Attachment A

California Environmental Quality Act

For

Water Quality Certification for the

Wilfred Avenue Improvement Project

I. PROJECT OVERVIEW

The Wilfred Avenue Improvement Project ("Project" or "Wilfred Project") consists of widening Wilfred Avenue between Redwood Drive and Stony Point Expressway in accordance with the traffic mitigation requirements identified in the National Indian Gaming Commission ("NIGC") Graton Rancheria Casino and Hotel Final Environmental Impact Statement ("FEIS"). The NIGC issued a Record of Decision ("ROD") which approved the actual Graton Rancheria Casino and Hotel Project and adopted the specific project alternative referred to as sub-variant H-1 as further discussed below. The Wilfred Project consists of certain off-Reservation roadway improvements identified as mitigation measures in the FEIS and ROD.

The Wilfred Project includes activities that require a Section 404 permit from the U.S. Army Corps of Engineers (Corps). Under Section 401 of the federal Clean Water Act (33 U.S.C. §§ 1251-1387), every applicant for a federal license or permit which may result in a discharge into navigable waters shall provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act Section 401 directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law. Section 401 further provides that state certification conditions shall become conditions of any federal license or permit for the project.

Project Background

On October 1, 2010, the Secretary of the Interior accepted title to approximately 254 acres of land to be held in trust for the Tribe, pursuant to the Graton Rancheria Restoration Act (25 U.S.C. § 1300n-3). Under the Graton Rancheria Restoration Act, this trust land was made part of the Tribe's reservation. Before the land was taken into trust the NIGC prepared and completed an EIS for the Graton Reservation Casino and Hotel (the "Graton Rancheria Casino Project") under the National Environmental Policy Act (NEPA). The Graton Rancheria Casino Project FEIS evaluated the environmental consequences of the National Indian Gaming Commission approval of a gaming management contract between the Tribe and SC Sonoma Management, LLC, and the subsequent development of a gaming facility and associated infrastructure. The FEIS evaluated a number of project alternatives and analyzed the environmental impacts associated with each alternative, including off-reservation environmental impacts. The NIGC ultimately adopted a Record of Decision (ROD) approving a reduced intensity version of the Tribe's casino project. Among other environmental topics, the FEIS included an analysis of off-reservation traffic impacts for each of the project alternatives, and the FEIS identified the widening of Wilfred Avenue as a necessary measure to mitigate adverse effects to traffic and transportation associated with the Graton Rancheria

Casino Project for the Wilfred Site (Alternatives A and H, and Variant H-sub 1) and the Stony Point Site (Alternatives B, C, D, and E) identified in the FEIS.

Pursuant to the Tribal-State Compact between the State of California and the Federated Indians of Graton Rancheria, this EIS also serves as the Tribal Environmental Impact Report ("TEIR") for the purposes of evaluating the off-reservation impacts associated with the Casino Project. The FEIS' analyses of the alternatives set forth above identified a number of Wilfred Avenue improvements to mitigate adverse traffic and safety impacts associated with the Graton Rancheria Casino Project for the Wilfred Site alternatives (Alternatives A and H, and Variant H-sub 1) and the Stony Point Site alternatives (Alternatives B, C, and D). As mitigation, the NIGC required that the Tribe contribute to the improvement of Wilfred Avenue, from Redwood Drive to Langner Avenue, including road widening, the addition of bike lanes, and installation of traffic signals, curbs, gutters and sidewalks to accommodate the additional vehicular, bicycle and pedestrian traffic. Many of these improvements now constitute the currently proposed Wilfred Project.

II. CEQA FINDINGS OF FACT

Under Section 401 of the Clean Water Act (33 U.S.C. section 1341), the Regional Board must certify that a project will comply with state water quality standards before the Corps can issue a Section 404 Permit. The Regional Board must also comply with CEQA when issuing a 401 Water Quality Certification for the Wilfred Project.

Section 15221 of the CEQA Guidelines encourages the use of an EIS in place of an EIR. Where, as here, a project requires compliance with both CEQA and NEPA, and the federal EIS is prepared first and meets the requirements of CEQA, CEQA provides that the state agency should use the EIS rather than preparing a separate EIR or negative declaration pursuant to Public Resources Code Sections 21083.5 – 21083.7 and the provisions of Article 14 of the CEQA Guidelines section 15221 related to the reuse of the NEPA document.

The NIGC's EIS for the Graton Rancheria Casino Project covered the Wilfred Project and specifically identified the Wilfred Project roadway improvements as mitigation for traffic impacts resulting from the Graton Hotel and Casino Project. The Regional Board intends to use the NIGC's EIS/Tribal EIR for the purposes of issuing the 401 Water Quality Certification for the Wilfred Project in Rohnert Park because, after independently reviewing the EIS, the Regional Board has determined that the EIS meets the CEQA requirements for an EIR. This determination is consistent with Section 11 of the Compact providing that the EIS serves as the Tribal EIR for the evaluation of off-reservation impacts.

CEQA requires that the lead agency make one or more of a set of three findings whenever an EIR identifies a significant environmental effect. These findings are set forth in Section 21081, subdivision (a) of the Public Resources Code (see also, 14 Cal. Code Regs. § 15091):

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency, and have been, or can and should be adopted by that other agency.

(3) Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or alternatives identified in the environmental impact report. (See also Cal. Code Regs., tit. 14 § 15091.)

When significant effects are subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment (Pub. Resources Code § 21081, subd. (b)).

The requisite findings are set forth below.

III. ENVIRONMENTAL ISSUE AREAS

The following section describes the environmental impacts listed in the FEIS that apply to the Project and demonstrates that the FEIS analyzed them in compliance with CEQA's substantive requirements, and thus, also meets the second requirement for reuse of the EIS as the EIR. A discussion of the environmental impacts can be found in Sections 4.1 through 4.10 of the FEIS. Following each environmental impact topic is a list of applicable FEIS mitigation measures, which would reduce potential impacts from the Wilfred Project to less-than-significant levels. As noted above, FEIS mitigation measures Surface Water - Mitigation Measure A, Biological Resources - Mitigation Measures A through K, and Hazardous Materials - Mitigation Measures L through O are incorporated by reference herein and made conditions of approval for this Section 401 Water Quality Certification.

Water Resources

Impacts: Water resource impacts analyzed within the FEIS were determined to be potentially significant in cases where development does not meet water quality standards (FEIS, Section 4.3, page 4.3-3), occurs within the 100-year or 500-year floodplain (FEIS, Section 4.3, page 4.3-1), alters drainage patterns (FEIS, Section 4.3, pages 4.3-1 through 4.3-2), increases stormwater runoff that increases sediment loading in receiving waters (FEIS, Section 4.3, page 4.3-3), or increases peak flows of stormwater (FEIS, Section 4.3, pages 4.3-1 through 4.3-2). The levels of significance used in the FEIS are consistent with the Hydrology and Water Quality significance thresholds in CEQA (2012 CEQA *Guidelines* -Appendix G, Section IX).

Section 4.3 of the FEIS identifies potential water resource impacts during construction and operation of the Graton Rancheria Casino Project related to flooding (less-than-significant), surface water quality during construction (potentially significant), operational stormwater quality (potentially significant), wastewater (less-than-significant), and groundwater (potentially significant). Less-than-significant wastewater impacts would occur because treated wastewater from the Graton Rancheria Casino Project would be treated and disposed of via an existing NPDES permit at the Laguna WWTP, pursuant to the Tribe/City wastewater JEPA dated October 2012. Three water resource topics were identified in the FEIS as having potentially significant effects from development or operation of the casino/hotel on the Wilfred site or the Stony Point site. These impacts include surface water quality during construction, stormwater quality during operation, and groundwater quality. Potentially significant impacts to surface water quality and stormwater quality could occur because project construction would result in ground disturbance and expansion of impervious surfaces that could lead to erosion and increase runoff, respectively. Potentially significant impacts to groundwater supply were identified in the FEIS because project groundwater pumping could potentially impact surrounding wells. These potential impacts, identified in the FEIS, would be reduced to less-than-significant levels with mitigation. Where

applicable to construction of the Wilfred Avenue Project, these mitigation measures have been summarized below.

Further, the Wilfred Project, evaluated as part of the Graton Rancheria Casino Project in the EIS, does not include any operational activities that would create environmental impacts or new construction methods that would result in any additional water resource impacts other than those analyzed in the FEIS. Specifically, the FEIS analyzed the potential impacts from the temporary construction of off-site transportation improvements, including the widening of Wilfred Avenue and the construction of traffic improvements along Wilfred Avenue. The Wilfred Project would result in a minor increase in impervious surface in the watershed (approximately 3.42 acres) resulting in a minor increase in stormwater runoff rates during storm events. To improve localized stormwater drainage along Wilfred Avenue, stormwater retention measures included in the design of the Wilfred Project include the development of a 12-foot wide bioretention drainage swale and associated 24-inch storm drain interceptor. The FEIS stated that stormwater control measures would be implemented as mitigation for the Project, but did not specify improvement types or sizes (FEIS, Section 4.11, pages 4.11-6 through 4.11-7) These design measures would filter and maintain peak stormwater runoff flows to current levels and avoid impacts to water resources.

EIS Section 4.3 addressed the need to mitigate for runoff from roadways using Environmental Protection Agency (EPA)/USACE approved mitigation measures, including water quality treatment practices. The proposed Wilfred Project incorporates RWQCB/EPA approved approaches to water quality swales to achieve water quality protection. As noted in the pending Section 401 Water Quality Certification application, the vegetated swales are designed to meet stormwater runoff standards as outlined in the Sonoma County Water Agency's *Flood Control Design Criteria Manual for Waterways, Channels, and Closed Conduits* (1983) and the City's *City of Rohnert Park Storm Drain Design Standards* (2006). The swales will parallel most of Wilfred Avenue along the southern edge of the pavement and will serve as a retention area and treatment filter for runoff from Wilfred Avenue.

As stated in the FEIS, the central portion of the Project, (i.e., those sections between Langner Avenue and the Bellevue-Wilfred Channel), is located within the 500-year floodplain. The Project would increase impervious surfaces and reduce floodwater storage capacity. However, the site specific Wilfred Avenue Drainage Report states that "the improvements planned for Wilfred Avenue will improve the current drainage performance along and adjacent to the roadway. By taking the runoff which currently flows in poorly graded and irregular roadside ditches and installing a subsurface storm drain system, the adjacent areas to the south of the roadway will experience less localized ponding (Kimley-Horn, 2012, Section 4.2). Stormwater runoff into the Bellevue-Wilfred Channel would increase by 22.8 cubic feet per second (cfs) during the 10-year storm event, but this only represents a 0.7 percent increase in volumes (Kimley-Horn, 2012, Section 5). Analysis of the increased flow into the Bellevue-Wilfred Channel determined that the increase "will result in a negligible impact to the channel's peak water surface elevation" (Kimley-Horn, 2012, Section 5). Therefore, the impacts to floodplains would be less-than-significant under the Project. The design for the Wilfred Project has been reviewed by the Sonoma County Water Agency and will not result in any significant impacts to the floodplain when built to the standards set forth in the 100% plans.

Because construction methods and underground activities of the Wilfred Project are comparable to those evaluated in the FEIS, the Project would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The lack of a project component, which uses groundwater or creates wastewater, and the temporary nature of construction activities would reduce the Project impacts to less-than-significant levels. Only the impact to surface water quality

during construction, determined to be potentially significant in the FEIS (FEIS, Section 4.3, pages 4.3-1 through 4.3-2**)**, would remain potentially significant under the Project. This is because construction activities of the Wilfred Project, as analyzed in the FEIS, could potentially cause erosion and increases in sediment risk. These potentially significant impacts would be reduced to a less-than-significant level using the mitigation measure identified in the FEIS and listed below.

Mitigation Measures: The mitigation measure to reduce these impacts to less-than-significant levels is listed below:

Surface Water (FEIS, Surface Water, Mitigation Measure A)
During construction, surface water quality shall be protected by using Best Management Practices ("BMPs") as listed in the Erosion Control recommendations found in FEIS Appendix C. These BMPs would be included in the Stormwater Pollution Prevention Plan ("SWPPP") to be filed with either the U.S. Environmental Protection Agency ("USEPA") or the Regional Water Quality Control Board ("RWQCB"), as appropriate. BMPs to be implemented for protection of surface water quality include the following:

- Appropriate RWQCB procedures;
- Development of a Spill Prevention and Control Plan;
- Solid Waste Management Plan; and
- Erosion and sediment control practices.

In addition, the vegetated swale design which is documented in the 401 application shall be constructed to offset operational runoff impacts to waters of the State and waters of the U.S. from the Wilfred Project.

Findings: With implementation of the above listed mitigation measure, including the preparation of a site specific SWPPP, the Project would result in less-than-significant impacts to water resources.

Biological Resources

Wetlands and Waters of the U.S. Impacts: The February 2013 Wilfred Avenue Wetland Delineation (which is currently in process of being verified by the USACE) identifies approximately 0.75 acres of wetlands and waters of the U.S along Wilfred Avenue that would be impacted. The estimated 0.75 acres of impact acreage is approximately 2.15 acres less than the approximately 2.9 acres identified in the FEIS as possibly impacted from any proposed Wilfred Avenue improvements. FEIS Section 4.11 and EIS Appendix HH provide specific wetland impact analysis along Wilfred Avenue, including the identification of potentially significant impacts to wetlands and waters of the U.S. These potentially significant impacts would be reduced to a less-than-significant level using the mitigation measures identified in the FEIS and listed below.

Mitigation Measures: The mitigation measures to reduce wetlands and waters of the U.S. impacts to less-than-significant levels are listed below:

Biological Resources (FEIS, Biological Resources, Mitigation Measure A)
Authorization from the USACE is required to allow impacts to wetlands or other waters of the U.S. Replacement of directly affected wetlands will be at a ratio approved by the USACE via a Section 404 permit. Clean Water Act Section 401 water quality certification will also be required from the RWQCB for non-trust land under the delegation from the USEPA and from the USEPA for the trust land. This Section 401 Water Quality Certification satisfies Mitigation Measure A.

Biological Resources (FEIS, Biological Resources, Mitigation Measure B)
Wetland mitigation shall be accomplished through creation/restoration of seasonal wetlands on-site and/or within an open space preserve or the purchase of wetland credits in an approved wetland bank. This creation/restoration will increase the inventory of seasonal wetlands in the area. The ratio of seasonal wetland restoration/creation mitigation to impacted acreage proposed in the FEIS is expected to be consistent with requirements included within the anticipated USACE Section 404 permit and Section 401 Water Quality Certification to satisfy the ratio of replacement to impacted acreage required by regulatory agencies based on wetland functions and values present on the Wilfred Project site. A detailed mitigation plan shall be designed that includes monitoring and reporting requirements, responsibilities, performance success criteria, reporting procedures and contingency requirements

The City is currently in the process of purchasing credits in approved wetland mitigation banks. This process is ongoing, with consultation with the USACE, REGIONAL BOARD and the California Department of Fish and Wildlife.

Findings: With implementation of the above listed mitigation measure, including the purchase of the appropriate mitigation credits, the Wilfred Project would result in less-than-significant impacts to wetlands and waters of the U.S.

Impacts to Special Status Species: EIS Appendix HH provided a preliminary estimate of potential impacts to approximately 12.37 acres of California Tiger Salamander (CTS) habitat located within a 50-foot buffer/study area on either side of Wilfred Avenue. EIS Section 4.11, EIS Appendix HH, EIS Appendix J, and the 2009 Biological Opinion (BO) for the Graton Rancheria Casino Project all identified areas where possible impacts to CTS could occur and the EIS identified as mitigation consistent with the Santa Rosa Plain Strategy (Strategy). The 2009 BO issued for the Graton Rancheria Casino Project included full coverage of the portion of the right of way (ROW) of the Project proposed on Trust land. Approximately 1.73 acres of CTS habitat impacts were identified as part of the Graton Rancheria Casino Project and 2009 BO. Subsequent to the completion of the EIS, studies conducted for the February 2013 Biological Assessment (BA) for the Wilfred Project identified a total of 10.32 acres of impact to CTS habitat (which is less than the 12.37 acres of impact originally identified in the EIS).

Estimated impacts to listed plant species along Wilfred Avenue would result in 0.28 acre of impacts as calculated in the February 2013 BA. This area of impact was identified in EIS Appendix J. The Project site and vicinity have been extensively surveyed over a period of several years, from 2001 through 2007, as described in EIS Section 3.5 and the February 2013 BA. These areas were surveyed again in 2012 for listed plants, and the information was included in the February 2013 BA. The EIS identified this impact as potentially significant and provided mitigation consistent with the Santa Rosa Plain strategy for all listed species including plants.

Mitigation Measures: The mitigation measures to reduce impacts to less-than-significant levels are listed below:

Biological Resources (FEIS, Biological Resources, Mitigation Measure C)
The FEIS states that a plan shall be developed and implemented to conserve ecological resources in the southern portion of the Graton Rancheria Casino Project site. The plan shall address management activities to ensure maintenance of breeding, refugia, and dispersal habitats for CTS; should provide prescriptions for management of sensitive resources including existing wetlands and populations of Sonoma sunshine; and should provide a grazing regimen that will conserve populations of Sonoma sunshine and Burke's goldfields. The current mitigation ratios for listed plants species on the Santa Rosa Plain, as required in the Programmatic BO, are based on the presence of suitable versus occupied habitat and the potential for presence of Burke's goldfields and Sonoma sunshine or Sebastopol meadowfoam (USFWS, 2007). The USFWS applied these mitigation ratios in the assessment of both direct and indirect habitat impacts. The 2009 BO issued by the USFWS for the Preferred Alternative on the Wilfred Site (FEIS, Appendix JJ) requires mitigation ratios for listed plant species consistent with the Programmatic BO as displayed in FEIS, Table 5-3. Specifically, a mitigation ratio of 2:1 was applied for impacts within 500 feet of a documented CTS breeding site; a 1:1 ratio for impacts within 1.3 miles of a known breeding site but less than 2,200 feet from a known breeding site, and a 1.5:1 ratio for impacts between these two distances. All mitigation for impacts to listed plant species under the Wilfred Project would be consistent with USFWS requirements pursuant to consultation within the 2009 BO.

Biological Resources (FEIS, Biological Resources, Mitigation Measure D)
Impacts to CTS aestivation habitat shall be mitigated off-site and shall consist of purchase of CTS credits from an approved mitigation bank or purchase of farmland providing suitable habitat for CTS (where CTS are known to occur) and placement of the land under conservation easement. Biological monitors would be present during construction of the Graton Rancheria Casino Project and during excavation associated with any wetland creation to remove any CTS found in the work area and relocate them to suitable habitat approved by the USFWS. It is anticipated and proposed in the permit applications that similar requirements would apply to the mitigation under this CWA Section 404 permit and are therefore assumed to be analyzed and required under this mitigation measure.

All mitigation for impacts to CTS shall be consistent with USFWS requirements pursuant to formal consultation. All CTS mitigation would be accomplished off-site and would consist of purchase of CTS credits from an approved mitigation bank or purchase of farmland providing suitable habitat for CTS (actually where CTS are known to occur) and placing the area under a conservation easement. Mitigation for impacts to CTS shall also include the conservation and protection measures identified in the 2009 BO (FEIS, Appendix JJ).

As discussed in the EIS, credits will be purchased from mitigation banks to achieve full wetland impact offset. The CTS and listed plant credits purchased as mitigation included in the 2013 Wilfred Project shall be consistent with the mitigation requirements of the Santa Rosa Plain Strategy as identified in the EIS.

Biological Resources (FEIS, Biological Resources, Mitigation Measure E)
A pre-construction survey for burrowing owls shall be conducted to ensure impacts to burrowing owls, if present in the construction area, do not occur during the nesting season. The pre-construction survey shall be conducted within 30 days prior to initiation of construction activity. If active burrows are found prior to the nesting season, passive relocation measures shall be provided

for each burrow in the area of the Wilfred or Stony Point sites, as appropriate, that is rendered biologically unsuitable. Passive relocation measures shall include the creation of two natural or artificial burrows for each burrow rendered biologically unsuitable. Daily monitoring shall be implemented until the owls have been relocated to the new burrows. This measure will reduce potential impacts to burrowing owls. Other mitigation measures may be implemented in lieu of the proposed mitigation, including avoidance or passive relocation with one-way doors, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG, 1995).

Biological Resources (FEIS, Biological Resources, Mitigation Measure F)
Pre-construction surveys for nesting birds shall be conducted within 30 days prior to initiation of construction activity. If feasible, construction and tree removal (grubbing, vegetation removal) should be timed to take place during late summer months and through winter, ideally from September through February, to avoid impacting nesting birds and other sensitive wildlife species. The approximate nesting season extends from February to September, with a peak nesting period from March through June. If construction or grubbing activities are to take place between late February and late June, a pre-construction survey shall be performed by a qualified biologist to identify any active nests or other special-status species, at least two weeks prior to the start of construction. If bird nests are found, appropriate buffer zones shall be established around all active nests to protect nesting adults and their young from construction disturbance. Through direct consultation with wildlife agency staff, the size of buffer zones shall be determined based on site conditions and species involved. If impacts to nests are unavoidable, consultation shall continue with specific agency guidelines followed for relocation. If construction is delayed for more than two weeks, a second survey shall be performed.

Biological Resources (FEIS, Biological Resources, Mitigation Measure G)
All grading and clearing shall be conducted after April 15 and before October 15 of any year, depending on rainfall and/or site conditions to minimize erosion. Access roads and routes will be limited, as well as the construction staging area, to the minimum size required to achieve the goals of the project. A speed limit of 15 mph on dirt roads shall be maintained. These practices will limit erosion and dust borne particles.

Biological Resources (FEIS, Biological Resources, Mitigation Measure H)
During construction, vegetation shall only be cleared from the permitted construction footprint and necessary lay-down and assembly areas. Areas cleared of vegetation, pavement, or other substrates shall be stabilized as quickly as possible and BMPs applied (erosion fencing, straw and other material applied to soils) to prevent erosion and runoff that could affect steelhead fish in the Laguna de Santa Rosa.

Biological Resources (FEIS, Biological Resources Mitigation Measure I)
Hazardous materials including fuels, oils, solvents, etc., shall be stored in sealed containers in a designated location at a minimum of 200 feet from aquatic environments. All fueling and maintenance of equipment shall be conducted at a minimum of 200 feet from aquatic environments.

Biological Resources (FEIS, Biological Resources, Mitigation Measure J)
All food items and food-related trash shall be sealed in containers prior to leaving the construction site at the end of the workday; these items shall be removed from the site once every three days. This measure will limit attraction of wildlife and eliminate trash pollution in the Laguna de Santa Rosa.

Biological Resources (FEIS, Biological Resources, Mitigation Measure K)
Where appropriate, vegetation removed as a result of project activities shall be replaced with native species that are of value to local wildlife. Native plants have a significant cultural value, are generally more valuable as wildlife food sources, and require less irrigation, fertilizers, and pesticides than exotic species.

Findings: With implementation of the above listed mitigation measures, including the purchase of appropriate credits in approved mitigation banks, impacts to biological resource from Project implementation would be reduced to less-than-significant levels.

Land Resources (Land Use and Soils/Geology)

Impacts: Land resource impacts analyzed in the FEIS were determined to be potentially significant in cases where conditions could expose people or structures to adverse effects from seismic activities (FEIS, Section 4.2, page 4.2-3), changes in topography(FEIS, Section 4.2, pages 4.2-1 to 4.2-2), landslides (FEIS, Section 4.2, page 4.2-2), and/or unstable soils (FEIS, Section 4.2, page 4.2-3). Additionally, impacts to mineral resources would be potentially significant if the action caused the loss of economically viable aggregate rock or diminished the extraction of important ores or minerals (FEIS, Section 4.2, page 4.2-4). The levels of significance used in the FEIS are consistent with the significance thresholds in CEQA for the evaluation of geology and soils conditions and mineral resources (2012 CEQA *Guidelines* -Appendix G, VI and XI).

Section 4.2 of the FEIS identifies potential land resource impacts during construction and operation of the Graton Rancheria Project related to topography (less-than-significant), soils and geology (potentially significant), seismicity (potentially significant), and mineral resources (less-than-significant). Topographic impacts were less-than-significant because the project area is essentially flat and construction and grading activities would not significantly alter this characteristic. Impacts to mineral resources would be less-than-significant because there are no known or mapped mineral resources within the project area and the development and use of the land would not affect or be affected by such resources. The two land resource topics, seismicity and soils/geology, identified on pages 4.2-2 and 4.2-3 of the FEIS as being potentially significant, due to expansive soils and the project location within a seismically active area, would be reduced with mitigation to less-than-significant levels.

The Wilfred Project, evaluated as mitigation for Graton Casino Project impacts in the FEIS, does not include any operational activities that would create new environmental impacts or new construction methods that would result in any additional land resource impacts when compared to the impacts analyzed in the FEIS because all improvements would occur within existing right-of-ways or previously developed/disturbed areas directly adjacent to existing roadways. With respect to traffic conditions associated with the change in roadway alignment described in Section 2 of the FEIS resulting from the roadway widening, the improvements would occur within an area evaluated in the FEIS (FEIS Appendix HH). Potential impacts would be the same as those described in the FEIS because of the nature of the roadway improvements involved in the Wilfred Project and the lack of operational effects. Therefore, the less-than-significant impacts described in the FEIS for topography and mineral resources would remain less-than-significant for the Wilfred Project. Construction of the road widening project would be located within and adjacent to existing City/County roadway right-of-ways in areas previously developed or disturbed. Impacts to soils/geology and seismicity determined to be potentially significant in Section 4.2 of the FEIS would remain potentially significant under the Wilfred Project, due to the possibility of seismic activities and existing soil characteristics of the project area. These potentially significant impacts

would be reduced to a less-than-significant level using the mitigation measures identified in the FEIS and listed below.

Mitigation Measures: The mitigation measure to reduce these impacts to less-than-significant levels is listed below:

Soil (FEIS, Soil, Mitigation Measure Ac)
To mitigate impacts to pavement caused by expansive soil, one or a combination of the following measures shall be required:

i. Removal and replacement with non-expansive soils.
ii. Lime treatment of soils.
iii. Design of pavement sections to withstand potential swelling pressures.

Findings: Implementation of the above listed mitigation measure would result in less-than-significant impacts to land resources.

Air Quality

Impacts: The project area is located in the nine-county San Francisco Bay Area Air Basin. A summary of ambient air quality standards, or National Ambient Air Quality Standards ("NAAQS"), for criteria pollutants and the attainment status of the San Francisco Bay Area Air Basin, is provided in FEIS Table 3.4-1. FEIS, Section 4.4, pages 4.4-1 through 4.4-5 included federal *de minimis* levels for construction emissions, federal *de minimis* levels for operational emissions, and Bay Area Air Quality Management ("BAAQMD") operational thresholds. At the time of FEIS analysis, no BAAQMD construction thresholds were available. In addition to an analysis of potential construction and operation emissions, the FEIS included a climate change analysis, including quantification of project-related greenhouse gas ("GHG") emissions (FEIS Sections 3.4 and 4.12). Quantification of project-related GHG emissions in the FEIS was based on modeling computations because specific guidance for the content of GHG analyses in NEPA and CEQA documents had not yet been adopted by applicable regulatory agencies.

The FEIS determined that construction emissions resulting from the development of the Graton Rancheria Casino Project would be less-than-significant. These casino-related operational emissions, including emissions calculated from the anticipated increase in traffic, would be potentially significant.

While the FEIS determined that the casino's contribution to statewide and global GHG emissions is miniscule, as was the contribution from the Wilfred Project traffic improvements, a potentially significant contribution to cumulative global emissions could not be ruled out solely on the basis of the small percentage contribution. Therefore a potentially significant impact was determined and mitigation, including the purchase of GHG emissions credits, was identified in the FEIS to reduce this impact to a less-than-significant level.

There have been changes to the regulatory background relative to air quality subsequent to the publication of the FEIS and related NIGC project approval in 2010. The BAAQMD CEQA Guidelines were updated in June 2010 to include reference to thresholds of significance ("Thresholds") adopted by the Air District Board on June 2, 2010. The Guidelines were further updated in May

2011. A lawsuit was filed challenging the validity of the BAAQMD Guidelines and Thresholds. On March 5, 2012 the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the Thresholds and the Court invalidated the Thresholds. The BAAQMD Guidelines reduced construction and operation significance thresholds for nitrogen oxide ("NOx") and reactive organic gases ("ROG") from 80 pounds per day to 54 pounds per day and changed the threshold regarding particulate matter 10 microns in size ("PM10") from 80 pounds per day to 82 pounds per day. The BAAQMD added thresholds of 54 pounds per day of PM2.5 and 1,100 metric tons of GHGs per year. Nonetheless, because of the uncertainty regarding the validity of the CEQA thresholds, the BAAQMD is no longer recommending that the new thresholds be used in order to determine whether or not a project would have significant impacts.

The BAAQMD has provided further guidance that CEQA lead agencies may rely on the BAAQMD's CEQA Guidelines (updated May 2011) for assistance in calculating air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures. CEQA lead agencies however, may continue to rely on the BAAQMD's 1999 Thresholds of Significance to determine the significance of an individual project's air quality impacts based on the substantial evidence in the record for that project. Because the BAAQMD 1999 Thresholds were the thresholds in effect when the FEIS was prepared, using them for purposes of this analysis is consistent with the prior analysis.

Section 4.4 of the FEIS identifies potential air quality impacts during construction and operation related to construction emissions (less-than-significant) and operational emissions (potentially significant). The operational emissions (including GHG emissions), identified in the FEIS as being potentially significant due to activities at the Graton Rancheria casino and hotel, would be reduced to a less-than-significant level with mitigation. Construction emissions determined to be less-than-significant in the FEIS would be further reduced with implementation of the mitigation measures provided in the FEIS and included below.

Using current BAAQMD significance thresholds, the operational emissions and GHG emissions resulting from the entire Graton Rancheria Casino Project development (including the operation of the casino/hotel development on the Graton Rancheria Casino Project site or the Stony Point Site), as described in the FEIS, would exceed current BAAQMD CEQA Guidelines without mitigation. The FEIS also concluded that operational emissions would be reduced to a less-than-significant level through the implementation of mitigation measures provided in the FEIS.

Due to the short-term, temporary nature of construction along Wilfred Avenue, construction of the Wilfred Project would meet the construction screening requirements set forth in the BAAQMD CEQA Guidelines, assuming implementation of basic BAAQMD CEQA construction mitigation measures provided in the FEIS and presented below. Current BAAQMD CEQA thresholds equal 82 lbs/per day of PM10 and 54 lbs/per day of PM2.5, NOx, and ROG (BAAQMD, 2011). Based on an updated air quality analysis for the Wilfred Project, unmitigated construction air emissions during a 6-month construction period are estimated to generate 4.04 lbs/per day of PM10, 0.85 lbs/per day of PM2.5, 62.86 lbs/per day of NOx, and 8.93 lbs/per day of ROG. Without mitigation, NOx emissions would exceed BAAQMD construction emissions thresholds. With implementation of mitigation described below, these levels would not likely exceed BAAQMD construction emissions thresholds. CEQA currently does not provide any additional thresholds for GHG emissions during construction activities.

Because construction methods and activities are comparable to those included in the FEIS, the Wilfred Project would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The impacts from construction emissions would remain less-than-significant under the Wilfred Project using the mitigation measures identified in the FEIS.

Due to the lack of traffic generating operational activities, the Wilfred Project itself does not generate criteria pollutants and/or toxic air contaminants above those included in the FEIS traffic analysis. FEIS Sections 4.4 and 4.12 specifically state that operation of the Graton Rancheria Project, including traffic associated with the casino/hotel, would generate incremental GHG emissions above the existing BAAQMD CEQA threshold of 1,100 metric tons. The potentially significant operational air emission impacts described in the FEIS would only relate to the operational activities of the casino/hotel; roadway improvements along Wilfred Avenue would improve traffic flow and thereby reduce GHG emissions from vehicle traffic in the area.

Mitigation Measures: The mitigation measures to reduce these impacts to less-than-significant levels are listed below:

Construction Related Emissions (FEIS, Construction Related Emissions, Mitigation Measure A)
The development of the Graton Rancheria Casino Project and the Wilfred Project would generate elevated air pollutant levels during the temporary construction phase. Generation of construction-related PM10 and PM2.5 emissions would cause a less-than-significant impact because the construction related air emissions would not exceed regulatory emissions threshold levels. Reactive organic gases, NOx, carbon monoxide ("CO"), sulfur oxides ("SOx"), PM10 and PM2.5 construction emissions would result in a less-than-significant impact based on the analysis contained in the FEIS. However, Basic Control Measures and Enhanced Control Measures from Table 2 of the BAAQMD CEQA Guidelines - Assessing the Air Quality Impacts of Projects and Plans (BAAQMD, 1999) are recommended as mitigation during construction. An updated BAAQMD CEQA Air Quality Guidelines document, dated May 2011, contains the same basic mitigation measures as those listed below (BAAQMD, 2011).

a. The Tribe shall designate an on-site Air Quality Construction Mitigation Manager ("AQCMM") who shall be responsible for directing compliance with mitigation measures for the construction project.
b. Basic Control Measures shall include the following:
    i. Water all active construction areas at least twice daily.
    ii. Cover all truckloads hauling soil, sand, and other loose materials or require all truckloads to maintain at least two feet of freeboard.
    iii. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers to all unpaved access roads, parking areas and staging areas at construction sites.
    iv. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
    v. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
c. Enhanced Control Measures shall include the following:
    i. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
    ii. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
    iii. Limit traffic speeds on unpaved roads to 15 miles per hour ("mph").

iv. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
v. Replant vegetation in disturbed areas as quickly as possible.
vi. Use of construction entrances to reduce soil/dust transport off-site.
vii. Time-staged construction shall be used to avoid dust/open soils.

Construction Related Emissions (FEIS, Construction Related Emissions, Mitigation Measure B)
The construction phase of the Wilfred Project would generate two types of air contaminants: exhaust emissions from construction equipment and fugitive dust generated as a result of earthwork. Exhaust emissions from construction activities include those associated with the transport of workers and machinery to the Project Site, as well as those produced on-site as equipment is used. Generation of ROG, NO_X, PM10, PM2.5, and diesel particulate matter emissions from construction equipment would create a potentially significant impact within mitigation. However, implementation of the following basic measures is recommended during the construction of any of the Wilfred Project to reduce the effects from construction activities to less-than-significant levels:

a. To the extent that equipment and technology is available and cost effective, the contractor shall use catalyst and filtration technologies.
b. All diesel-fueled engines used in construction shall use ultra-low sulfur diesel fuel containing no more than 15-ppm sulfur, or a suitable alternative fuel.
c. All construction diesel engines, which have a rating of 50 hp or more, shall meet the Tier II California Emission Standards for off-road compression-ignition engines, unless certified by the AQCMM that such an engine is not available for a particular use. In the event that a Tier II engine is not available, Tier I compliant or 1996 (or newer) engines will be used preferentially. Older engines will only be used if the AQCMM certifies that compliance is not feasible. Additionally, the Tribe will ensure through contractual obligation with the contractor that all construction equipment over 50 horsepower shall be equipped with a diesel oxidation catalyst.
d. All diesel fueled engines used in construction shall have clearly visible tags or other suitable means of identification showing that each engine meets the above requirements.
e. Idle time shall be minimized to five minutes when the equipment is not in use, unless safety requirements or manufacturers specifications indicate that more time is required.

Operational Emissions (FEIS, Operational Emissions, Mitigation Measure S and ROD Air Quality Mitigation Measure N)
Operation of the Graton Rancheria Casino Project would result in operational emissions, primarily from traffic generated by the project. A final Conformity Determination has been issued (see FEIS Appendix W) based upon evidence of conformance with the State Implementation Plan ("SIP") for NO_X and CO through the commitment to purchase of 149 tons of NO_X Emission Reduction Credits ("ERCs"). The ERCs have been purchased pursuant to an enforceable contract.

Since the purchase of these Credits has already been completed and they included the credits needed to offset the operational traffic from Wilfred Ave which will result from the Project no additional measure is required.

Operational Emissions (FEIS, Operational Emissions Mitigation Measure W and ROD Air Quality Mitigation Measure P)
One or more of the following measures will be implemented to reduce ROG and PM10 emissions to less than 15 tons per year and PM2.5 to less than 100 tons per year.

a. Pave or resurface unpaved roadway(s) or roadway(s) in a deteriorated state within the San Francisco Bay Area Air Basin, which have a minimum daily vehicle count of 100 vehicles.
b. Contribute to a program to retrofit residential fireplaces that do not meet USEPA certification standards within the San Francisco Bay Area Air Basin.
c. Purchase low emission buses to replace older municipal or school buses used within the San Francisco Bay Area Air Basin.
d. Purchase hybrid vehicles to replace existing governmental fleet vehicles within the San Francisco Bay Area Air Basin.
e. Purchase and install on-site or within the San Francisco Bay Area Air Basin; a photovoltaic array, wind powered energy, and/or other form(s) of renewable energy.
f. Contribute a fair share percentage to the synchronization of traffic signals within the San Francisco Bay Area Air Basin.
g. Purchase Emission Reduction Credits if available from sources within the San Francisco Bay Area Air Basin.

Findings: With implementation of the above listed mitigation measures, the Project would result in less-than-significant impacts to air quality.

Cultural and Paleontological Resources

Impacts: The FEIS indicated that development of the Graton Rancheria Casino Project will comply with Section 106 of the Historic Preservation Act regarding identification, evaluation, and protection of potentially significant cultural, historic, archaeological, or paleontological resources. Compliance with Section 106 requires that project impacts do not exceed applicable State Office of Historic Preservation thresholds of significance (FEIS, Section 3.6, pages 3.6-1 and 3.6-2 and Section 4.6, page 4.6-1). The levels of significance used in the FEIS are consistent with the cultural resource significance thresholds in CEQA (2012 CEQA *Guidelines* -Appendix G, V).

Section 3.6 and Section 4.6 of the FEIS identifies potential cultural and paleontological impacts related to previously unknown cultural resources due to construction at the Graton Rancheria Casino Project site. Although identified in the FEIS as being less-than-significant, due to previous grading activities in the region, mitigation has been provided to avoid or further reduce impacts. Due to the sensitivity of all potential cultural or paleontological sites, the location of known or potential sites is generally not disclosed to the public.

Potential impacts to cultural resources along Wilfred Avenue are analyzed in Section 3.6.3 of the FEIS. The Project does not include any new construction methods or areas of potential impact that are not analyzed within the FEIS Cultural Resources Studies that would result in any additional/new cultural or paleontological resource impacts other than those analyzed in the FEIS. Additionally, the Wilfred/Dowdell Village Specific Plan EIR found that no cultural resources were identified in either of the two studies conducted along Wilfred Avenue (City of Rohnert Park, 2008b, page 3-66). Therefore, the environmental impacts under the Project would remain less-than-significant.

Because the construction methods/activities and development areas are comparable to those included in the FEIS, the Wilfred Project would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The impacts to cultural and paleontological resources would remain less-than-significant under the Wilfred Project. This less-than-significant

impact would be further reduced using the same mitigation measure regarding unknown cultural resources as that are identified in the FEIS.

Mitigation Measures: The mitigation measure to further ensure less-than-significant impacts from unanticipated and inadvertent discovery of resources is listed below:

Cultural and Paleontological Resources (FEIS, Cultural and Paleontological Resources, Mitigation Measure B)
To avoid potential impacts to previously unknown cultural resources, including subsurface resources, the Tribe shall include the following requirements in construction contract specifications for the project:

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 ("NHPA") as amended (36 CFR 800). Once the land has been taken into trust for the Tribe, the inadvertent discovery of archaeological resources is also subject to the Native American Graves Protection and Repatriation Act ("NAGPRA") (25 USC 3001 et seq.) and the Archaeological Resources Protection Act ("ARPA") of 1979 (16 U.S.C. 470 aa-mm). Specifically, procedures for post review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. The following shall apply to the inadvertent discovery of either archaeological or 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 pursuant to NAGPRA, Section 10.4 Inadvertent Discoveries, the County coroner, the Tribal Official, and representatives from the BIA and NIGC shall be contacted immediately. No further disturbance shall occur until the County coroner, the Tribal Official, and the BIA and NIGC representatives have made the necessary findings as to the origin and disposition.

Findings: With implementation of the above listed mitigation measure, the Wilfred Project would result in less-than-significant impacts to cultural and paleontological resources.

Resource Use Patterns (Transportation and Circulation)

Impacts: Section 4.8 of the FEIS identifies potentially significant resource use impacts during construction and operation related to transportation and circulation. The temporary construction impacts, including potential lane closures along surrounding roadways, as identified in the FEIS, would be reduced to a less-than-significant level with the mitigation measures that are described in Section 5.2.7 of the FEIS. Construction related impacts are discussed in Section 4.8.2 and 4.8.9 of the FEIS.

The specific mitigation measures included in Section 5.2.7 of the FEIS would reduce construction-related traffic impacts by providing mechanisms to facilitate better traffic flow during construction. It should be noted that subsequent to the FEIS, the pattern of construction related truck traffic has been revised such that the majority of heavily loaded trucks entering the Graton Rancheria Casino Project enter and exit the site directly from Rohnert Park Expressway. This lessens the impact on

roadways and roadway traffic to the north of the Graton Rancheria Casino Project site, i.e., on and in the vicinity of Wilfred Avenue.

Operational activities on the Graton Rancheria Casino Project site would create potentially significant impacts due to increased traffic levels from increases in patron and employee traffic in the vicinity of the Graton Rancheria Casino Project site. Potentially significant operational impacts would be reduced with implementation of mitigation measures included within the FEIS to improve impacted intersections and roadways, including roadway improvements to Wilfred Avenue and intersections along Wilfred Avenue. These intersections include Labath Avenue, Langner Avenue, Whistler Avenue, Primrose Avenue, Stony Point Road, and Dowdell Avenue. FEIS Tables 5-9 and 5-10 provide the resulting acceptable LOS in the first year of operation after mitigation and Table 5-10 shows the resulting acceptable LOS after mitigation in cumulative year 2020 (provided in Table 5 in Section 4.13).

The Wilfred Project, evaluated as mitigation for Graton Casino Project impacts in the FEIS, does not include any operational activities that would create operational transportation environmental impacts because the operation of the roadway does not, in and of itself, create additional vehicle trips. Rather the roadway improvements accommodate traffic. In addition, the combined Graton Rancheria Casino Project and Wilfred Project would facilitate improved traffic movement, increased roadway safety, and decreased congestion because the Project would create additional roadway capacity in excess of that required to absorb the additional trips generated by the operations of the Graton Rancheria Casino. Therefore, the potentially significant operational transportation impact in the FEIS for activities on the Graton Rancheria Casino Project site would not occur following the completion of Project improvements.

Because construction methods and activities are comparable to those evaluated for the Graton Rancheria Casino Project as included in the FEIS, the Project would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The temporary transportation impacts from construction activities determined to be potentially significant in the FEIS would remain a potentially significant impact under the Project. These potentially significant impacts would be reduced to a less-than-significant level using the mitigation measures identified in the FEIS and listed below.

Note that construction of the Project is anticipated to occur prior to operation of the Graton Rancheria Casino Project in order to provide access to the casino site upon opening. Overlapping the construction timeline of the casino and the Project would not result in additional impacts because casino-related mitigation measures address construction-related impacts to surrounding roadways.

Mitigation Measures: The mitigation measures to reduce these impacts to less-than-significant levels are listed below:

<u>Transportation (FEIS, Transportation, Other Mitigation)</u>

a. A Traffic Management Plan ("TMP") shall be prepared and submitted to each affected local jurisdiction and/or agency. Also, prior to construction, the Tribe, City, and County shall work with emergency service providers to avoid obstructing emergency response service. Police, fire, ambulance, and other emergency response providers shall be notified in advance of the details of the construction schedule, location of construction activities, duration of the construction period, and any access restrictions that could impact emergency response services. The TMPs shall include details regarding emergency

service coordination. Copies of the TMPs shall be provided to all affected emergency service providers.

b. Flagging done in consultation with the California Highway Patrol ("CHP"), Caltrans, and the County Sheriff's Department, shall be provided when necessary to assist with traffic control.
c. Importation of construction material shall be scheduled outside of the area wide commute peak hours.
d. Preferential carpool or vanpool spaces shall be provided at the site to encourage ridesharing by employees.
e. Where feasible, lane closures or obstructions associated with the construction of the Project shall be limited to off-peak hours to reduce traffic congestion and delays.
f. Prior to construction, the Tribe, City, and County shall work to notify all potentially affected parties in the immediate vicinity of the project site, as appropriate. Notification shall include a construction schedule, location of construction activities, the duration of construction period, and alternative access provisions.
g. Emergency service providers shall be notified to the areas that have the greatest potential for unusual traffic delays as a result of project construction activities. Specific detour routes would be recommended to circumvent any area that might suffer traffic delays.
h. Debris along construction vehicle routes shall be monitored daily during construction and the roadways cleaned as necessary.
i. The Tribe shall contribute their fair share to bicycle and pedestrian facilities that will increase casino patronage. The Tribe shall consider bicycle and pedestrian circulation in the design of intersections and turning movements, and that adequate sidewalk facilities, striped crosswalks, and pedestrian countdown signals for elderly and disabled citizens be provided. (*These facilities have been incorporated into Project design*).
j. The City shall minimize the amount of construction fill transported on the surrounding street network by eliminating the off-site travel route except where necessary to obtain materials that cannot be obtained on-site. Potential options for eliminating off-site transport include moving fill material via conveyors across barriers such as creeks and ditches or installing temporary bridges for haul vehicles across the barriers.
k. Construction material importation shall be scheduled outside of the area wide commute peak hours. Debris along the truck route caused by trucks should be monitored daily and the roadways shall be cleaned as necessary.
l. Roadways subject to fill truck traffic shall be assessed by an independent third party consultant prior to the start of construction and following the completion of construction. If the third party determines that roadway deterioration has occurred as a result of casino construction, the Tribe shall pay to have surrounding roadways resurfaced to restore the pavement to at least pre-construction condition, unless the resurfacing is already expected to occur within a year or sooner in conjunction with other planned or proposed roadway improvements. In any event, the Tribe shall fully fund the restructuring of Labath Avenue and Langner Avenue between Wilfred Avenue and Business Park Drive following construction to facilitate site access.

Findings. Implementation of the above listed mitigation measures would result in less-than-significant impacts to resource use patterns.

Public Services

Impacts: The significance thresholds and impacts analyzed in the FEIS for public services were established based on service levels needed to provide adequate capacity during construction and operation of the casino and hotel (FEIS Section 4.9, pages 4.9-1, 4.9-4, 4.9-5, 4.9-6, 4.9-7, 4.9-9, 4.9-11, 4.9-12, 4.9-13, and 4.9-14). The FEIS indicated that there would be a significant impact if project-related demand for natural gas, electricity, solid waste disposal, fire protection and emergency services, or law enforcement exceeds existing or planned capacity, performance objectives, or service standards. These levels of significance, which were used in the FEIS, are consistent with the Public Service significance thresholds in CEQA (2012 CEQA *Guidelines* - Appendix G, XIV).

Section 4.9 of the FEIS identifies potential public service impacts during construction and operation related to solid waste, gas and electric, telecommunications, fire protection, law enforcement, emergency medical services, court services, inspections and other services from State of California and local government agencies. All of these impacts are potentially significant, due to potential service demand increases with the development of a casino/hotel on either the Wilfred Site or the alternate Stony Point Site. These impacts include the temporary obstruction of roadways during construction. Specifically, to the degree that construction activities result in reduced traffic flow, the travel time of emergency responders would be impacted in the absence of mitigation. These potentially significant impacts would be reduced to less-than-significant levels with mitigation identified in the FEIS, as described below.

The Wilfred Project, evaluated as mitigation for Graton Casino Project impacts in the FEIS, does not include any operational activities that would create new or increases in operational environmental impacts above those included within the FEIS due to the nature of the roadway improvements and the fact that the roadway improvements themselves would not increase the demand for public services. Rather, the implementation of the Wilfred Project would increase traffic safety and reduce existing impacts on fire protection, law enforcement, and emergency medical services due to improved roadway conditions along Wilfred Avenue and because the Wilfred Project would improve the traffic flow along Wilfred Avenue and associated intersections, thereby improving emergency response times. Therefore, the potentially significant operational public service impacts identified in the FEIS would not occur during operation of the Wilfred Project because the proposed intersection improvements would improve transportation and pedestrian safety.

Because construction methods and activities are comparable to those included in the FEIS, the Wilfred Project would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. The impacts from obstruction of roadways during construction activities, which were determined to be potentially significant in the FEIS, would remain a potentially significant impact under the Wilfred Project. These potentially significant impacts would be reduced to a less-than-significant level using the mitigation measures identified in the FEIS and listed below.

Mitigation Measures: The mitigation measures to reduce these impacts to less-than-significant levels are listed below:

Public Services (FEIS, Public Services, Law Enforcement, Mitigation Measure T)
The Tribe shall provide traffic control with appropriate signage.

Public Services (FEIS, Public Services, Fire Protection/Emergency Medical Service, Mitigation Measure AA)
Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. During construction, staging areas, building areas, and/or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.

Findings: Implementation of the above listed mitigation measures would result in less-than-significant impacts to public services.

Noise

Impacts: The data in FEIS Table 3.10-4 indicates that there were average ambient noise levels from 50 to 60 decibels ("dB") on the Graton Rancheria Casino Project site, as well as the Stony Point alternative site. These levels are consistent with levels expected for semi-rural areas affected by local traffic noise. Subsequent to the publication of the FEIS and related NIGC project approval in 2010, no changes to the regulatory background or existing conditions relative to noise levels have occurred that would trigger the need for subsequent environmental review of the Wilfred Project.

The FEIS significance thresholds for noise and groundborne vibration were based on the Noise Element of the Sonoma County General Plan and the City of Rohnert Park General Plan Noise Element, recommendations from the USEPA, the U.S. Department of Housing and Urban Development, and other Federal agencies, and guidance from the Federal Interagency Committee on Noise (FEIS, Section 3.10, pages 3.10-3 through 3.10-5). These levels of significance, which were used in the FEIS, are consistent with the noise significance thresholds in CEQA (2012 CEQA *Guidelines* -Appendix G, XII).

Section 4.10 of the FEIS identifies potential noise impacts during construction (less-than-significant), operations (potentially significant), and off-site traffic noise (potentially significant). Construction noise impacts are identified in the FEIS as being less-than-significant because construction activities would be temporary in nature, and typically occur during normal daylight hours. Although determined to be less-than-significant in the FEIS, construction related noise impacts would be further reduced within mitigation measures provided in the FEIS.

The operational noise impacts, identified in the FEIS as being potentially significant due to operational/traffic noise levels greater than noise level thresholds on or in the immediate vicinity of the Wilfred and Stony Point sites, would be reduced to a less-than-significant level with mitigation. Mitigation included in the FEIS includes equipment shielding and vehicle idling policies.

Noise impacts from vehicular traffic along Wilfred Avenue were analyzed in Section 4.10 of the FEIS and FEIS Appendix R. As described in Section 3.10.1 of the FEIS, noise impacts from vehicular traffic are considered significant if traffic on off-site roadways increases ambient noise levels from 1.5 dBA Day-Night Average Level (Ldn) to 5.0 dBA Ldn or causes ambient noise levels to increase to 65 dBA Ldn or above. These significance levels are based on the 1992 finding of the Federal Interagency Committee on Noise (FICON). The Sonoma County General Plan 2020 contains a Noise element that includes policy statements that define acceptable traffic noise levels (Policies NE-1b, NE-1c and NE-2b). These policies are consistent with the aforementioned FICON significance levels.

The changes in traffic noise levels along Wilfred Avenue, as analyzed in the FEIS, could result in significant increases to ambient noise levels. Specifically Table 4.10-3 and 4.10-4 in the FEIS illustrates the change in noise levels along 12 separate roadway sections in the vicinity of the Graton Casino Project. The reference point was defined as a distance of 50 feet from the centerlines of the roadways. The data in Table 4.10-3 indicates that 6 of the 12 roadway sections analyzed would generate noise levels of 65 dBA Ldn or above. Table 4.10-4 indicates that changes in noise levels would range from -2.7 dBA to 3.5 dBA Ldn, with between 2 and 5 (depending upon the casino project alternative) roadway sections experiencing at least a 1.5 dBA Ldn increase. Mitigation to reduce this off-site impact is included in the FEIS. No noise mitigation beyond what is specified in the FEIS for the Graton Casino Project would be required for the Project because the baseline and project related traffic anticipated on Wilfred Avenue were included as noise sources analyzed in FEIS Appendix R.

The Project, evaluated as mitigation for Graton Casino Project impacts in the FEIS, would not result in any new significant construction impacts or more severe impacts than those analyzed in Section 4.10 of the FEIS because of the temporary nature of the construction impacts. In addition, the FEIS includes mitigation measures, and those that are applicable to the Project are further described below. Construction noise for the Project would also occur at the same locations described in the FEIS. Construction noise levels are anticipated to be identical to other similar roadway improvement projects and less than those construction noise impacts originating from the Graton Rancheria Casino. Therefore, the impacts from construction noise would remain less-than-significant under the Project. These potentially significant impacts would be reduced to a less-than-significant level using the mitigation measures identified in the FEIS and listed below.

Mitigation Measures: The mitigation measures to reduce these impacts to less-than-significant levels are listed below:

Noise (FEIS, Other Values, Noise, Mitigation Measure C)
The Tribe shall fully fund the cost of installation of acoustically-rated, dual pane windows (with a minimum Sound Transmission Class ("STC") rating of 30) and acoustically rated doors on the facades facing the noise source(s) to minimize noise effects for residences adjacent to Wilfred Avenue between Redwood Drive and Stony Point Road.

Noise (FEIS, Other Values, Noise, Mitigation Measure G)
To the extent feasible, project construction shall not occur prior to 7:00 AM or after 10:00 PM.

Noise (FEIS, Other Values, Noise, Mitigation Measure H)
Pile driving, should it take place, shall not occur prior to 9:00 AM or after 5:00 PM.

Findings: Implementation of the above listed mitigation measures would result in less-than-significant impacts from Project related noise sources.

Hazardous Materials

Impacts: A Phase I Environmental Site Assessment ("Phase I ESA") was conducted for the Graton Rancheria and the Stony Point site (FEIS Appendix S) to identify environmental conditions and hazardous materials involvement that may pose a material risk to human health or to the environment, or in any way affect the use of the site. The Phase I ESA concluded that the possibility exists that chemical fertilizers or other agricultural chemicals may be present in the soil; however, such conditions are considered *de minimis,* which, according to the American Society of Testing and

Materials ("ASTM") standard "generally would not pose a significant risk to public health or the environment." The database report in the FEIS identified two sites associated with leaking underground storage tanks are located within 0.50 miles of the eastern property boundary of the Graton Rancheria. Ongoing remediation activities are occurring at these sites. These sites are located to the east of Wilfred Avenue along Redwood Drive. The Phase I ESA indicated that properties adjacent to the Graton Rancheria, including the parcels along Wilfred Avenue, did not appear to contain hazardous materials involvement or the potential for hazardous materials releases. Most of the documented sites along Redwood Drive are associated with current and former gas stations and other similar businesses. Due to the topography of the project site and vicinity, the location of documented off-site groundwater/soil contamination, the lack of detectable constituents in nearby monitoring wells, and the ongoing remediation and monitoring activities, the Project does not appear to be in the direct path of any potential groundwater contaminant plumes emitted from listed sites in the vicinity of the project alignment (SWRCB, 2012).

The FEIS significance thresholds for hazardous materials were based on USEPA and RWQCB standards (FEIS Section 3.10, pages 3.10-10 through 3.10-14). Additionally, potentially significant impacts would occur if the project created hazards through the use, disposal, or release of hazardous materials. These levels of significance, which were used in the FEIS, are consistent with the hazardous materials significance thresholds in CEQA (2012 CEQA *Guidelines* -Appendix G, VIII).

Section 4.10 of the FEIS identifies potential hazardous material impacts during construction (potentially significant) and operation (potentially significant). Construction related impacts were determined to be potentially significant, due to the use and storage of hazardous materials during construction activities. The operational impacts are identified in the FEIS as being potentially significant, due to the potential use and storage of small quantities of hazardous materials during operational activities on the Wilfred site or Stony Point site. The potentially significant impacts would be reduced to less-than-significant levels with implementation of mitigation provided in the FEIS.

The Project, evaluated as mitigation for Graton Casino Project impacts in the FEIS, does not include any operational activities that would use hazardous materials or create operational environmental impacts from the use, storage, or transportation of hazardous materials. Therefore, the potentially significant operational hazardous materials impacts identified in the FEIS would not occur during operation of the Wilfred Project.

Because construction methods and activities are comparable to those included in the FEIS, the Project would not result in any new significant impacts or more severe impacts than those analyzed in the FEIS. Potential impacts from the discovery of contamination during construction related earth moving activities and the use/storage of hazardous materials during construction activities, which were determined to be potentially significant in the FEIS, would be potentially significant under the Wilfred Project due to soil excavation activities. These potentially significant impacts would be reduced to a less-than-significant level using the mitigation measures identified in the FEIS and listed below.

Mitigation Measures: The mitigation measure to reduce these impacts to less-than-significant levels is listed below:

<u>Hazardous Materials (FEIS, Hazardous Materials, Mitigation Measure L)</u>
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 environmental professional can assess the extent of contamination. If contamination is determined to be significant, representatives of the City shall consult with USEPA, the REGIONAL BOARD, and Sonoma County to determine the appropriate course of action, which may include the development of a Sampling Plan and Remediation Plan if necessary.

Hazardous Materials (FEIS, Hazardous Materials, Mitigation Measure M)
To reduce the potential for accidental releases, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment and shall not otherwise be stored onsite. Paint, paint thinner, solvents, cleaners, sealants, and lubricants used during construction shall be stored in a locked utility building, handled per the manufacturers' directions, and replenished as needed.

Hazardous Materials (FEIS, Hazardous Materials, Mitigation Measure N)
Personnel shall follow written standard operating procedures ("SOPs") for filling and servicing construction equipment and vehicles. The SOPs, which are designed to reduce the potential for incidents involving the hazardous materials, shall include the following:

a. Refueling shall be conducted only with approved pumps, hoses, and nozzles.
b. Catch-pans shall be placed under equipment to catch potential spills during servicing.
c. All disconnected hoses shall be placed in containers to collect residual fuel from the hose.
d. Vehicle engines shall be shut down during refueling.
e. No smoking, open flames, or welding shall be allowed in refueling or service areas.
f. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.
g. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.
h. Should a spill contaminate any soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.
i. 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.
j. 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 fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.
k. Any construction equipment that normally includes a spark arrester shall be equipped with an arrestor in good working order.

Hazardous Materials (FEIS, Hazardous Materials, Mitigation Measure O)
The amount of hazardous materials used in project construction and operation shall be kept at the lowest required volumes.

Findings: Implementation of the above listed mitigation measures would result in less-than-significant impacts to hazardous materials.

Visual Resources

Impacts: Visual impacts analyzed in the FEIS were determined to be potentially significant if the action resulted in negative effects to scenic resources or non-compliance with the visual elements within the Sonoma County General Plan, Sonoma County Zoning Regulations, City of Rohnert Park General Plan and Northwest Specific Plan (FEIS, Section 4.10, pages 4.10-10 through 4.10-14). The FEIS analysis evaluated potential impacts to line of sight, duration of visibility, proximity of the viewer, and the number of viewers. These levels of significance, which were used in the FEIS, are consistent with the Aesthetics significance thresholds in CEQA (2012 CEQA *Guidelines* -Appendix G, I).

Section 4.10 of the FEIS identifies visual impacts during construction (less-than-significant) and operation (potentially significant) of the casino/hotel on the Graton Rancheria and Stony Point Site. The visual light and glare impacts, as identified in the FEIS as being potentially significant due activities and development components of the casino/hotel development along Wilfred Avenue, would be reduced to a less-than-significant level with mitigation.

The Project, evaluated as mitigation for Graton Casino Project impacts in the FEIS, does not include any operational activities outside of vehicular trips. These trips would not create visual impacts to the project area because Wilfred Avenue is an existing roadway, similar in nature to other roadways in the immediate vicinity. The development of street lights, traffic signals, and the construction of a bike bridge spanning the Bellevue-Wilfred Channel would not create visual impacts due to the development locations in close proximity to existing intersection and roadway safety features in the City and County. Therefore, the visual impacts determined to be potentially significant operational impacts in the FEIS on the Graton Rancheria and Stony Point site would not occur during operation of the Project.

Mitigation Measures: No mitigation measures required.

Findings: A less-than-significant impact to visual resources would occur through development of roadway and intersection improvements along Wilfred Avenue.

Indirect and Growth-Inducing Effects

The REGIONAL BOARD confirmed that the Graton Rancheria Hotel and Casino Project EIS included a discussion of mitigation measures for each of the EIS/Tribal EIR environmental topics for which the Casino Project would result in significant impacts as set forth above. Section 4.11 of the EIS contains an analysis of potentially significant secondary off-reservation impacts caused by the Wilfred Project and an analysis of growth inducing impacts. All indirect and growth-inducing impacts of the Casino Project were evaluated in the EIS related to the construction of the Wilfred Project, and the impacts will be mitigated to a less-than-significant level.

Cumulative Effects

Impacts: The cumulative analysis in the FEIS (FEIS Section 4.12) evaluated the effects on specific resources, ecosystems, and human communities that occur incrementally in conjunction with other actions, projects and trends. The cumulative impact analysis evaluated the combined impacts of past, present, and reasonably foreseeable projects in conjunction with the Graton Rancheria Casino Project which anticipated the widening or Wilfred Avenue as mitigation. The significance thresholds used for individual elements of the environment apply to the cumulative effects analysis.

The FEIS cumulative project list included specific plans for the City, the communities of Santa Rosa, Cotati, Sebastopol, Petaluma, and planned development in the vicinity of the Wilfred and Stony Point sites. This analysis is consistent with the requirements of CEQA *Guidelines* Section 15130(b); specifically the FEIS discussion of cumulative impacts reflects the severity of the impacts and their likelihood of occurrence. The cumulative setting described in the FEIS includes the City as well as broader development trends impacting the local Sonoma County region.

The FEIS concluded that there could potentially be cumulative impacts from the development of the Graton Rancheria Casino Project site when combined with foreseeable development projects through the year 2020. However, the FEIS included appropriate measures to mitigate these potential adverse impacts to less-than-significant levels. Because the widening of Wilfred Avenue is a component of the project evaluated in the FEIS, and the Wilfred Project is one of the mitigation measures for Graton Rancheria Casino Project impacts, the conclusions in the FEIS regarding potential cumulative impacts are applicable to the Wilfred Project.

Air Quality
Air quality is discussed in detail in EIS Section 4.3, with mitigation measures for both project specific and cumulative effects. Specifically, Mitigation Measure S describes the purchase of mitigation credits to offset emissions. These emission credits would offset project specific emissions as well as the project's contribution to cumulative effects. In addition, the Project will produce cumulative benefits to air quality that are difficult to quantify, but not insignificant. For example, the will improve traffic flow and therefore reduce emissions related to engine idling. See **Table 1** below for anticipated traffic delays and LOS after implementation of improvements along Wilfred Avenue.

Resource Use Patterns
As described in Section 4.12 of the FEIS, the development of the casino project and the Wilfred Project would likely have a significant cumulative effect upon traffic flow in combination with additional future development projects in the vicinity. However, these impacts would be reduced to a less-than-significant level with the mitigation measures listed in Section 5.2.7 of the FEIS and further described in the Resource Use Patterns section above. In addition, as identified in **Table 1** below, implementing the Project would improve traffic flow at impacted intersections along Wilfred Avenue and create a substantial, beneficial, cumulative effect.

TABLE 1
2020 PM PEAK INTERSECTION CONDITIONS
WITH AND WITHOUT THE GRATON RANCHERIA CASINO PROJECT

	Intersection	**Criteria**	**2020 Background- No Graton Rancheria Casino Project**		**2020 Graton Rancheria Casino Project with Mitigation**	
			LOS	**Delay[1]**	**LOS**	**Delay[1]**
1	Wilfred Avenue/Stony Point Road	D	F	841.3	D	35.2
2	Wilfred Avenue/Primrose Avenue	D	B	12.5	C	16.2
3	Wilfred Avenue/Whistler Avenue	D	B	12.5	C	15.8
4	Wilfred Avenue/Langner Avenue	D	B	12.5	C	26.5
5	Wilfred Avenue/Labath Avenue	D	F	Overflow	C	25.8

	Intersection	Criteria	2020 Background- No Graton Rancheria Casino Project		2020 Graton Rancheria Casino Project with Mitigation	
			LOS	Delay[1]	LOS	Delay[1]
6	Wilfred Avenue/Dowdell Avenue	D	F	Overflow	C	35.0
7	Wilfred Avenue/Redwood Drive	D	F	169.9	D	40.2

SOURCE: FEIS, Table 4.12.11 and Table 5-10.

[1] Delay is in seconds.

Water Resources

Reasonably foreseeable project and projects anticipated in both the City and County general plans will be required to address their individual impacts on water quality and each is anticipated to require a site specific SWPPP. As the Project will include both vegetated swales in the design and stormwater mitigation, the impacts to water resources will be less-than-significant. No additional mitigation measures are required.

Biological Resources

Similar to the Project, all reasonably foreseeable cumulative projects, located within the Santa Rosa Plain, will be subject to mitigation consistent with the Santa Rosa Plain Strategy requirements. Therefore, no cumulative biological resource impacts are anticipated and no additional mitigation measures are required.

Land Use and Geology and Soils

Reasonably foreseeable project and projects anticipated in both the City and County general plans must address any site specific geological or soils conditions during approval or permitting. Therefore, with implementation of mitigation measures listed above, no cumulative impacts are anticipated from the Project.

Cultural Resources

Reasonably foreseeable project and projects anticipated in both the City and County general plans must analyze impacts to cultural resources through their individual CEQA or NEPA documents. Therefore, with implementation of cultural resource mitigation listed above, no cumulative impacts are anticipated and no additional mitigation measures are required.

Noise

The mitigation measures included in the FEIS for reduction of noise impacts to sensitive receptors along Wilfred Avenue will also be applied to the Project. Reasonably foreseeable project and projects anticipated in both the City and County general plans must analyze impacts to noise through their individual CEQA or NEPA documents. Therefore, with implementation of cultural resource mitigation listed above, no cumulative impacts are anticipated and no additional mitigation measures are required.

Public Services

The Public Service impacts from the Graton Casino Project have been fully addressed. Reasonably foreseeable project and projects anticipated in both the City and County general plans must analyze impacts to public services through their individual CEQA or NEPA documents. Therefore, with

implementation of cultural resource mitigation listed above, no cumulative impacts are anticipated and no additional mitigation measures are required.

Visual
The replacement and widening of Wilfred Avenue will not impact the visual resources of the area. Reasonably foreseeable project and projects anticipated in both the City and County general plans must analyze impacts to visual resources through their individual CEQA or NEPA documents. Therefore, with implementation of cultural resource mitigation listed above, no cumulative impacts are anticipated and no additional mitigation measures are required.

Hazardous Materials
Reasonably foreseeable project and projects anticipated in both the City and County general plans must analyze impacts to hazardous materials through their individual CEQA or NEPA documents. Therefore, with implementation of cultural resource mitigation listed above, no cumulative impacts are anticipated and no additional mitigation measures are required.

Mitigation Measures: No additional mitigation measures not otherwise recommended in the sections above are required.

Findings: The roadway and intersection improvements included in the Wilfred Project are mitigation for traffic related impacts associated with the Graton Rancheria Casino Project. These improvements are anticipated to improve the cumulative traffic in the area. The mitigation measures under each section above reduce the cumulative impacts to less than significant levels.