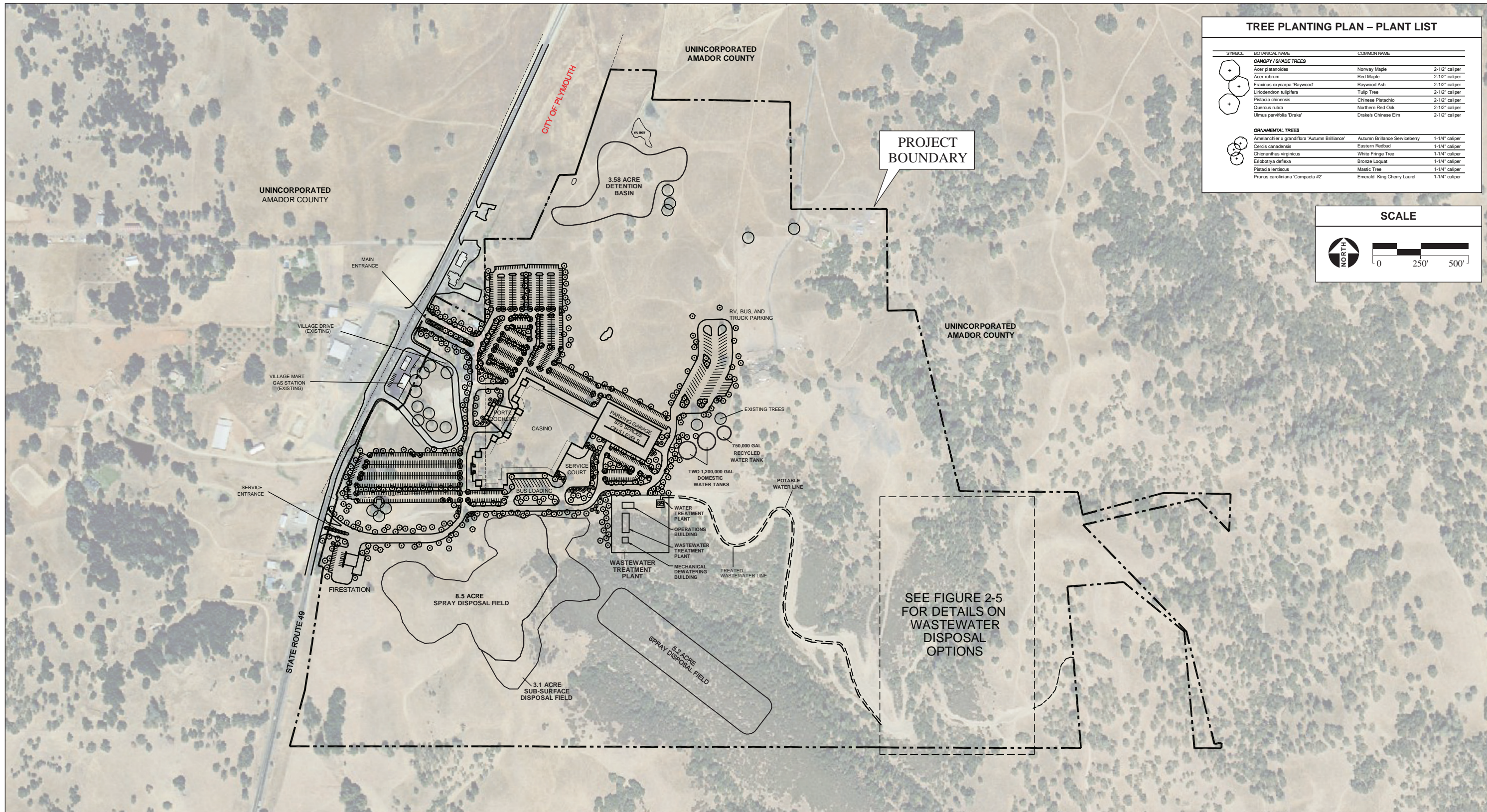
- A. Project site plans shall be modified to avoid or minimize impacts to oak trees to the extent feasible. During construction, oak trees that are not to be considered impacted shall be enclosed in four-foot-high temporary construction fencing, installed at least one foot outside the dripline of all 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.

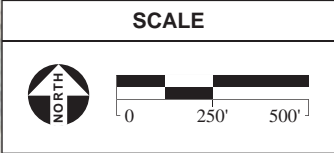
- E. A formal delineation of waters of the U.S. occurring within the proposed project area shall be submitted to the U.S. Army Corps of Engineers (USACE) for verification.
- F. Project site plans shall be modified and parking areas for Alternatives A through C shall be reduced through the development of a parking structure to avoid or minimize impacts to jurisdictional waters of the U. S. and wetland habitats to the extent feasible. Preliminary site plans have been developed for Alternatives A through C, which include the development of a parking structure to reduce the development footprint of the parking lot surrounding jurisdictional wetland habitats. Refer to Figures 5-1 and 5-2 for the preliminary site plans for Phase I and Phase II of Alternative A, respectively. Refer to Figures 5-3 and 5-4 for the preliminary site plans for Phase I and Phase II of Alternative B, respectively. Refer to Figure 5-5 for the preliminary site plan for Alternative C. No changes to Alternative D are required to minimize impacts to waters of the U.S. or wetland habitats.
- 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 USEPA.
- H. Unavoidable impacts to waters of the U.S., including wetlands and wetland habitat, shall be mitigated by creating or restoring wetland habitats either onsite or at an USACE approved off-site location. Compensatory mitigation shall occur at a minimum of 1:1 ratio and shall be approved by the USACE prior to any fill into jurisdictional features. As required by the 404 permit, a wetland mitigation and restoration plan shall be prepared by a qualified biologist for any wetland habitat to be created or restored on site. This plan will describe the mitigation ratio, location of restoration, size and type of native vegetation to be used, and a monitoring and maintenance schedule consistent with the new EPA and USACE rule, shall include a 5 year monitoring plan that has an 80% success criteria for vegetative cover with native plants. Off site mitigation shall be conducted through the purchase of credits through a USACE approved mitigation bank. These measures will adhere to the USEPA Rule<sup>2</sup> guidelines which take into account all aquatic resource functions of the impacted wetlands to the watershed as a whole, the likelihood of success, and time lag of establishment.

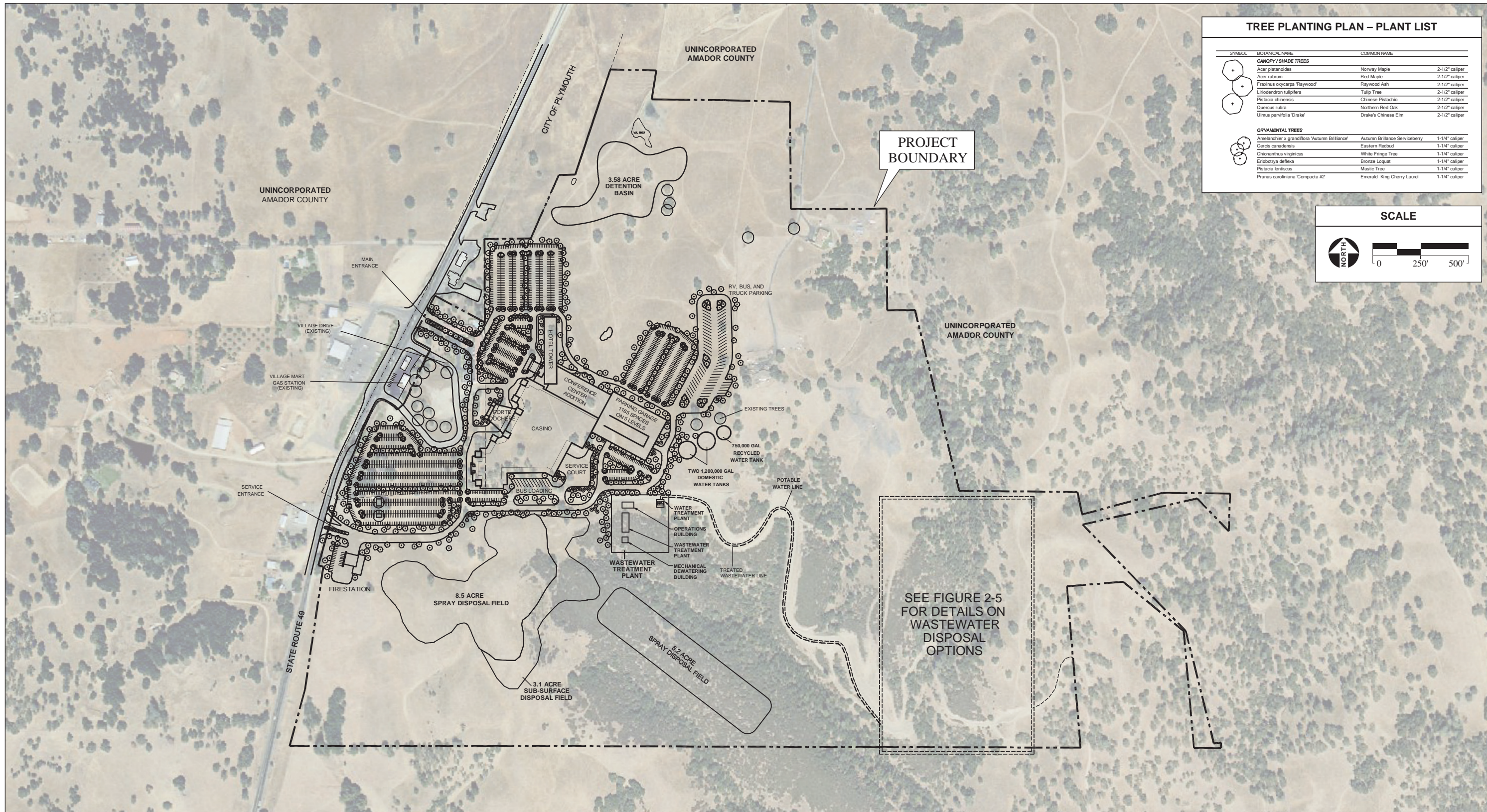


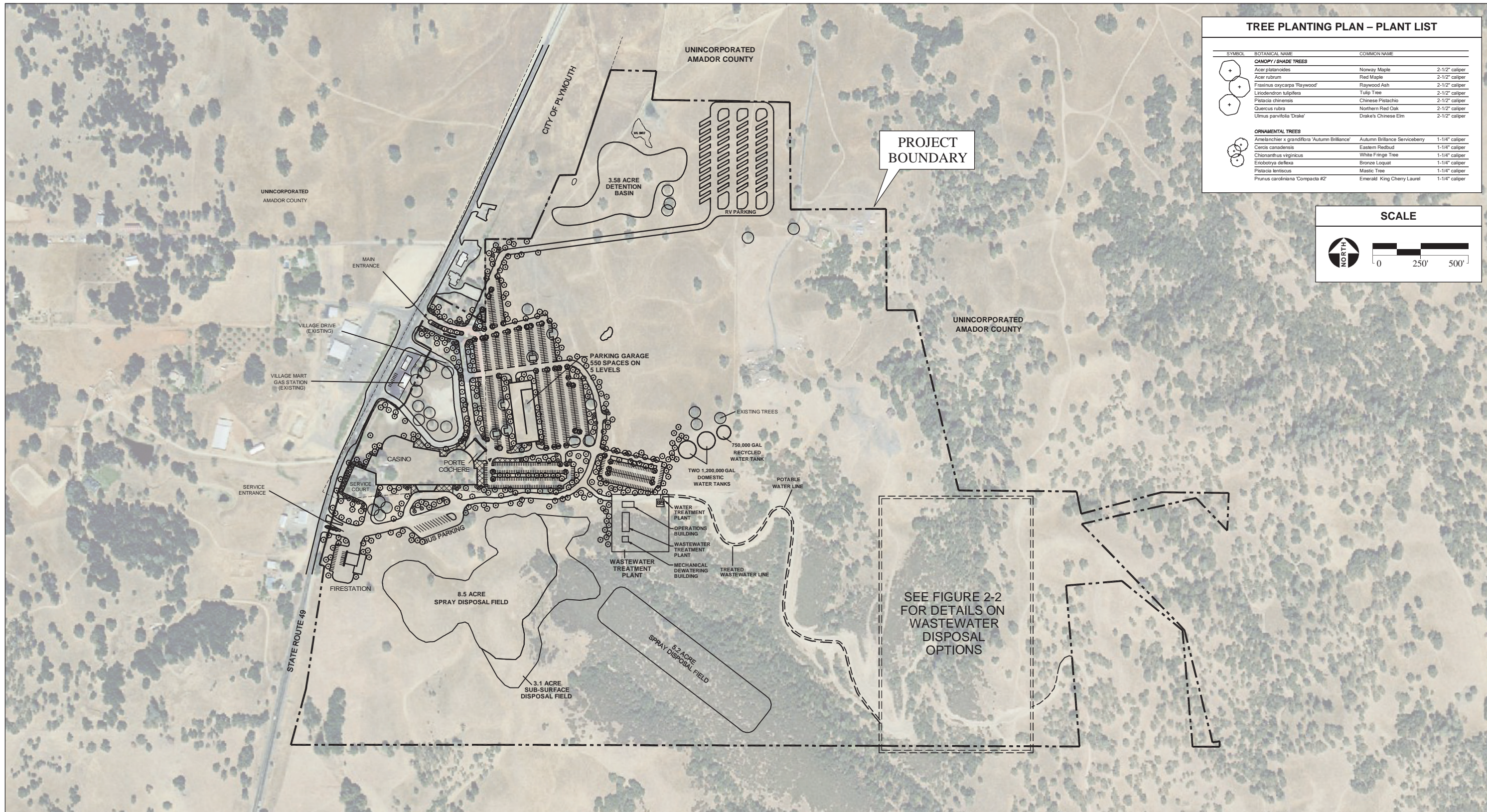


**TREE PLANTING PLAN – PLANT LIST**

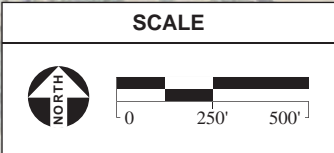
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
<b>CANOPY / SHADE TREES</b>			
+	<i>Acer platanoides</i>	Norway Maple	2-1/2" caliper
+	<i>Acer rubrum</i>	Red Maple	2-1/2" caliper
+	<i>Fraxinus oxycarpa 'Raywood'</i>	Raywood Ash	2-1/2" caliper
+	<i>Liriodendron tulipifera</i>	Tulip Tree	2-1/2" caliper
+	<i>Pistacia chinensis</i>	Chinese Pistachio	2-1/2" caliper
+	<i>Quercus rubra</i>	Northern Red Oak	2-1/2" caliper
+	<i>Ulmus parvifolia 'Drake'</i>	Drake's Chinese Elm	2-1/2" caliper
<b>ORNAMENTAL TREES</b>			
+	<i>Amelanchier x grandiflora 'Autumn Brilliance'</i>	Autumn Brilliance Serviceberry	1-1/4" caliper
+	<i>Cercis canadensis</i>	Eastern Redbud	1-1/4" caliper
+	<i>Chionanthus virginicus</i>	White Fringe Tree	1-1/4" caliper
+	<i>Eriobotrya deflexa</i>	Bronze Loquat	1-1/4" caliper
+	<i>Pistacia lenticularis</i>	Mastic Tree	1-1/4" caliper
+	<i>Prunus caroliniana 'Compacta #2'</i>	Emerald King Cherry Laurel	1-1/4" caliper

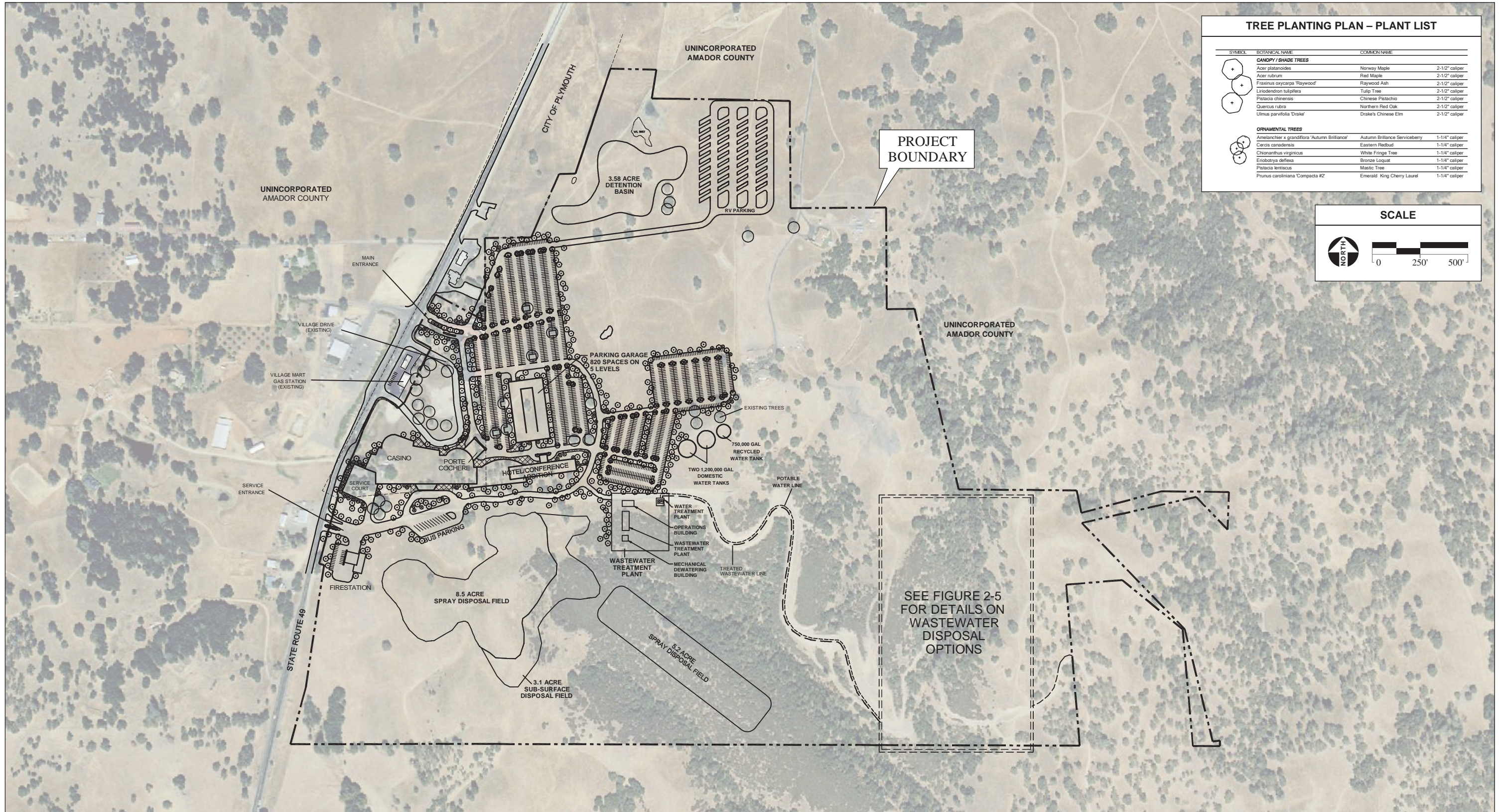




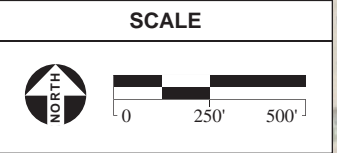


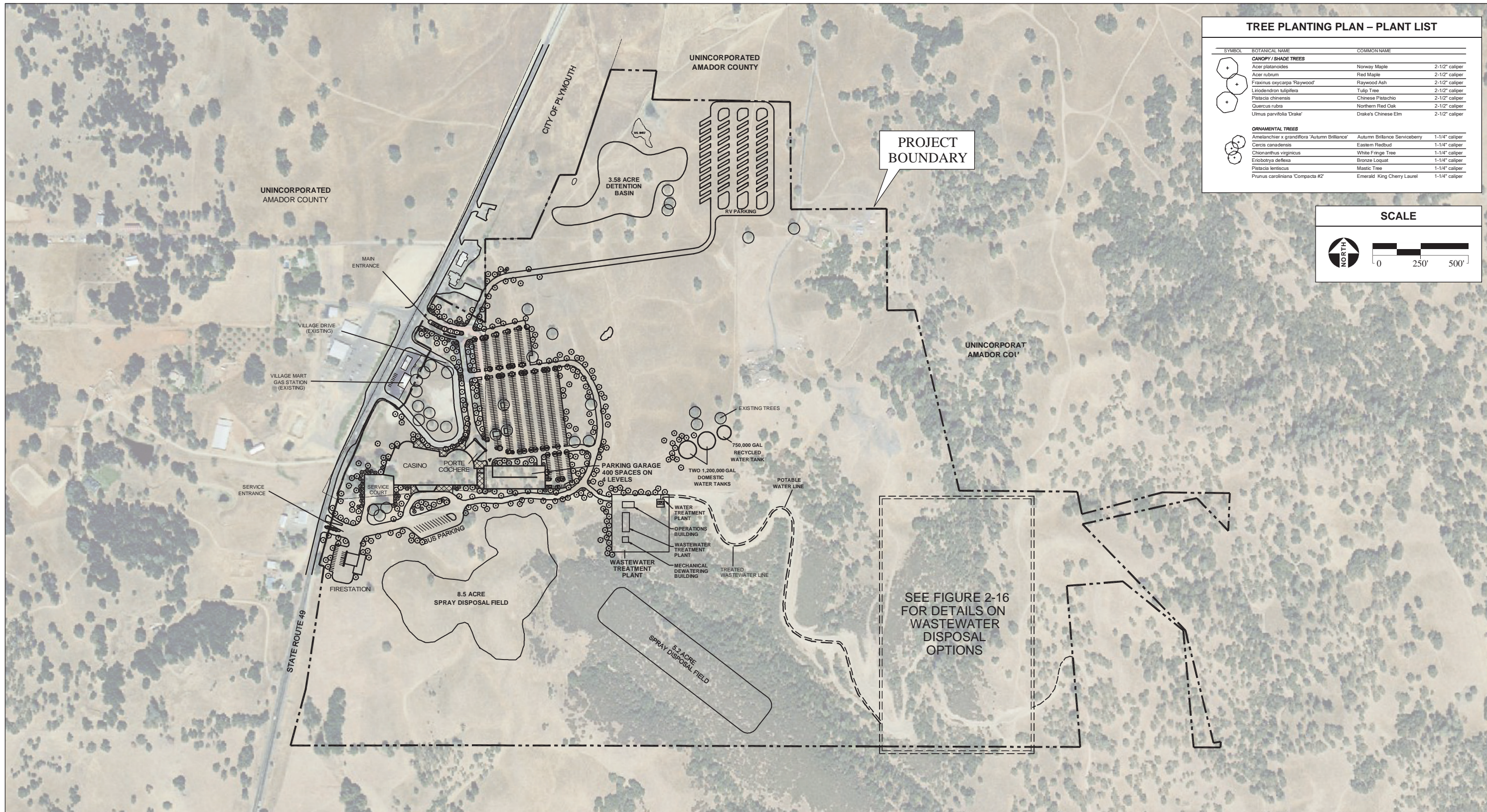
TREE PLANTING PLAN – PLANT LIST			
SYMBOL	BOTANICAL NAME	COMMON NAME	
<b>CANOPY / SHADE TREES</b>			
+	<i>Acer platanoides</i>	Norway Maple	2-1/2" caliper
+	<i>Acer rubrum</i>	Red Maple	2-1/2" caliper
+	<i>Fraxinus oxycarpa</i> 'Raywood'	Raywood Ash	2-1/2" caliper
+	<i>Liriodendron tulipifera</i>	Tulip Tree	2-1/2" caliper
+	<i>Pistacia chinensis</i>	Chinese Pistachio	2-1/2" caliper
+	<i>Quercus rubra</i>	Northern Red Oak	2-1/2" caliper
+	<i>Ulmus parvifolia</i> 'Drake'	Drake's Chinese Elm	2-1/2" caliper
<b>ORNAMENTAL TREES</b>			
+	<i>Amelanchier x grandiflora</i> 'Autumn Brilliance'	Autumn Brilliance Serviceberry	1-1/4" caliper
+	<i>Cercis canadensis</i>	Eastern Redbud	1-1/4" caliper
+	<i>Chionanthus virginicus</i>	White Fringe Tree	1-1/4" caliper
+	<i>Eriobotrya deflexa</i>	Bronze Loquat	1-1/4" caliper
+	<i>Pistacia lentiscus</i>	Mastic Tree	1-1/4" caliper
+	<i>Prunus caroliniana</i> 'Compacta #2'	Emerald King Cherry Laurel	1-1/4" caliper





TREE PLANTING PLAN – PLANT LIST			
SYMBOL	BOTANICAL NAME	COMMON NAME	
<b>CANOPY / SHADE TREES</b>			
	Acer platanoides	Norway Maple	2-1/2" caliper
	Acer rubrum	Red Maple	2-1/2" caliper
	Fraxinus oxycarpa 'Raywood'	Raywood Ash	2-1/2" caliper
	Liriodendron tulipifera	Tulip Tree	2-1/2" caliper
	Pistacia chinensis	Chinese Pistachio	2-1/2" caliper
	Quercus rubra	Northern Red Oak	2-1/2" caliper
	Ulmus parvifolia 'Drake'	Drake's Chinese Elm	2-1/2" caliper
<b>ORNAMENTAL TREES</b>			
	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	1-1/4" caliper
	Cercis canadensis	Eastern Redbud	1-1/4" caliper
	Chionanthus virginicus	White Fringe Tree	1-1/4" caliper
	Eriobotrya deflexa	Bronze Loquat	1-1/4" caliper
	Pistacia lentiscus	Mastic Tree	1-1/4" caliper
	Prunus caroliniana 'Compacta #2'	Emerald King Cherry Laurel	1-1/4" caliper





- I. Construction activities in the vicinity of any jurisdictional wetland features shall be conducted during the dry season (April 15 through October 15), to the extent reasonable, to minimize potential 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. While no California red-legged frogs, listed vernal pool branciopods, or California tiger salamanders were found on the project site, these species are subject to the consultation now underway with the FWS. All mitigation measures required by the Biological Opinion shall be implemented.
- N. While no valley elderberry longhorn beetles were found on the project site, these species are subject to the consultation now underway with the FWS. All mitigation measures required by the Biological Opinion shall be implemented.

***MIGRATORY BIRDS***

- O. If tree disturbance or other project-related activities are to occur during the nesting season (approximately March – September), pre-construction surveys for all nesting migratory bird and raptor species 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, removal or disturbance 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**

- P. 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 would provide 100% 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.(P)** 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. Commencing at the time of the fee-to-trust transfer of the project site, the Tribe shall pay an annual contribution equal to the current tax rate to the City of Plymouth and Amador County to address lost property tax revenues. The amount of payment shall be subject to annual review.
  
- C. The Tribe will develop and implement 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 or such other amount as may be negotiated between the Tribe and 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 or such other amount as may be negotiated between the Tribe and 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 \$26,945 to the School District or such other amount as may be negotiated between the Tribe and 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 \$41,905 to the School District or such other amount as may be negotiated between the Tribe and the School District.

## 5.2.8 RESOURCE USE PATTERNS

### *TRANSPORTATION*

#### *Access*

The following mitigation is required during operation of Alternatives A and B:

- A.   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*

The following mitigation is required during the construction of Alternatives A through D:

- B. 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.
- C. 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.
- D. 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*

Without the jurisdiction to implement off-site mitigation measures, the only feasible mitigation available to the Tribe is to provide funding for recommended roadway improvements. Various study roadway intersections and segments currently operate under unacceptable conditions (according to the corresponding jurisdictional agency) without the project. Therefore, the Tribe would contribute a share of the required funding proportionate to the level of impact associated with the trips added by the project alternatives. Under Caltrans guidelines this proportionate share contribution to recommended roadway improvements are considered appropriate mitigation to reduce the impact of a proposed project. Actual funding mechanisms for impact mitigation shall be determined through negotiations at the time of project implementation.

Mitigation measures for Alternatives A through D are summarized below and are provided in the revised TIA (**Appendix M**). Proportionate share contribution for Alternatives A, B, C, and D are provided where applicable.

The following mitigation measures are for Alternatives A (Phase I), B (Phase I), C, and D, where applicable:

**E. SR 49/Main Street – Less than Significant**

Install a signal. Construct NB and WB left-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 22%
- Alternative B 18%
- Alternative C 12%
- Alternative D 26%

Construct SB left-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative D 100%

**F. SR 49/Randolph Drive – Less than Significant**

Install a signal. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%
- Alternative D 100%

**G. Latrobe (Amador)/SR 16 – Less than Significant**

Install a signal. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative D 100%

**H. SR 104 (Preston)/SR 124 – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 21%
- Alternative B 16%

- Alternative C 12%
- Alternative D 25%

**I. Preston Avenue/ Main Street – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 22%
- Alternative B 18%
- Alternative C 12%
- Alternative D 27%

**J. Main Street / SR 124 (Church)/SR 104 (Main) – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 22%
- Alternative B 17%
- Alternative C 12%
- Alternative D 26%

**K. SR 88 / Jackson Valley Road – Less than Significant**

Install a Signal. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 43%
- Alternative B 36%
- Alternative C 27%
- Alternative D 49%

**L. SR 88 / Liberty Road – Less than Significant**

Install a Signal and convert NB right-turn lane into shared through/right-turn. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 37%
- Alternative B 30%
- Alternative C 22%

- Alternative D 42%

**M. SR 16 / Grant Line Road – Less than Significant**

Add NB and SB left-turn lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 21%
- Alternative B 16%
- Alternative C 12%
- Alternative D 25%

**N. Sunrise Boulevard/SR 16 – Less than Significant**

Convert SB right-turn lane into a shared through/right-turn. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 20%
- Alternative B 16%
- Alternative C 11%
- Alternative D 24%

**O. SR 49/Project Access Driveway – Less than Significant**

Restrict left-turn out of driveway. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%
- Alternative D 100%

**P. SR 16 between Bradshaw Road and Excelsior Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 17%
- Alternative B 13%
- Alternative D 21%

**Q. SR 16 between Excelsior Road and Sunrise Boulevard – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative D 100%

**R. SR 16 between Sunrise Boulevard and Grant Line Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 20%
- Alternative B 16%
- Alternative C 11%
- Alternative D 25%

**S. SR 16 between Grant Line Road and Dillard Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 21%
- Alternative B 17%
- Alternative C 12%
- Alternative D 25%

**T. SR 16 between Dillard Road and Stonehouse Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 20%
- Alternative B 16%
- Alternative C 11%
- Alternative D 24%

**U. SR 16 between Stonehouse Road and Ione Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative D 100%

**V. SR 16 between Ione Road and Old Sacramento Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative D 100%

**W. SR 16 between Latrobe Road (Amador) and SR 124 – Less than Significant**

Widen from two to three lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 74%
- Alternative B 68%
- Alternative C 59%
- Alternative D 79%

**X. SR 16 between SR 124 and SR 49 – Less than Significant**

Widen from two to three lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 97%
- Alternative B 96%
- Alternative C 94%

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative D 97%

**Y. SR 104 between SR 124 and Main Street – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 22%
- Alternative B 17%
- Alternative C 12%
- Alternative D 26%

**Z. SR 104 between Main Street and Church Street – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 22%
- Alternative B 17%

- Alternative C 12%
- Alternative D 26%

**AA. SR 124 between Main Street and SR 88 – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update.

Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 31%
- Alternative B 25%
- Alternative D 37%

**BB. SR 88 between SR 124 and Liberty Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 26%
- Alternative B 21%
- Alternative C 15%
- Alternative D 31%

**CC. SR 88 between Liberty Road and SR 12 (east) – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 19%
- Alternative B 15%
- Alternative C 10%
- Alternative D 23%

**DD. SR 88 between SR 12 (east) and Tully Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 20%
- Alternative B 16%
- Alternative C 11%
- Alternative D 24%



**EE. SR 88 between Tully Road and SR 12 (west) – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 20%
- Alternative B 16%
- Alternative C 11%
- Alternative D 24%

**FF. SR 88 between SR 12 (west) and Kettleman Lane – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 19%
- Alternative B 15%
- Alternative C 10%
- Alternative D 23%

Mitigation measures recommended for Phase II of Alternatives A and B, where applicable, are in addition to Phase I mitigation measures. Mitigation measures with applicable Caltrans proportionate shares are summarized below for Phase II of Alternatives A and B.

**GG. SR 16 / Ione Road – Less than Significant**

Install a Signal. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%

**HH. SR 16 / Grantline Road – Less than Significant**

Add NB and SB left-turn lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 10%
- Alternative B 8%

Add NB and SB right-turn lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%

- Alternative B 100%

**II. SR 16 / Sunrise Boulevard – Less than Significant**

Convert SB right-turn lane into a shared through/right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 9%
- Alternative B 7%

Add NB right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%

**JJ. SR 49 / Pleasant Valley Road – Less than Significant**

Install a Signal. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%

**KK. SR 49 between Casino Entrance and Main Street – Less than Significant**

Upgrade to Arterial Class II. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%

**LL. SR 49 between Casino Entrance and Main Street – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 84%
- Alternative B 80%

*Cumulative*

The following is a summary of the mitigation measures for Alternatives A, B, C, and D, where applicable, under Cumulative conditions with applicable Caltrans proportionate shares as discussed above.

**MM. SR 49/Main Street – Less than Significant**

Install a signal. Construct NB left-turn and WB right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 33%
- Alternative B 27%
- Alternative C 19%
- Alternative D 37%

**NN. SR 49/Randolph Drive – Less than Significant**

Add NB left-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative D 100%

**OO. SR 49/SR 16 – Less than Significant**

Add NB left-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative D 100%

**PP. SR 124/SR 16 – Less than Significant**

Install a signal. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%
- Alternative D 100%

**QQ. SR 104 (Preston)/SR 124 – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 55%
- Alternative B 48%
- Alternative C 36%
- Alternative D 59%

**RR. Preston Avenue/ Main Street– Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 69%
- Alternative B 63%
- Alternative C 51%
- Alternative D 72%

**SS. Main Street / SR 124 (Church)/SR 104 (Main) – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 72%
- Alternative B 66%
- Alternative C 55%
- Alternative D 76%

**TT. SR 88 / Jackson Valley Road – Less than Significant**

Install a Signal. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 56%
- Alternative B 50%
- Alternative C 38%
- Alternative D 61%

**UU. SR 88 / Liberty Road – Less than Significant**

Install a Signal and convert NB right-turn lane into shared through/right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 23%
- Alternative B 18%
- Alternative C 12%
- Alternative D 26%

Construct separate WB left-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative D 100%

**VV. SR 88 / Victor (SR 12) – Less than Significant**

Convert SB right-turn lane into shared through/right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 9%
- Alternative B 7%
- Alternative C 5%
- Alternative D 11%

**WW. SR 88 /Kettleman Lane – Less than Significant**

Install EB duel left-turn lanes and SB through lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 10%
- Alternative B 7%
- Alternative C 5%
- Alternative D 11%

**XX. SR 16 / Dillard Road – Less than Significant**

Add EB right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative D 100%

**YY. SR 16 / Grant Line Road – Less than Significant**

Convert EB right-turn lane into shared through /right-turn. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 29%
- Alternative B 23%
- Alternative C 16%
- Alternative D 32%

**ZZ. Sunrise Boulevard/SR 16 – Less than Significant**

Convert EB right-turn lane into a shared through/right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 31%
- Alternative B 25%
- Alternative C 17%
- Alternative D 35%

**AAA. SR 16/Bradshaw Road – Less than Significant**

Add NB and SB through lane, an EB left-turn lane, two EB and WB through lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 8%
- Alternative B 6%
- Alternative C 4%
- Alternative D 9%

Construct a WB right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%
- Alternative C 100%
- Alternative D 100%

**BBB. SR 49/Pleasant Valley Road – Less than Significant**

Install a Signal. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 49%
- Alternative B 42%
- Alternative C 31%
- Alternative D 54%

**CCC. SR 88 (N)/Elliot Road – Less than Significant**

Convert SB right-turn lane into shared through/right-turn lane. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 5%
- Alternative B 4%
- Alternative C 3%
- Alternative D 6%

**DDD. SR 49 between Casino Entrance and Main Street – Less than Significant**

Widen from two to three lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 55%
- Alternative B 44%
- Alternative C 32%
- Alternative D 55%

**EEE. SR 16 between Bradshaw Road and Excelsior Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 21%
- Alternative B 17%
- Alternative D 24%

**FFF. SR 16 between Sunrise Boulevard and Grant Line Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 38%
- Alternative B 32%
- Alternative C 23%
- Alternative D 43%

**GGG.SR 16 between Grant Line Road and Dillard Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 69%
- Alternative B 63%
- Alternative C 51%
- Alternative D 73%

**HHH.SR 16 between Dillard Road and Stonehouse Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 48%
- Alternative B 42%
- Alternative C 30%
- Alternative D 53%

**III. SR 16 between Latrobe Road (Amador) and SR 124 – Less than Significant**

Widen from two to three lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 60%
- Alternative B 54%
- Alternative C 42%
- Alternative D 65%

Widen from three to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative D 100%

**JJJ. SR 16 between SR 124 and SR 49 – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 57%
- Alternative B 50%
- Alternative C 38%
- Alternative D 61%

**KKK.SR 104 between SR 124 and Main Street – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 60%
- Alternative B 54%
- Alternative C 42%



- Alternative D 65%

**LLL. SR 104 between Main Street and Church Street – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update.

Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 63%
- Alternative B 56%
- Alternative C 44%
- Alternative D 67%

**MMM.SR 124 between Main Street and SR 88 – Less than Significant**

Implement the Ione Bypass as identified in the 2004 Amador County RTP Update.

Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 82%
- Alternative B 78%
- Alternative C 69%
- Alternative D 85%

**NNN. SR 88 between SR 124 and Liberty Road – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 21%
- Alternative B 17%
- Alternative C 11%
- Alternative D 24%

Widen from four to six lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%
- Alternative C 100%
- Alternative D 100%

**OOO.SR 88 between Liberty Road and SR 12 (east) – Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 19%
- Alternative B 15%
- Alternative C 10%
- Alternative D 22%

Widen from four to six lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%
- Alternative C 100%
- Alternative D 100%

**PPP. SR 88 between SR 12 (east) and Tully Road – Less than Significant**

Widen from four to six lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%
- Alternative C 100%
- Alternative D 100%

**QQQ.SR 88 between Tully Road and SR 12 (west) (NB and SB Couplets)– Less than Significant**

Widen from two to four lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 10%
- Alternative B 8%
- Alternative C 5%
- Alternative D 12%

**RRR.SR 88 between SR 12 (west) and Kettleman Lane – Less than Significant**

Widen from four to six lanes. Proportionate share calculation of this project impact using Caltrans methodology is as follows:

- Alternative A 100%
- Alternative B 100%
- Alternative C 100%
- Alternative D 100%

**LAND USE**

SSS. 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. The Tribe shall create and maintain an aggressive Waste Management Plan which implements recycling strategies to voluntarily meet State recycling and diversion requirements. The Waste Management Plan shall include the installation of a trash compactor for cardboard and paper products, and the placement of recycling bins throughout the facilities for glass, cans and paper products. ~~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. A trash compactor shall be installed for cardboard and paper products.
- D. Recycling bins shall be installed throughout the facilities for glass, cans and paper products.

The following mitigation measure is recommended for Alternatives A, B, C and D.

- E. The Tribe shall adopt universal waste recycling requirements similar to California's Universal Waste Rule.

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

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

- F. 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:

- G. 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.
- H. All parking areas shall be well lit to prevent areas that would not be visible by patrolling security guards, 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.
- I. ~~Areas~~ Exterior areas surrounding the gaming facilities not designed as patron waiting areas shall have "No Loitering" signs in place, shall be well lit to increase the visibility of security features (cameras and guards), 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.
- J. The Tribe shall provide traffic control with appropriate signage and the presence of ~~peak hour~~ traffic control staff when appropriate. This will aid in the prevention of off-site parking, which could create possible security issues.
- K. The Tribe shall provide payments to Amador County to mitigate increased costs to the Amador County District Attorney's Office, Probation Department, Public Defenders Office, and Superior Court system as they relate to law enforcement actions generated by the selected project alternative. Prior to commencement of operations, the Tribe shall negotiate the exact amount of compensation in good faith to provide reasonable

payment for services with Amador County. ~~The amount of payment shall be subject to annual review.~~

- L. The Tribe shall make payments to the County to provide for one Amador County Sheriff's Deputy to be based in Plymouth on a 24 hours a day/ 7 days a week basis. This would require the addition of 6.5 officers. Financial compensation shall include the equipment necessary for the full staffed officers. Prior to commencement of operations, the Tribe shall negotiate in good faith to provide reasonable payment ~~the exact amount of compensation~~ for services with Amador County. ~~The amount of payment shall be subject to annual review.~~
- M. The Tribe shall provide payments to the CHP to mitigate potential impacts to CHP services in the area associated with the operation of the selected project alternative. Prior to commencement of operations, the Tribe shall negotiate in good faith to provide reasonable payment ~~the exact amount of compensation~~ for services with the CHP. ~~The amount of payment shall be subject to annual review.~~

#### ***Emergency Call Taking and Dispatching***

- N. The Tribe shall negotiate in good faith to make a reasonable contribution to Amador County to cover increased operating costs of emergency dispatching in Amador County including dispatching contracted through the State that is attributable to the operation of the selected project alternative. ~~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~~ Outdoor construction activities shall be limited to the hours of 6 am to 6 pm, Monday through Saturday.
- B. 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 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 earthen berm would be needed for residences to the northwest, but residences to the southwest would need attenuation of 14 dBA.

- C. Earthen berms 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 berms identified in **Mitigation Measure 5.2.10 (B)**, these berms 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 would 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. These SOPs address storage and use of hazardous materials and would be implemented during both construction and operation of the casino. The SOPs, which are designed to reduce the potential for incidents involving the use and storage of hazardous materials, shall include the following where feasible and when reasonable:
  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. During project operation, the least toxic material capable of achieving the intended result will consistently be used. These materials include industrial strength cleaners, detergents, pesticides, and degreasers. All potentially toxic materials would be used as directed according to federal labeling requirements. All materials shall be kept within their original containers and at no time would the labels be removed from the original containers.
- 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. A copy of the hazardous waste minimization program and a full inventory of flammable and hazardous materials will be provided to the Amador County Fire Department.
- J. The contractor shall be requested to avoid and minimize the use of hazardous materials and petroleum products during the project's construction to the fullest extent practicable.

- K. The Tribe shall minimize the use of pesticides and toxic chemicals to the greatest extent feasible in landscaping or use less toxic alternatives, such as integrated pest management techniques.
- L. The existing on-site residences shall be assessed for lead based paint and asbestos containing materials prior to demolition. The assessments will be performed by a licensed inspector. If lead based paint or asbestos containing materials are found, the materials will be removed from the site according to local, state, and federal requirements. All applicable Occupational Safety and Health Administration (OSHA) regulations shall be complied with.
- M. As part of the WWTP design, hazardous materials used for disinfection of water and treated effluent would be fully stored in the chemical room of the WWTP operations building. The storage and chemical metering facilities shall be located inside a chemical spill containment area, sized to contain 150 percent of the storage volume in case of an unintentional release. To the extent feasible, ~~All~~ chemicals shall be stored as dry material in sealed containers, and then in a 50-gallon mixing tank when needed.
- N. In the event that contaminated soil and/or groundwater are encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or a qualified individual can assess the extent of contamination. If contamination is determined to be significant, representatives of the Tribe shall consult with USEPA to determine the appropriate course of action, including the development of a Sampling Plan and Remediation Plan if necessary.
- O. The Tribe shall establish a vegetative cover over mine tailings with thick rooted plants prior to public access to the project development. The Tribe will ensure the vegetative cover is maintained providing full coverage of the mine tailings. Additionally, the tailings area shall be fenced off to prevent public access.

***VISUAL RESOURCES***

- P. The Tribe shall participate in Caltrans' Adopt-A-Highway Program to provide litter removal on one or more highway segments in the vicinity of the project site.