

DRAFT
ENVIRONMENTAL IMPACT STATEMENT
SCOPING REPORT

IONE BAND OF MIWOK INDIANS

MARCH 2004

Lead Agency:

U.S. Department of the Interior, Bureau of Indian Affairs
Pacific Region, 2800 Cottage Way, Room W-2820
Sacramento, CA 95825-1846



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AES

TABLE OF CONTENTS

IONE BAND OF MIWOK INDIANS FEE-TO-TRUST AND CASINO PROJECT – EIS SCOPING REPORT

1.0	INTRODUCTION	
1.1	EIS Scoping Process	1-1
1.2	Cooperating Agencies	1-2
2.0	PROPOSED ACTION AND ALTERNATIVES	
2.1	Purpose and Need	2-1
2.2	Alternatives Analyzed within the EIS.....	2-1
2.2.1	Alternative A – Preferred Alternative	2-2
2.2.2	Alternative B – Reduced Casino with Hotel Development Alternative	2-3
2.2.3	Alternative C – Reduced Casino/No Hotel Development Alternative.....	2-4
2.2.4	Alternative D – Regional Retail Development Alternative	2-5
2.2.5	No Action Alternative.....	2-5
3.0	ISSUES IDENTIFIED DURING SCOPING	
3.1	Introduction.....	3-1
3.2	Issues Identified During Scoping.....	3-5
3.2.1	Air Quality	3-5
3.2.2	Sewage Treatment Plant	3-6
3.2.3	Tribal Issues.....	3-7
3.2.4	Water Resources	3-8
3.2.5	Lights/Noise/Visual	3-9
3.2.6	Traffic	3-10
3.2.7	Biology.....	3-12
3.2.8	Land Planning	3-12
3.2.9	Community Character.....	3-13
3.2.10	Emergency Response.....	3-14
3.2.11	Public Services.....	3-15
3.2.12	Socioeconomics	3-16
3.2.13	Cumulative.....	3-18
3.2.14	Land Resources.....	3-19
3.2.15	Hazardous Materials	3-19
3.2.16	Environmental Justice.....	3-20
3.2.17	Cultural Resources	3-20
3.2.18	Other Issues.....	3-20
4.0	EIS SCHEDULE AND PUBLIC REVIEW	4-1

LIST OF TABLES

Table 2-1	Alternative A – Preferred Alternative Casino/Hotel Estimates	2-2
Table 2-2	Alternative B – Reduced Casino/Hotel Alternative Estimates	2-3
Table 2-3	Alternative C – Reduced Casino Alternative Estimates	2-4
Table 2-4	Alternative D – Regional Shopping Alternative Estimates	2-5
Table 3-1	List of Comment Letters	3-1

APPENDICES

Appendix A	Notice Of Intent (NOI): November 7, 2003 and January 20, 2004
Appendix B	Reporters Transcripts: November 19 th Hearing and February 4 th Hearing
Appendix C	Comment Letters and Hearing Comment Cards (bound under a separate cover)

SECTION 1.0

INTRODUCTION

The Bureau of Indian Affairs (BIA) intends to prepare an Environmental Impact Statement (EIS) for a proposed Fee-To-Trust transfer of 228.04± acres and subsequent development of a casino/hotel complex and other ancillary uses. This scoping report describes the EIS scoping process, identifies the cooperating agencies, explains the purpose and need for the proposed action, describes the proposed action and alternatives, and summarizes the issues identified during the scoping process.

1.0 INTRODUCTION

The National Environmental Policy Act (NEPA) is the basic national charter for protection of the environment. NEPA provides an interdisciplinary framework to ensure that federal agency decision-makers consider environmental factors. The key procedure required by NEPA is the preparation of an EIS for any major federal action that may significantly affect the quality of the environment. Public involvement, which is an important aspect of the NEPA procedures, is provided for at various steps in the development of an EIS. The first opportunity for the public involvement is the EIS scoping process.

1.1 EIS Scoping Process

The “scope” of an EIS means the range of environmental issues to be addressed, the types of project effects to be considered, and the range of project alternatives to be analyzed. The EIS scoping process is designed to provide an opportunity for the public and other federal and state agencies to provide input that will help determine the scope of the EIS.

The first formal step in the preparation of an EIS is publication of a Notice of Intent (NOI) to prepare an EIS. The BIA published the NOI for the proposed action in the *Federal Register* on November 7, 2003 with the comment period beginning on November 7, 2003 and ending on December 8, 2003 (**Appendix A**). The NOI described the proposed action and the reasons why an EIS will be prepared. The BIA held a public scoping hearing on November 19, 2003 from 6pm to 9pm at the Amador County Fairgrounds in Plymouth, CA. Approximately 150 people attended the public hearing and verbal comments were transcribed for the administrative record. (**Appendix B**) The BIA published a supplemental NOI in the *Federal Register* on January 20, 2004 to announce an additional public scoping hearing with the comment period beginning on January 20, 2004 and ending on February 20, 2004. (**Appendix A**) The BIA held a second public scoping hearing on February 4, 2004 from 6pm to 10pm at the Amador County Fairgrounds in Plymouth, CA. Approximately 130 people attended the second public scoping hearing and verbal

comments were transcribed for the administrative record (**Appendix B**). Comment letters received during the scoping process are included in **Appendix C**.

1.2 Cooperating Agencies

The lead agency (BIA) may request that another agency having jurisdiction by law or having special expertise with respect to anticipated environmental issues be a “cooperating agency.” Cooperating agencies participate in the scoping process and, on the lead agency’s request, may develop information to be included in the EIS. Cooperating Agency is defined in The Bureau of National Affairs, Inc. publication *The Environmental Impact Statement Process* (Number 27-2nd) as follows:

The concept of the “cooperating agency” was an innovation of the CEQ NEPA regulations. In the past, agencies other than the lead agency were unlikely to participate in the preparation of the environmental impact statement, but subsequently would comment, often unfavorably, on it. The cooperating agency concept is designed to persuade other agencies to assist the lead agency in its preparation of the environmental impact statement, and to ensure a draft statement that reflects the expertise of more varied agencies.

The NEPA regulations define a cooperating agency as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal” that requires an environmental impact statement. (40 C.F.R. § 1508.5) “Jurisdiction by law” refers to “agency authority to approve, veto, or finance all or part of a proposal.” “Special expertise” means statutory responsibility, agency mission, or related program expertise. A similarly qualified state or local agency or an affected Indian tribe may become a cooperating agency.

An agency that has “jurisdiction by law” shall be a cooperating agency upon the lead agency’s request. Any other federal agency with “special expertise” relating to pertinent environmental issues may be a cooperating agency at the lead agency’s request. An agency may also request that the lead agency designate it as a cooperating agency.”

The lead agency must request the participation of each cooperating agency at the earliest possible time. Further, it must use the cooperating agencies’ environmental analyses and proposals “to the maximum extent possible consistent with its responsibility as lead agency.”

Each cooperating agency is similarly required to participate in the process at the earliest possible time and to “assume on request of the lead agency, responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special

expertise.” Cooperating agencies also must make available staff support and funding to assist the lead agency on the statement.

Because they are apt to be cooperating agencies in a large number of cases, agencies such as the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Fish and Wildlife Service have claimed that the cooperating agency function would impinge upon their other program commitments. Therefore, the regulations permit a potential cooperating agency to inform the lead agency and CEQ that “other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement.” If an agency makes such a request, it is opting out of the action – not just the cooperating agency status – and may not participate subsequently at the commenting stage.

The BIA has formally requested Cooperating Agency participation from the U.S. Environmental Protection Agency, National Indian Gaming Association, California Department of Transportation, the City of Plymouth and Amador County. To date, only the National Indian Gaming Association and the City of Plymouth have responded that they would serve as a Cooperating Agency.

SECTION 2.0

PROPOSED ACTION AND ALTERNATIVES

2.1 PURPOSE AND NEED

The Proposed Action serves the needs of the BIA to promote economic development and the self-governance capability of the Tribe through the highest and best use of the fee-to-trust land. The Tribe wishes to further their socioeconomic status in an effort to provide a better way of life for its tribal members. The economy of the tribal members lags behind the economy of residents within the local community in terms of employment rate, median household income, and percentage of those living below the poverty level. The need for the development of this project is based on:

- the Tribal Government has no sustained revenue stream;
- the lack of reservation land;
- the lack of employment opportunities for Tribal members;
- the lack of economic development opportunities for Tribal members;
- the disadvantaged socioeconomic conditions of the Tribal Government and members;
- the potential profitability of Class III gaming; and
- the Federal Government and the State having cut back on programs which the Tribal Government has relied on to fund its governmental programs.

In carrying out the trust responsibility of the United States with respect to the Tribe, the BIA has as its purpose to support the Tribal Government in its effort to improve the long-term economic condition of the Tribe and its members through the development of a stable, sustainable source of employment and revenue. Given the proposed location of the reservation at the southern extent of the community of Plymouth, this enterprise must independently attract patrons in order to be successful. For long-term feasibility, the project must have primary and secondary attractants to invite patrons to the reservation.

2.2 ALTERNATIVES ANALYZED WITHIN THE EIS

The EIS will analyze four development alternatives and a no action alternative. All four of the development alternatives include placing 228.04± into Federal Trust status.

2.2.1 Alternative A - Preferred Alternative

The Preferred Alternative consists of two phases of development. Phase A includes the following components: (1) placing 228.04± acres into Federal Trust status; (2) approval of a Gaming Management

Contract; (3) casino complex development; (4) development of food and beverage areas and (5) various casino supporting uses. Phase B includes the development of a hotel and event center. (**Table 2-1**)

TABLE 2-1
ALTERNATIVE A - PREFERRED ALTERNATIVE CASINO/HOTEL ESTIMATES

Area	Approximate Square Footage
Casino Complex	150,000
Hotel (250 rooms)	166,500
Project Total	316,500

NOTE: All figures are approximate.
SOURCE: AES

Land Trust Action

The Preferred Alternative consists of the conveyance of 12 parcels, comprising 228.04± acres into federal trust status on behalf of the Tribal Government. The fee-to-trust acquisition would be made in accordance with the procedures set forth in 25 CFR § 151. The regulations at 25 C.F.R. § 151 implements Section 5 of the Indian Reorganization Act ("IRA"), codified at 25 U.S.C. § 465. Section 5 of the IRA is the basic statute that provides the Secretary of Interior with authority to acquire lands in trust status for tribes and individual Indians.

Gaming Management Contract

The Tribe and Ikon, LLC have proposed to enter into a Development and Management Contract for the construction and operation of the proposed casino. Pursuant to the Indian Gaming Regulatory Act (Title 25 of the United States Code, Sections 2701 to 2721), the National Indian Gaming Commission (NIGC) must review and approve the management contract. The NIGC provides regulatory oversight on tribal gaming operations to ensure the safety of the operations and the integrity of the games.

Casino

The casino would consist of a mixture of uses including: food and beverage services, small retail shops, event and convention center, administrative offices for gaming related tribal activities, and the main gaming hall. The gaming facility would include a casino floor, food and beverage areas, meeting space, guest support services, offices, and security area.

Parking

The casino parking area will provide a total of approximately 4,500± parking spaces. Two driveways would provide access to the parking area and casino from Highway 49.

Water Supply

Water for the Proposed Project could come from a number of sources including on-site wells, City of Plymouth, and water trucking. Water storage tanks will be sized and constructed to provide adequate fire flow consistent with the requirements of the Fire Department.

An approximate 40% reduction in water demand will be realized by using recycled water. Recycled water in this report means wastewater that has been treated sufficiently to meet the California Department of Health Services' (DHS) comprehensive recycled water regulations that define treatment processes, water quality criteria, and treatment reliability requirements for public use of recycled water. Tertiary treated water from the immersed membrane bioreactor (MBR) facility will be used for non-potable uses such as landscape watering, toilet flushing, etc.

Sewage Treatment Facility

A wastewater treatment facility is planned for the proposed development to satisfy standards established by the U.S. Environmental Protection Agency (EPA) and the Regional Water Quality Control Board (RWQCB). The Tribal Government proposes to use an immersed membrane bioreactor (MBR) system as the wastewater treatment process to provide the highest quality of water for reuse or subsurface disposal. Elements of the wastewater treatment and disposal facility include a wastewater treatment plant, wastewater piping, a wastewater disposal area, and recycled water impoundment.

Hotel

The Tribe proposes to construct an approximately 166,500 square foot 250 room hotel. Primary vehicle access to the hotel will be provided by the main casino and parking driveway.

2.2.2 Alternative B - Reduced Casino with Hotel Development Alternative

The Reduced Casino with Hotel Development Alternative consists of the following components: (1) placing 228.04± acres into Federal Trust status; (2) approval of a Gaming Management Contract; (3) casino complex development; and (4) hotel development; (**Table 2-2**)

TABLE 2-2
ALTERNATIVE B – REDUCED CASINO/HOTEL ALTERNATIVE ESTIMATES

Area	Approximate Square Footage
Casino Complex	130,750
Hotel (250 rooms)	166,500
Project Total	297,250

NOTE: All figures are approximate.
SOURCE: AES, 2004

Land Trust Action

The Casino and Retail Development Alternative includes the conveyance of the twelve parcels, 228.04±-acre area into federal trust status on behalf of the Tribal Government. This action is identical as that described under the Preferred Alternative above.

Gaming Management Contract

Under this alternative, the NIGC must review and approve the gaming management contract between the Tribe and Ikon, LLC for the construction and operation of the proposed casino. This action is identical as that described under the Preferred Alternative above.

Casino

The casino would consist of the same mixture of uses as described under Alternative A, including water and wastewater components; however, the size of the casino would be reduced to provide 1,500 slot machines. Proposed uses include table games, food and beverage areas including a restaurant, buffet, sports bar and coffee bar.

2.2.3 Alternative C - Reduced Casino/No Hotel Development Alternative

The Reduced Casino / No Hotel Development Alternative consists of the following components: (1) placing 228.04± acres into Federal Trust status; (2) approval of a Gaming Management Contract; and (3) casino complex development (**Table 2-3**).

TABLE 2-3
ALTERNATIVE C – REDUCED CASINO ALTERNATIVE ESTIMATES

Area	Approximate Square Footage
Casino Complex	79,250
Project Total	79,250

NOTE: All figures are approximate.
SOURCE: AES

Casino

The casino would consist of the same mixture of uses as described under Alternative A, including water and wastewater components; however, the size of the casino would be reduced to provide 1,000 slot machines. Proposed uses include table games, food and beverage areas including a buffet and sports bar.

Land Trust Action

The reduced casino/no hotel alternative includes the conveyance of the twelve parcels, 228.04± acre area into federal trust status on behalf of the Tribal Government. This action is identical as that described under the Preferred Alternative above.

Gaming Management Contract

Under this alternative, the NIGC must review and approve the gaming management contract between the Tribe and Ikon, LLC for the construction and operation of the proposed casino. This action is identical as that described under the Preferred Alternative above. Please refer to the gaming management contract action discussion under the Preferred Alternative for more detail.

2.2.4 Alternative D - Retail Development Alternative

Alternative D consists of the following components: (1) placing 228.04± acres into Federal Trust status; and (2) development of regional shopping complex. **Table 2-4** details the square footage of each component.

TABLE 2-4
ALTERNATIVE D – REGIONAL SHOPPING ALTERNATIVE ESTIMATES

Area	Approximate Square Footage
Anchor Stores (2)	42,625
In Line Shops	80,625
Project Total	123,250

NOTE: All figures are approximate.
Source: AES

Land Trust Action

The Retail Development Alternative includes the conveyance of the twelve parcels, 228.04± acre area into federal trust status on behalf of the Tribal Government. This action is identical as that described under the Preferred Alternative above.

Regional Shopping Complex

The regional shopping complex would consist of two anchor stores and a variety of smaller retail shops. The remaining area of the retail complex would be used for surface parking.

2.2.5 Alternative E - No Action Alternative

Under the No Action Alternative, the twelve parcels (228.04± acres) would not be placed into federal trust for the benefit of the Tribal Government, and would not be under any of the alternatives identified.

Land use jurisdiction of the property would remain with the City of Plymouth and Amador County. The proposed trust parcels would continue in the short-term to be utilized for grazing, vacant, and rural residential land uses. The twelve parcels could ultimately be developed consistent with current county and city zoning or sold to a private party for development. For the purposes of the environmental analysis in this Draft EIS, it is assumed that the property will continue to be utilized for rural residential and vacant/grazing purposes under this alternative. Under this alternative, the Tribal Government would not attain its basic objective of economic self-sufficiency.

SECTION 3.0

ISSUES IDENTIFIED DURING SCOPING

3.1 INTRODUCTION

The CEQ Regulations for implementing NEPA require a process, referred to as “scoping” for determining the range of issues to be addressed during the environmental review of a proposed action (§1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals. The first NOI comment period began on November 7, 2003 and closed on December 8, 2003. The second NOI published on January 20 extended the comment period to February 20, 2004. The issues that were raised during the NOI comment period have been summarized within this *Ione EIS Scoping Report*.

The following sections briefly describe each of the issue areas raised in the scoping process that will be addressed in the EIS. Specific issues and questions raised by members of the public or by agencies are also listed in each section and will be addressed in the EIS. Some additional issues that were not specifically raised, but which the BIA intends to address in the EIS, are also included. The Recorder’s transcripts of both scoping meetings appear in **Appendix B**. Copies of the letters listed in **Table 3-1** appear in **Appendix C**.

TABLE 3-1
LIST OF COMMENT LETTERS

Comment Letter	Name
1	William and Doris Allison
2	William and Doris Allison
3	John Asmus
4	Senior Minister Dale Barrett
5	Don Becker
6	Barbara Bevelacque
7	Mario Biagi
8*	Mario Biagi*
9	Carol Bilheimer
10	Louis Boitano
11	Louis Boitano
12	Mr. And Mrs. Herb Boxhorn
13	William Braun
14	Paula Campbell
15	Superintendent Mike Carey
16	Pastor Paul W. Cherry
17	Citizens of Plymouth group
18	Jon Colburn
19	Jon Colburn

20	Butch Cranford
21	Butch Cranford
22	Butch Cranford
23	D.W. Cranford II
24	Pastor Ron Creekmore
25	Joel Peter Crystal
26	Tony and Jenell De Marlo
27	Jill DeCou
28	Walter Dimmers
29	Walter Dimmers
30	Walter Dimmers
31	Walter Dimmers
32	Don Dowell
33	Eric Eckerstrom
34	Mike, Ann & France Farmer
35	Susan Fenner
36	Susan Fenner
37	Pat Fordyce
38	Archie & Georgia Fox
39	Pastor Cruz Fragoza
40	Rev. Cruz Fragoza, Jr.
41	Irene Freitas
42	Irene Freitas
43	Garfinkel family
44	CDR Geo Gregory, USN (ret) DFC
45	George Gregory
46	John Carl Guthrie
47	Ronald Hamlin
48	Patrick Henry
49	H.Hillner
50	Betty & John Hoddy
51	Michael and Jan Hopkins
52	Steven D. Howard
53	James Huston
54	James Huston
55	Rev Michael W. Jacobsen
56	Carrie Johnen
57	Michael Kriletich
58	Hope M. Luxemberg
59	Hope M. Luxemberg
60	Hope M. Luxemberg
61	Elida A. Malich
62	Elida A. Malich
63	Cyndi Martin
64	Kenneth Martin
65	Hazel McSwane
66	James L. Messinger
67	Dick Minnis
68	Joseph Mock
69	Wayne Moore
70	Thomas and Ethel Morris
71	Senator Rico Oller
72	Brian Oneto

73	Ed Oneto
74	Janine Oneto
75	Mary Lou Oneto
76	Rux Oneto
77	Joy Paul
78	Wendell G. Peart
79	Petition
80	Tom Rayzor
81	Arlene Reeves
82	Arlene Reeves
83	Jackie Rogers
84	Jackie Rogers
85	Sandy Sanders
86	Donald & Virginia Schick
87	Donald & Virginia Schick
88	Donald & Virginia Schick
89	Patricia Shackleton
90	Eileen Shaw
91	Tony Souza
92	Tony Souza
93	Gary Thomas
94	Nicolals Villa, Jr.
95	Thomas Weathers
96	Elaine Zorbas

*The following is a list of comment letters that were addressed to various public officials and attached to Comment Letter 8 from Mario Biagi.

Dick Aberley	Louis Boitano	Pastor Paul W. Cherry	Tony and Jenell De Marlo
William Admire	A. Bower	Calvin Chin	Michael Dean
William and Doris Allison	Judy Bray	Jean Christ	Warren E. Dearth
Manuel Andrade	David Brown	Virginia Conley	Linda Palmer and Ken DeBow
Mr. And Mrs. Roy Atrimin	Jodi Brown	Kristina Cook	Jill DeCou
? Aubrey	Mary Brown	Deborah Cowan	Daniel Dentone
Tasha Aubrey	Patrick Brown	Ruth and Jack Crain	Sue Dimmers
Barbara Baker	Ruth Brown	Denton Cramer	Gwen Starrett and Steven Doss
Lena Bardini	James I. Bullock	David Crawford	Cathy Downing
Abe Baxter	Mary E. Bullock	Henrieta Crawford	Jan Duggan
Don Becker	Robert Bur	Dena and Michele D'Agostini	Jennifer Dwight-Frost
Mike and Peggy Bellamy	Jeff and Rebecca Cartwright	Enid J. DalPorto	
Diane Blackwell			

Beatrice Eaton	Bob E. Gurreo	Mary Kwoka	Janelle McMiller
Teresa Eernheart	Mary Lou and Carl Hangebrauk	Willie LaFramboise	Mark and Gloria McNeil
Paul Elkins	David N. Hartje	Leeann and Bill Lane	Dennis and Karen Mickel
Mary Feeney	Susan Hartje	Leeann Lane	Tiana Miguel
Cheryl Finch	Virginia Haur	Ed and Mary Lawson	Kerrie Miller
Donald James Finch	Helen Henry	Lorene Letcher	Jennifer Minnis
Laura Fisher	Patrick Henry	William & Gaylene Lichty	Robert Mirto
Travis Fisher	Luke Heurtsleur	Josh Linden	Susan Moore
Kathy Flair	H. Hillner	Edith Lindstrom	Wayne Moore
Judith Flinn	Betty Riley Hoddy	Gina Lintern	Carol Moreno
Cristopher and Dale Lisa Flint	Bernice Honeychurch	Mary Littlefield	Danelle Moreno
Chairman, Richard Forster	Barbara Hopkins	Robert Livingston	Denise & Benard Moreno
Virginia Foster	Don and Sharon Howard	Henrietta Lubenko	Denise Moreno
Matthew Franklin	Pamela Howard	Ryan Lund	Assemblyman Alan Nakanishi
Barry Franks, Board Pres	Steven D. Howard	Veronica Lupton	Raful Nijar
Irene Frietas	Ione Band of Miwok	Teresa Ann MacReoo	Jalic Numare
Charles Frost	Jeremieh Janey	Elida A. Malich	Shirley Ochoa
Susie Frost	Joyce Jeffrey	A.W. Malick	Senator Rico Oller
Diane Fuher	Bud Jennings	Kenneth and Cyndi Martin	Michael O'Meara
Angelo Gaggero	Calvin and Patricia Johns	Jack Martin, Sr.	Eunice Parr
Beverly Gaggero	Gary and Patricia Johnson	Ernie and Suzanne Mauck	Julie Parr
Jim and Katie Garfinkel	Lorin and Michelle Jones	Peggy Allen Maydew	W. Brent Parsons
Josh Gillich	Jeff and Mary Juell	Hazel Mc Swane	Joel Peters
James Gouge	David and Helen Kindall	Roseann McCarthy	Margaret Peterson
Geo. T. and Melva J. Gregory	John (Jack) King	Henry McDaniel	? Peterson, Sr.
Howard Grover	Kayice Koll	Mike McDonald	Todd Pickens, O.D.
Lila Grover	Barbara Kramer	Anna J. McGuire	Donna Picucci
Dean Grubb, Jr.	Jayne Kuntz	Jess Mclhorkin	Steven Pinotti
	Wayne Kuntz	Jamie McM?	Christine Price
			Karliy Provony

Randal ??	Audrey Sauze	G. Stephony	Michael Van Dyfe
Leonard & Marion Randolph	Cheryl Schmit	Lawrence Stoddard	Samantha Vargas
Arlene Reeves	Carol Schwage	Jamie Suinavenko	Bernice Villa
Irene Freitas & Arlene Reeves	Edmund Scott	Jeana Tarrihta	Fredric and Camille
Todd Riebe	Marilyn Seratte	Henrietta Tavolario	Sharon Watson
Robbie and Eleanor	Robert Seratte	Gene Taylor	Judy Weiss
Jim Rooney	Patricia Shackleton	Tony ???	Carla Whitel
Rosemary and Bud	Gina Sherman	Stan Tyler	Don Williams
Bob Roth	T.C. and Donna Sisney	Randy Unthank	June Williams
Shannon Roth	Andy Smith	Kathleen Utley	Rose Marie and Francis B.
Dennis Sanders	Jo Smith	Nicole Vaith	Jamisar York
Kimberly Sanders	Pamela Ann and Phillip Lee Smith	Barb Vaitl	Shara Zable
Leonard Sanders	Leon Sobon	Chad Vaitl	David Zatnick
Ruth Sanders	Art and Nancy	Eric Vaitl	Gertrude Zeller
Ruth Sanders	Anne Soulie	Patrick Van Dafriff	Dimitris and Elaine Zorbas

3.2 ISSUES IDENTIFIED DURING SCOPING

Specific issues and questions raised by members of the public or by agencies are also listed in each section and will be addressed in the EIS. Some additional issues that were not specifically raised, but which the BIA intends to address in the EIS, are also included. The following sections briefly describe each of the issue areas raised in the scoping process that will be addressed in the EIS:

3.2.1 Air Quality

The EIS will assess the potential impacts on air quality due to construction and operation emissions. Emission inventories will be developed for construction and operation activities related to the preferred alternative and other development alternatives.

Specific air quality issues and questions raised during scoping include:

- Would sewage and waste water evaporation and aeration ponds from the wastewater treatment facility create adverse air quality impacts?
- Amador County is currently designated as a moderate non-attainment area for the state 1-hour ozone standard. The EIS should evaluate the air quality and discuss the impact the construction

and operation of the Proposed Action would have on air quality emissions compliance in Amador County.

- Would the Proposed Action result in air pollution and odor from increased traffic?
- Would the Proposed Action result in an increase in air pollution in excess of the existing air quality standards?
- Would the construction of the Proposed Action increase ambient particulates which may be toxic and/or disseminate disease?
- The EIS should discuss the potential hazard of public exposure to mining waste including airborne particulate matter during construction.

These issues will be addressed in the EIS.

3.2.2 Sewage Treatment Plant

The EIS will assess the potential impacts of the proposed sewage treatment plant on soil, air, water quality and people.

Specific sewage treatment plant issues and questions raised during scoping include:

- The EIS should include a discussion of the California Regional Water Quality Control Board's Porter-Cologne Act, which regulates discharge water from wastewater treatment facilities and requires that the wastewater be improved to state standards. A discussion of the Proposed Action's wastewater facility should include compliance with the Act.
- How would the effluent from the wastewater treatment plant be handled?
- An engineering evaluation of the wastewater disposal system should be completed to assess the environmental impacts and the cost of wastewater service expansion.
- Would the City of Plymouth sewage disposal system have the capacity to provide service to the Proposed Action?
- Would sewage and waste water evaporation and aeration ponds create odors detectable to the surrounding community?
- The EIS should discuss adequate funding mechanisms for the wastewater disposal capacity increase and any necessary modifications due to the increased capacity demand of the Proposed Action.
- Would the Proposed Action truck sewage to an off-site location?
- Would the Proposed Action utilize reclaimed water?
- The EIS should discuss sewage wastewater conveyance system components, such as grease interceptors and lift stations, etc.
- Would the Proposed Action have the capability of assisting regional delivery of water and sewer to underserved areas?
- Would the Proposed Action require the purchase additional property in order to accommodate ponds and spray fields related to waste water treatment?

In order to address the above issues and answer the questions that were raised during scoping, a water/wastewater feasibility study will be developed and included as part of the EIS.

3.2.3 Tribal Issues

Tribal issues will be addressed in the EIS to the extent required under the NEPA process. The vast majority of tribal issues will be addressed in the project application.

Specific tribal issues and questions raised during scoping include:

- Does the Ione Band of Miwok have a historical claim to the site of the Proposed Action?
- Would the Tribe consider waiving their Tribal sovereignty to ensure judicial enforcement of mitigation measures?
- Could the Tribe build the Proposed Action on Indian Reservation land?
- Is the Ione Band of Miwok Indians an official Tribe? Do they have the authority to establish an agreement with Ikon or the BIA?
- The EIS should discuss how the profit from the casino would be managed and divided between the Tribe and the management company.
- Is there tribal land already in existence in Ione for the Ione Band of Miwok Indians?
- The EIS should discuss the procedure for determining the official members of the Tribe.
- Is the Tribe eligible for Federal assistance as an alternative to developing the Proposed Action?
- Would the Tribe be required to adhere to traffic, noise, health and safety or environmental regulations upon the transfer of the land into fee-to-trust?
- Does the Ione Band of Miwok meet the standards that apply to the landless exemption under the Indian Gaming Regulatory Act, such as possessing proof that they have lived continuously on the specific site?
- The former Governor was opposed to building a gaming facility within city limits, would this opposition effect the approval of a compact and the development of the project?
- Would an off reservation Class III gaming facility be in compliance with the Indian Gaming Regulatory Act and Proposition 1A?
- The EIS should discuss the impact of competition on the two Indian gaming facilities within the area, Jackson Rancheria and Buena Vista.
- Would the Tribe attempt to request a congressional mandate for the land acquisition?
- What relation does the Ione Band of Miwok have with the Wilton Rancheria Tribe?
- Does the Ione Band of Miwok project site meet the standard for the land to be considered restored lands?
- Does the Band's Federal Tribal status allow the Tribe to acquire land?
- Would Tribal sovereignty limit the ability of the City of Plymouth to utilize future growth and development opportunities along Highway 49?

- The Tribes internal membership and leadership dispute should be settled before BIA processes the Tribe's application. BIA should clarify whom the BIA recognizes as the tribal council and members. Would compact negotiations be halted until Tribal land and membership issues are resolved?

3.2.4 Water Resources

The EIS will address issues related to surface waters, groundwater, and water quality. Available hydrogeologic studies will be reviewed, and other information on the water resources of the area will be obtained. The EIS will assess potential impacts on surface and ground waters resulting from project operation. Water delivery options to the project site include using on-site wells with storage tanks, the continuation of water service to project parcels based on existing/planned use, and water trucking to supplement water storage. The EIS will also address the possibility of using water from Amador County Water Agency and using additional quantities of City Water.

Specific water supply issues and questions raised during scoping include:

- Does the city of Plymouth have adequate water supply facilities to accommodate the Proposed Action? Would the Proposed Action result in adverse impacts to water supply? Would the water use of the Proposed Action result in adverse impacts related to groundwater supply to farmers, ranchers and homeowners from? Would the municipal water supply have the capacity to serve the project site?
- Would the water line serving Amador City and Drytown be extended to the casino? If so, who would fund the extension? Who would be responsible for repairs to the water line?
- Commenters cited the fact that there is a state imposed building moratorium in Amador County due to inadequate water supply. It is suggested that a water supply and delivery system should be in-place and functional prior to any consideration of the Proposed Action.
- Would water supply mitigation of the Proposed Action include funding for new or deeper wells for surrounding residences, if necessary?
- The EIS should discuss how water would be delivered to the project site.
- Would the Proposed Action have an adverse impact on local wells?
- The EIS should analyze the cost of providing water service to the Proposed Action and explain how these services would be funded. The EIS should consider costs of supplying water to the Proposed Action and future developments.
- Would the aquifer be able to produce a sufficient volume of water for the Proposed Action's water demand?
- The EIS should discuss the funding of the bond payments which are needed to install pipe from the Arroyo Ditch.
- Would there be a substantial depletion of groundwater supplies/recharge as a result of the Proposed Action?
- Would there be a disruption of groundwater movement as a result of the Proposed Action?

- Would the Proposed Action required trucking in of water and/or interbasin water transfer?
- Would the Proposed Action result in a substantial loss of water supply that would otherwise be available to the Sutter Home vineyard?
- Would the Proposed Action conduct studies to establish the amount of water the City and Tribe need for current and future due to potential growth-inducing aspects of the project?
- The EIS should address the issue of the city's ability to meet peak summer demands using underground water sources without supplemental support of the Arroyo Ditch.
- The EIS should consider conducting a study of the current use of the Jackson Rancheria to establish the annual use and peaking demand of a new casino and hotel.
- What would the impact to water supply be from future housing needs for casino employees?
- Would the Proposed Action require connection with the Amador Water Agency?
- A preliminary drainage study should be submitted to the City Engineer and Amador County Engineer to address any drainage issues.
- The EIS should evaluate and discuss mitigation relating to both long- and short-term water quality impacts including erosion/sedimentation and "urban" type contaminant impacts.
- The EIS should discuss groundwater and surface water quality impacts associated with wastewater discharge and stormwater runoff.
- The Proposed Action should be required to identify and construct a reliable source of surface water before project approval.
- Would the Proposed Action have the option of establishing a joint venture with the City of Plymouth for surface water?
- Would the Proposed Action have the option of establishing a joint venture with the Amador Water Agency for surface water?
- Would the Ione Band of Miwoks have the ability to file for water rights from the Cosumnes River as an ancestral right?
- Would the Proposed Action have adequate water supply for fire protection?
- The EIS should discuss the impact drought conditions would have on the Proposed Action.
- Would the Proposed Action have an adverse impact on the water supply for Burke Ranch?

3.2.5 Lights/Noise/Visual

The EIS will address issues related to light and noise pollution. The EIS will identify if the Proposed Action and alternatives would adversely impact the dark skies around the Plymouth region.

Specific issues and questions raised during scoping include:

- Would the Proposed Action result in adverse impacts from noise and light (glare)?
- The EIS should discuss mitigation measures for light, noise, and air pollution impacts.
- Would the Proposed Action create an adverse visual impact upon entering town due to the placement of the sewage treatment plant, neon signage and the parking lot?

- The EIS should discuss light and glare impacts from sources such as streets, driveways, walkways, parking lots, automobiles, casino entrance and casino proper, neon greeting and advertising signs.
- Would the operation of the Proposed Action expose area resident to noise levels that would be in violation of Amador County noise ordinance?
- Would noise levels from the operation of the Proposed Action result in a permanent increase over pre-project levels?
- Would construction and subsequent expansion and/or remodeling of the Proposed Action result in a substantial temporary increase in ambient noise levels?
- The EIS should describe any noise generating operations that would occur after normal business hours and state if there would be an outdoor public address system, outdoor audible alarm or music.
- The EIS should indicate where onsite truck loading and unloading activities would occur and estimate project-generate traffic noise impact in the short- and long-term on residential areas along Highway 49 and other roadways in the vicinity.
- Would the Proposed Action be consistent with the Plymouth General Plan's Noise Element (specifically Goal 2.5.1 and Policies 2.5.4 and 2.5.4)?
- The EIS should describe architectural features, landscaping, exterior lighting, and signage and in order to assess aesthetic impacts.
- The EIS should include photo simulations of the Proposed Action from different vantage points.

These issues will be addressed in the EIS.

3.2.6 Traffic

The EIS will provide an estimate of the total daily trips and peak hour trips generated by the alternatives and future levels of service will be analyzed. Impacts to roadways will be studied to access traffic impacts as related to the Proposed Action and its alternatives.

Specific traffic issues and questions raised during scoping include:

- Would serving alcohol at the proposed casino increase the incidence of alcohol related automobile accidents? The EIS should discuss mitigation measures aimed at decreasing traffic accidents related to drunk driving.
- The EIS should analyze the impacts relating to traffic on county roads and state highways from the operation of the Proposed Action. The EIS should discuss how access to the casino would impact the infrastructure of Highway 49 and Highway 16. Would the operation of the proposed casino adversely impact traffic congestion on highways and back roads in the vicinity?
- The EIS should discuss how the operation of the proposed casino would impact traffic circulation and safety on Latrobe Road and Old Sacramento Road.

- Would traffic increases from the operation of the proposed casino increase the potential for accident fatalities?
- The EIS should analyze impacts on driveway access to businesses and residences along Highway 49 and Highway 16 from the increased traffic due to the Proposed Action.
- The EIS should discuss how traffic impacts to the city of Ione would be mitigated and the funding mechanisms for that mitigation.
- The EIS should analyze how an increase in traffic from the proposed casino would affect the quality of life in Ione.
- The EIS should discuss how the increase in traffic from the proposed casino would be impacted by natural hazards such as fog, wildlife and winding roads. The EIS should also discuss mitigation related to these factors.
- Would casino traffic be considered an incompatible use with current uses such as RV's, logging trucks and heavy equipment?
- Would traffic congestion adversely affect the local residents and business establishments and result in significant decrease in tourist visits to Amador County wine country?
- Would traffic signals be installed to intersections including Highway 16 from Latrobe Road, Willow Creek Road, Highway 124 and Highway 49? Would left turn lanes be added to Long Gate Road, Forest Home Road and private driveways?
- The EIS should discuss how an increase in Amador City traffic from the Proposed Action would impact air quality, pedestrian safety and historic buildings.
- Who would the responsible party be for traffic impacts and mitigation measures?
- The EIS should evaluate the impact to traffic circulation from the following directions: 1) from the west and south access to Plymouth from State Route 16 and 2) from north by State Route 49 and 3) North through Ione from Stockton on State Routes 88 and 124.
- Would the Proposed Action impact access to Shenandoah Valley and Fiddletown?
- The EIS should discuss the impacts to traffic circulation within the City of Plymouth.
- Would the Proposed Action have adequate parking capacity?
- Would the Proposed Action result in an impact from overflow parking vehicles on streets and area parking lots?
- Would water trucking be an option, and, if so, what would be the impact to traffic circulation?
- The EIS should consider Caltrans' encroachment issues along Highway 49 and consistency with the Amador County Regional Transportation Plan (RTP) and the Plymouth General Plan Circulation Element.
- The EIS should consider the regional transportation situation and funding requirements for modifications such as road widening.
- The EIS should address any traffic safety impacts related to potential flooding on Highway 49 adjacent to the 49er trailer park.

Impacts to roadways will be studied to assess traffic impacts as related to the Proposed Action and its alternatives.

3.2.7 Biology

The EIS will assess potential impacts on vegetation, wildlife, and threatened/ endangered species.

Specific biology issues and questions raised during scoping include:

- Would the construction of the Proposed Action create vernal pools and increase the likelihood of insect borne diseases (such as the West Nile virus and St. Louis encephalomyelitis)?
- The EIS should undertake an investigation of impacts to endangered species, impacts to wetlands, and vernal pool from the construction and operation of the Proposed Action.
- Would the Proposed Action result in wildlife displacement?
- Would the project cause the loss of local wildlife habitat and interfere substantially with the migratory pathways of native wildlife?
- Would the project result in a substantial loss of oak woodland or other threatened natural resources?
- Would the Proposed Action have an impact on fish populations in Stringer Creek and Dry Creek (especially steelhead runs)?

These issues will be addressed in the EIS.

3.2.8 Land Planning

The EIS will assess the potential impacts that the Proposed Action would have on land and conservation planning.

Specific land planning issues and questions raised during scoping include:

- Would the Proposed Action result in an inconsistent land use with the surrounding community?
- Would the Proposed Action create an incompatible use due to presence of livestock along Old Sacramento Road and an increase in the risk of livestock vehicular collisions?
- The commenter explains that most farms in the area are under the Williamson Act. Would the casino induce those property owners to rezone the area for commercial use, resulting in a loss of rural community character?
- The EIS should evaluate whether Amador County is large enough to accommodate a third casino.
- Why is the proposed casino located in Amador County and not in a more urban area?
- The EIS should evaluate potential hazards from the previous land use as a gold mine.
- What would happen to the project site if the casino went out of business? Who would maintain the building and related facilities?

- The EIS should evaluate the impact to agricultural resources of removing from production the grazing land on the project parcels.
- Would the Proposed Action be consistent with the Vision Statement of the City of Plymouth as adopted into the Land Use Element of the General Plan in 1994?
- Would the Proposed Action result in a conversion of farmland to non-agricultural use and contribute to the statewide decline in farmland?
- The EIS should discuss the zoning of the project parcels and evaluate the consistency with the Amador County General Plan and other land use plans.
- The EIS should discuss the impact of the Proposed Action on the Chicken Flat neighborhood.
- The EIS should discuss consistency with the policies of the Plymouth General Plan with specific consideration given to Goal 2.5.1 and include a discussion as to impacts of community character.
- The EIS would discuss how the Proposed Action would comply with the requirements of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, State Regional Water Quality Control Board, Caltrans, California Department of Fish and Game, Amador County LAFCO, as well as any other responsible and trustee agency requirements.
- The EIS should address potential land use conflicts with adjacent parcels and discuss mitigation to address land use compatibility impacts uses in the vicinity.

These questions will be addressed in the EIS.

3.2.9 Community Character

The EIS will assess if the alternatives would adversely impact the area's community character.

Specific community character issues and questions raised during scoping include:

- Would operation of the Proposed Action dramatically change the character of the community?
Would the Proposed Action be consistent with the community character of Plymouth?
- The EIS should discuss how the operation of the Proposed Action would impact local establishments such as the elementary school, church, park, grocery market, hardware store and gas station.
- Would the Proposed Action impact the future quality of life in the City of Plymouth?
- The EIS should discuss the impacts to elderly residents due to increased traffic and crime rate, and decrease in air quality and water supply.
- The EIS should discuss the impact to religious institutions from the operation of the proposed casino.
- Would the Proposed Action effect the consideration of the City of Plymouth as a Historical District?
- The EIS should survey the entire property for historic and archaeological resource assessment.
- Would the cultural and historical significance of the City of Plymouth as a gold rush town be impacted?

- Would the rural landscape be impacted by the proposed development?
- Would modifications to Highway 49 affect its qualification as a Scenic Highway?

These questions will be addressed in the EIS.

3.2.10 Health, Safety and Emergency Response

The EIS will assess the potential impacts that the Proposed Action will have on emergency response time and availability.

Specific emergency response issues and questions raised during scoping include:

- Would the operation of the Proposed Action result in adverse impacts to staffing levels in law enforcement, courts, public defenders and prosecutors, counselors and rehabilitation resources?
- Would an increase in traffic from the operation of the Proposed Action interfere with health and safety emergency services for Sutter Hospital?
- Would Sutter Hospital have the capacity to accommodate an increase in demand due to the Proposed Action?
- Would the proposed casino increase the fire hazard in the area?
- Would the operation of the Proposed Action adversely impact police services? Would the Proposed Action impact law enforcement and EMS staffing and funding? Would the Proposed Action cause an increase in demand for sheriff department services?
- Would the Proposed Action adversely impact police services, fire services and road maintenance (public services) to the surrounding communities?
- Would an increase in the demand for medical aid responses impact the service level of the California Department of Forestry to the surrounding community?
- What are the impacts from the Proposed Action to the nearby emergency heliport (Colburn Park)? If a significant impact were detected, would an alternative heliport site be provided?
- Would the Proposed Action disrupt emergency services, including access for hazmat personnel?
- The EIS should discuss the adequacy of emergency evacuation routes particularly along Highway 49.
- Will an emergency response plan be prepared and included in the EIS?
- The EIS should discuss the extent of roadways necessary to provide for emergency evacuation and public safety.
- The EIS should discuss the inclusion of mitigation for additional resources for the District Attorney to supply the same level of services to Amador County as pre-project levels.
- Would the Proposed Action impact the Probation Departments caseload overall and specifically the caseload relating to Proposition 36 (the Substance Abuse Crime Prevention Act of 2000 concentrating on treatment for drug offenders)?
- Would the Proposed Action impact safety of children walking to school or public facilities?

- Would increased traffic from the Proposed Action impact the Lockwood Fire Protection District first responder and rescue services within their response corridor?

These questions will be addressed in the EIS.

3.2.11 Public Services

The EIS will assess the potential impacts that the Proposed Action will have on public services.

Specific public services issues and questions raised during scoping include:

- The EIS should discuss the impact the proposed casino would have on local schools. The EIS should discuss the impacts the proposed casino would have on Plymouth Elementary School due to the close proximity.
- Would the Tribe contribute funding for a new elementary school in the City of Plymouth and also contribute funding to increase the capacity of the junior high and high school?
- No sidewalks, stoplights or crossing guards currently exist for pedestrian use along the route to Plymouth Elementary School. The EIS should discuss the potential impacts and mitigation measures for pedestrian safety.
- Plymouth Elementary School currently shares space with the Amador County Fairgrounds due to overcrowding. The EIS should discuss the impact on school capacity due to an increase of students from new casino employees.
- Would new housing developments built on the trust land be subject to developer fees such as those that would mitigate the costs of building additional classrooms?
- Would there be an adverse impact to students from interaction with casino patrons?
- The EIS should discuss the impacts to services and taxpayer subsidies and cost of services for the Sheriff's Office, District Attorney's Office, Public Defender, Probation Office, and Social Services.
- The EIS should discuss mitigation measures to limit the exposure of residents and structures to losses due to wildfires.
- The EIS should discuss the impact of the Proposed Action on solid waste removal and the Amador County dump?
- Would the Proposed Action impact park and recreation facilities?
- The Proposed Action includes the development of a community park located on BLM parcels with mining claims. Would the proposed community park be required to undergo a separate EIS process?
- The EIS should discuss the precautions that would be taken to ensure public safety from biomedical waste generated by the health center.
- Would the Proposed Action contribute resources for road maintenance?

These questions will be addressed in the EIS.

3.2.12 Socioeconomic

The EIS will assess the potential impacts that the Proposed Action would have on socioeconomic conditions.

Specific socioeconomic/ environmental justice issues and questions raised during scoping include:

Local Economy, Taxes and Property Value

- The EIS should discuss how the State compact would impact local decision-making control relating to casino location, mitigation, and tax compensation.
- Would the casino impact property values of those properties in close proximity?
- The EIS should discuss funding for mitigation measures relating to traffic, air quality, law enforcement, water, and crime impacts from the proposed casino.
- Would the Proposed Action impact Amador County taxpayers?
- The EIS should discuss the impact the Proposed Action would have on the local economy. Would the Proposed Action impact the income of local businesses? Would the Proposed Action result in unfair competition with local businesses due to the Tribes exempt status from levying California Sales Tax?
- Would the Proposed Action result in an impact to property tax or result in a special assessment fee to local residents?
- The EIS should discuss the impact new casino employees as new residents would impact vacancy rates, and rental prices in the area.
- Would Amador County have an adequate housing supply to accommodate the population growth due to the Proposed Action?
- Would the state-enforced building moratorium impact the City of Plymouth's ability to accommodate housing needs due to new employees from the Proposed Action?
- Commenter requests the EIS to consider the findings in the, yet to be published, County Planning Department study on affordable housing.
- Would the Proposed Action have an impact on affordable housing?
- Would removing the subject property from the County taxes result in a loss of tax revenue to the County? Would the Proposed Action result in a loss of tax revenue to the state and local communities?
- Would the Proposed Action result in an impact to future tax revenue from the development of the subject property when transferred into fee to trust land?
- Is there a need for the casino due to the proximity and number of casinos in the area?
- Would both the County of Amador and the City of Plymouth be impacted?
- Would Amador County have sufficient manpower to provide the Proposed Action with a sufficient number of employees?
- Would the Proposed Action result in a substantial increase in population growth due to Tribal members and project employees?

- Would the proposed casino result in a loss in residential property value?
- Would the Tribe consider developing another type of business venture?
- Before an agreement with the Tribe and the City Council can be made, an analysis of costs to the City of Plymouth and costs to Amador County should be done.
- Would the Proposed Action adversely impact the marketability and value of business real estate in the vicinity?
- Would the Proposed Action create a change in the rural atmosphere and cause an adverse impact on the viticulture industry?
- Would the project impact funding for County services such as courts, police, roads, etc? Would the Proposed Action increase the tax burden due to a need for additional law enforcement services? The EIS should discuss mitigation measures that would mitigate the financial impacts of the Proposed Action.
- The EIS should evaluate the shift in employment that would accompany the Proposed Action.
- What would be the impact from the Proposed Action to the educational system from an increase in the student population? Would mitigation include reimbursement through taxation?
- The EIS should consider the effect on the jobs-housing balance as a result of the Proposed Action.
- The EIS should identify job classifications and associated wages, the number of jobs within each classification that would be provided and to what extent the Proposed Action would impact unemployment.

In order to address the above issues and answer the questions that were raised during scoping, the BIA has determined that a socio-economic study will be conducted as part of the EIS.

Social Effects

- Would the casino increase the likelihood of gambling addiction, drinking, drugs and divorce?
- Would the Proposed Action result in the likelihood of an increase in the rate of crime, drug and alcohol abuse?
- Would the Proposed Action have an impact on underage residents of Amador County?
- The EIS should analyze the indirect impacts to the crime rate as a result of the casino.
- Would the Proposed Action result in security impacts to the surrounding community?
- Would the Proposed Action increase the likelihood of public intrusion from casino patrons trespassing on adjacent properties?
- Would the Proposed Action result in an impact to the crime rate?
- The EIS should discuss the impact of an increase in alcoholism, public intoxication and drug use rates to local behavioral counseling, rehabilitation medical services and law enforcement.
- The EIS should discuss the social impacts such as suicide, illness, local bankruptcy, divorce increased social service cost, neglect and domestic abuse that have been linked to compulsive gambling.

- Does the City of Plymouth have adequate social services to provide services to individuals with problem gambling behavior?

These issues will be addressed in the EIS.

3.2.13 Cumulative

The EIS will address the cumulative impacts of the Proposed Action.

Specific cumulative issues and questions raised during scoping include:

- The EIS should discuss the cumulative impacts on traffic from the proposed casino and the existing winery tourism traffic. The EIS should also discuss the impact to air quality from the cumulative traffic.
- The EIS should discuss the cumulative impact of the Jackson Rancheria, the proposed Buena Vista casino and the Proposed Action on the community character of the area.
- What would be the cumulative impacts to the tax base of Amador County as a result of the Proposed Action combined with the Jackson Rancheria and the proposed Buena Vista casino? What are the cumulative impacts considering the Jackson Rancheria and the proposed Buena Vista Casino? What are the cumulative impacts resulting from the Proposed Action's proximity to the Jackson Rancheria?
- Would cumulative impacts resulting from the Proposed Action be mitigated?
- What are the cumulative impacts to water supply, population growth, waste disposal, public services, schools and transportation as a result of the Proposed Action?
- The EIS should analyze the cumulative impacts to traffic congestion and police staffing from the operation of the Proposed Action.
- Would the casino result in a cumulative impact to public safety resources in combination with the other two casinos?
- The EIS should discuss the growth inducing impacts associated with the increase in development potential in the immediate area as a result of the installation of road, utilities and other public facility improvements associated with the project.
- The EIS should identify and discuss mitigation measures to address cumulative impacts associated with the project with emphasis in the areas of traffic, noise, air quality, groundwater and surface water resources.
- The City of Plymouth and Amador County Planning Department should be consulted to assist in determining which development projects that are planned, pending and approved should be considered in the cumulative analysis.

These issues will be addressed in the EIS.

3.2.14 Geology

The EIS will assess the potential impacts related to geology, topography, seismicity, mineral resources and soils.

Specific geologic issues and questions raised during scoping include:

- The EIS should evaluate impacts due to erosion from the construction and operation of the Proposed Action.
- The EIS should evaluate mineral resources in light of the proposed Matulich development being under review by the County of Amador.
- The EIS should discuss the impacts to geologic stability due to the Proposed Action's proximity to the Foothill Fault System.
- The EIS should include a preliminary grading plan for the project which shows all proposed grading, cut and fill limits, slopes, road grades, retaining walls, etc. Vegetation removal, wetland impacts, etc would be evaluated on the basis of full buildout of the project.
- The EIS should also include all proposed offsite construction including, improvements to Highway 49 and access roads from Highway 49.
- The EIS should include a geotechnical/soils analysis describing existing site conditions, based on field-testing, and evaluate soils and geologic properties. The report should also discuss construction limitations and provide recommendations and mitigation appropriate for the Proposed Action. The EIS should identify Best Management Practices performance standards to address the potential erosion/water quality impacts both during and after construction.

These issues will be addressed in the EIS.

3.2.15 Hazards

The EIS will assess the potential impacts from exposure to hazards.

Specific hazardous materials issues and questions raised during scoping include:

- The EIS must evaluate the potential for exposure to toxic wastes from the remnants of gold mine production operations.
- The EIS should disclose the procedures for handling and storage of any fuels, chemicals, solvents, cleaners, lubricants, coolants, biocides, preservatives and other potential pollutants/toxins that would be handled at the facility.
- Would the Proposed Action be required to comply with State Health and Safety Laws?

These issues will be addressed in the EIS.

3.2.16 Environmental Justice

The EIS will assess the potential impacts of the Proposed Action on minority populations and low-income populations.

3.2.17 Cultural Resources

The EIS will contain a cultural resources analysis that identifies and mitigates any impacts to paleontological, historical, and archaeological resources located within the project area. The EIS will include a cultural records search and consultation with the Native American Heritage Commission.

3.2.18 Other Issues

Other issues that were identified during the scoping process and will be addressed within the EIS include:

- How does community opposition affect the planning process of the Proposed Action?
- The EIS should outline the process that the Proposed Action must go through to receive a final determination.
- The EIS should discuss alternative locations for the gaming facility.
- The EIS should discuss the Proposed Action's plan to control litter.
- Analysis of the project alternatives should consider off-site impacts and consistency with the City's General Plan.
- The EIS and Mitigation Monitoring Program should identify the following for each mitigation measure: 1) Responsible Party 2) Monitoring Authority 3) timing of Implementation 4) Monitoring Schedule 5) Funding source 6) Performance Criteria
- Would the EIS maintain a footprint for the development? Would the project be able to change or expand after an EIS has been completed?
- What are the NOI and Scoping Meeting procedures, funding and requirements under Federal law?
- Does the State Water Resource Control Board have input in the Proposed Action water discussions?
- The EIS should discuss the application and fee-to trust process.
- Would the Proposed Action be required to comply with California Environmental Quality Act (CEQA)?
- What roles does the Governor have in the decision process for the Proposed Action?

Other issues that were identified during the scoping process that are not considerable under the NEPA environmental process and will not be addressed within the EIS include the following:

- Do initial negotiated agreements preclude the ability to renegotiate if the project is modified (for instance an agreement to supply water that is later deemed infeasible) or if additional impacts are discovered?

- The community has requested a vote to recall the Plymouth City Council members that have approved the project. Would the Proposed Action be affected if the current Council members were recalled?
- Was the original Plymouth City Council decision in favor of the casino legitimate?
- Would the proposed casino require drug screening for new hires?
- The Amador County Board of Supervisors feels the BIA staff in Sacramento should not participate in processing the Tribes request for acquisition of trust status because some of the Staff members are allegedly also members of Ione Band of Miwok Indians.
- The EIS should discuss how the profit from the casino would be managed and divided between the Tribe and the management company.

SECTION 4.0

EIS SCHEDULE AND PUBLIC REVIEW

The current schedule anticipates that the Draft EIS will be available for public review in the summer of 2004. The public review period for the Draft EIS will be 45 days. A public hearing on the Draft EIS will be held during the review period. The Final EIS is currently scheduled to be available for review in late 2004. A decision on the project may be made 30 days after the Final EIS is released.