

# ***SECTION 5.0***

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## ***MITIGATION MEASURES***

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#### **5.1 INTRODUCTION**

The Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) Regulations require that mitigation measures be developed for all of a proposal's effects on the environment where it is feasible to do so (CEQ 40 Most Asked Questions, 19a; 40 CFR 1502.14(f) and 1502.16(h)). The NEPA Regulations define mitigation as "avoiding the impact altogether by not taking a certain action or parts of an action, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating, or restoring the affected environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, compensating for the impact by replacing or providing substitute resources or environments" (40 CFR 1508.20). These principles have been applied to guide design and siting criteria of the alternatives. Where potential effects on the environment were identified in early stages of project design and EIS preparation, appropriate changes in the project design were made to minimize or eliminate them. For example, for development on the Yuba Site, wetland areas would be avoided and for development on the Butte Site, known sensitive cultural areas would be avoided. Mitigation measures are enforceable because: they are incorporated into the project plan; they are required under the terms of a Memorandum of Understanding (MOU); and through various provisions of federal and state laws, and/or city, county, or tribal ordinances. In addition to the measures that have already been incorporated into the design of the alternatives, the following section provides measures to mitigate specific effects identified in the preparation of the EIS.

#### **5.2 MITIGATION MEASURES**

##### **5.2.1 LAND RESOURCES**

The following measure is recommended for Alternative C:

##### ***SEISMICITY***

- A. The project facilities shall be designed consistent with standards at least as stringent as the Uniform Building Code, including Division IV, which covers earthquake standards.

Implementation of the above mitigation will reduce seismicity impacts to a less than significant level.

The following measures are recommended for Alternative D:

***TOPOGRAPHY***

- A. Creation of soil stabilization areas around the building pad shall be properly compacted and shall be subject to a geotechnical review prior to construction of the areas. Proper hydroseeding, use of straw fiber rolls, and other soil erosion protection measures shall be utilized as part of a comprehensive erosion control plan.

Adoption of the above mitigation will reduce topography impacts to a less than significant level.

**5.2.2 WATER RESOURCES**

***HYDROLOGY AND FLOODING***

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

- A. Increases in downstream flooding will be prevented by reducing surface runoff from the site. Surface runoff will be minimized by implementing the following measures:
  - 1. Where feasible, all areas outside of buildings and roads shall be kept as permeable surfaces, either as vegetation or high infiltration cover such as mulch, or gravel, or turf block;
  - 2. Pedestrian pathways shall use a permeable surface where possible, such as crushed aggregate or stone with sufficient permeable joints (areas between stone or brick if used); and
  - 3. Rooftops shall drain to either embedded cisterns or surrounding vegetated areas to maximize infiltration prior to concentrating runoff.

Implementation of the above mitigation will further reduce less than significant impacts to flooding.

The following measure is recommended for Alternatives A, B, and C:

- B. The Tribe and operator(s) of the on-site developments shall maintain open lines of communication with the State Reclamation Board and the local flood control district to ensure as much notice as possible is given in the event of a pending flood action that affects the site.

- C. Prior to construction, plans shall be made available to the State Reclamation Board for review in order to confirm that storage volumes and conveyance patterns have not changed in a way that conflicts with the terms of the inundation easement.

Implementation of the above mitigation will reduce potential public safety impacts from flooding to a less than significant level.

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

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

As required and enforced by the U.S. EPA under the Clean Water Act, prior to construction a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared that addresses water quality impacts associated with construction and on-going operation of the project. Permanent water quality maintenance features shall be incorporated into the project design and operation. Water quality control measures identified in the SWPPP shall include, but not limited to, the following:

#### ***General Construction Activities***

- D. Existing vegetation shall be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- E. Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary revegetation, rock bag dams, and sediment traps) shall be employed for disturbed areas.
- F. No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- G. Construction area entrances and exits shall be stabilized with crushed aggregate.
- H. Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- I. Petroleum products shall be stored, handled, used, and disposed of properly.
- J. Construction materials, including topsoil and chemicals shall be stored, covered, and isolated to prevent runoff losses and contamination of groundwater.
- K. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff.
- L. Sanitary facilities shall be provided for construction workers.
- M. Disposal facilities shall be provided for soil wastes, including excess asphalt produced during construction.

- N. The Tribe shall educate all workers in the proper handling, use, cleanup, and disposal of all chemical materials used during construction activities and provide appropriate facilities to store and isolate contaminants.
- O. The Tribe shall educate all contractors involved in the project on the potential environmental damages resulting from soil erosion prior to development by conducting a pre-construction conference. Copies of the project's erosion control plan shall be distributed at this time. All construction bid packages; contracts, plans and specifications shall contain language that requires adherence to the plan.
- P. Construction activities shall be scheduled to minimize land disturbance during peak runoff periods. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff.
- Q. Creating construction zones and grading only one part of a construction zone at a time shall minimize exposed areas. If possible, grading on a particular zone shall be delayed until protective cover is restored on the previously graded zone.
- R. Utility installations shall be coordinated to limit the number of excavations.
- S. Preserving as much natural cover, topography, and drainage as possible shall protect disturbed soils from rainfall during construction. Trees and shrubs shall not be removed unnecessarily.
- T. Disturbed areas shall be stabilized as promptly as possible, especially on long or steep slopes. Recommended plant materials and mulches shall be used to establish protective ground cover. Vegetation such as fast-growing annual and perennial grasses shall be used to shield and bind the soil. Mulches and artificial binders shall be used until vegetation is established. Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment onto roadways.
- U. Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage outlets. Surface roughening, berms, check dams, hay bales, or similar devices shall be used to reduce runoff velocity and erosion.
- V. Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out.
- W. Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events.
- X. All necessary permits and approvals shall be obtained, including a NPDES Phase II General Permit for Storm Water Discharges from Construction Activities.

**General Operation Measures**

- Y. Storm drains shall be equipped with silt and oil traps to remove oils, debris, and other pollutants. Storm drain inlets shall also be labeled “ No Dumping–Drains to Streams and Rivers.”
- Z. The parking lot shall be designed to allow storm water runoff to be directed to vegetative filter strips to help control sediment and to control non-point source pollution, where possible.
- AA. Permanent energy dissipaters shall be included for drainage outlets.
- BB. The Tribe shall create, utilize, and update as necessary a maintenance plan for all Best Management Practices (BMPs).
- CC. The project detention basin shall be designed to provide effective water quality control measures. Design and operational features of the drainage basins will include:
- DD. The drainage basins shall be designed to provide the maximum detention time for settling of fine particles.
- EE. Maximize the distance between basin inlets and outlets to reduce velocities.
- FF. Establish maintenance schedules for periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets.

Implementation of the above measures would further reduce less than significant effects to water quality during construction and operation.

The following measure is recommended for Alternative C:

- GG. The Tribe shall ensure that any water from the water park receive treatment prior to entering the storm drainage system to reduce and, if possible, eliminate chlorine and other minerals added at the water park.

Implementation of the above mitigation will reduce potential water quality impacts from water park discharges to a less than significant level.

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

- HH. The operator of the wastewater treatment plant shall comply with operator standards/certification as would be required for an operator of a similarly sized plant in the state of California.
- II. On-site backup power generation shall be provided to run the collection system and necessary plant pumps and aerators to control odors during power outages.
- JJ. The following manuals/plans shall be completed within 6 months of construction of the wastewater treatment plant: an Operations and Maintenance Manual that must include an

emergency response plan and operation/maintenance records; a sludge disposal plan; a domestic waste spill prevention, emergency response, containment, and spill cleanup waste products disposal plan; a runoff-prevention plan/off-site aerosol prevention plan; and a hazardous materials spill prevention, emergency response, containment, and disposal plan.

Implementation of the above mitigation will further reduce less than significant potential water quality impacts (Alternatives A-C) and reduce significant potential water quality impacts from wastewater treatment plant operations to a less than significant level (Alternative D).

#### ***GROUNDWATER EFFECTS AND AVAILABILITY***

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

KK. The Tribe shall implement the following water conservation measures (as applicable to the particular alternative):

1. Low flow faucets and/or aerators in the hotel;
2. Low flow showerheads and/or aerators in the hotel;
3. Voluntary towel re-use by hotel guests;
4. Low flow faucets in public areas;
5. Use of pressure washers and brooms (water broom) instead of hoses for cleaning;
6. Garbage disposal on-demand;
7. Incorporate re-circulating cooling loop for water cooled refrigeration and ice machines wherever possible; and
8. Serve water to customers only upon request.

Implementation of the above mitigation will further reduce less than significant groundwater impacts.

### **5.2.3 AIR QUALITY**

#### ***CONSTRUCTION IMPACTS***

To avoid/reduce potential adverse air quality effects associated with construction of this facility, the following mitigation measures are recommended for Alternatives A, B, and C:

- A. Construction equipment exhaust emissions shall not exceed Feather River Air Quality Management District (FRAQMD) Regulation III, Rule 3.0, Visible Emissions limitations.

- B. The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- C. The primary contractor shall be responsible to ensure that all construction equipment minimizes idling time to 5 minutes. (State idling rule, effective 02/01/2005)
- D. The primary contractor shall utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators where feasible.
- E. The primary contractor shall develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include:
  - 1. Advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service.
  - 2. Scheduling of operations affecting traffic for off-peak hours.
  - 3. Minimizing obstruction of through-traffic lanes.
  - 4. Providing a flag person to guide traffic properly and ensure safety at construction sites.
- F. The primary contractor shall be responsible to prepare a Fugitive Dust Control Plan. The Fugitive Dust Control Plan shall include the following Fugitive Dust Control Mitigation Measures:
  - 1. All grading operations on a project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
  - 2. Construction sites shall be watered as necessary to prevent fugitive dust violations.
  - 3. An operational water truck shall be on-site at all times. Water shall be applied as needed to control dust and to prevent visible emissions violations.
  - 4. On-site dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
  - 5. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
  - 6. Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all-inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.

7. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
8. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the site.
9. Limit traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, on-site enforcement, and signage.
10. Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.
11. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the site. Vegetative wastes shall be chipped or delivered to waste energy facilities (permitted biomass facilities), mulched, composted, or used for firewood.

The following measures are recommended for Alternative D:

- G. The primary contractor shall use adequate dust control measures that are implemented in a timely and effective manner during all phases of project development and construction, including:
  1. Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
  2. Chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
  3. On-site vehicles limited to a speed of 15 mph on unpaved roads.
  4. Land clearing, grading, earth moving, or excavation activities suspended when winds exceed 20 miles per hour.
  5. Non-toxic binders (e.g. latex acrylic copolymer) to exposed areas after cut and fill operation and hydroseed area.
  6. Plant vegetative ground cover in disturbed areas as soon as possible.
  7. Soil pile surfaces shall be moistened if dust is being emitted from the pile(s). Adequately secured tarps, plastic or other material may be required to further reduce dust emissions.
  8. Haul vehicles transporting soil into or out of the site shall be covered.

9. Paved streets adjacent to the site should be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud, which may have accumulated as a result of activities on the site.
10. Temporary traffic control as appropriate during all phases of construction to improve traffic flow.
11. Scheduled construction activities that direct traffic flow to off-peak hours as much as practicable.
12. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible.
13. Prior to final occupancy, the applicant demonstrates that all ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions.

Implementation of the above mitigation will reduce potential construction air quality impacts to a less than significant level.

***OPERATIONAL IMPACTS***

To avoid/reduce potential adverse air quality effects associated with this operational impacts the following measures are recommended for Alternatives A, B, and C:

- H. The Tribe shall orient building structures to the north for natural cooling and the use of appropriate landscaping that maximizes the potential of passive solar design principles where feasible.
- I. The Tribe shall incorporate shade trees, adequate in number and proportional to project size, throughout the site to reduce building heating and cooling requirements.
- J. The Tribe shall provide for the use of energy-efficient lighting and process systems such as, low-NOx water heaters, furnaces, and boiler units.
- K. The Tribe shall ensure streets shall be designed to maximize pedestrian access to transit stops where feasible.
- L. The Tribe shall include bus shelters at transit access points where deemed appropriate by Yuba-Sutter Transit Authority.
- M. The Tribe shall provide preferential parking spaces for carpools.
- N. The Tribe shall provide preferential parking spaces for vanpools.
- O. The Tribe shall incorporate transit-use incentives such as subsidized transit passes and flexible work schedules to encourage transit use and trip reduction.
- P. The Tribe shall ensure the use of clean fuel vehicles in vehicle fleet where practicable.
- Q. The Tribe shall contribute to construction of off-site park and ride lots as deemed feasible and appropriate by Yuba and Sutter transportation planning agencies.

- R. The Tribe shall provide on-site pedestrian facility enhancements such as walkways, benches, proper lighting, vending machines, and building access, which are physically separated from parking lot traffic.
- S. The Tribe shall feature alternative work schedules, where practical, that allow for work hours that are compressed into fewer than five days (e.g., 9/80; 4/40; or 3/36 hour schedules); or allow Flextime<sup>1</sup> schedules.
- T. The Tribe shall provide transit amenities (e.g., bus turnouts, passenger benches, or shelters) where deemed appropriate by local transportation planning agencies.
- U. The Tribe shall provide transportation (e.g. shuttles) to major transit stations and multi-modal centers.

The measures are recommended for Alternative C only:

- V. The Tribe shall encourage reduced setbacks for retail and employment land uses on streets with bus services consistent with zoning code requirements.
- W. The Tribe shall encourage arrangement of buildings to reduce the walking distance between each of the buildings and the nearest transit facility.
- X. The Tribe shall encourage a development pattern that discourages auto-oriented uses in areas adjacent to bus stops.
- Y. The Tribe shall encourage a development pattern that discourages auto-oriented uses in areas adjacent to transit facilities.

Implementation of the above mitigation will reduce potential operational air quality impacts but not to a less than significant level.

The measures are recommended for Alternative D to further reduce less than significant operational air quality effects:

- Z. The Tribe shall ensure the use of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, and boiler units.
- AA. The Tribe shall ensure the use of energy-efficient and automated controls for air conditioning.
- BB. The Tribe shall provide transportation (e.g., shuttles) to major transit stations and multi-modal centers.

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<sup>1</sup> Different work schedules assigned to various groups of employees. Schedules vary between 15 minutes and two hours from the conventional start-up times of 8:00am-5:00pm. The schedules do not reduce trips but can contribute to reduced traffic congestion.

Implementation of the above mitigation will further reduce less than significant impacts to air quality from operation of the Alternative D facilities.

***ODOR IMPACTS***

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

- CC. The wastewater treatment plant expansions will be constructed with comprehensive odor control facilities, including the injection of odor control oxidants at the sewage lift station and construction of a covered headworks with odor scrubber at the wastewater treatment plant.
- DD. Spray drift from the wastewater treatment plant or spray disposal field will not migrate out of the plant's property boundaries. Mitigation measures 5.2.2HH-JJ shall be implemented to ensure that migration does not occur.
- A. Spray field irrigation will cease when winds exceed 30 mph.

Implementation of the above mitigation will further reduce less than significant impacts from odors.

The following measures are recommended for Alternative D:

- FF. The wastewater treatment plant expansions will be constructed with comprehensive odor control facilities, including the injection of odor control oxidants at the sewage lift station and construction of a covered headworks with odor scrubber at the wastewater treatment plant.
- GG. Spray drift from the wastewater treatment plant or spray disposal field will not migrate out of the plant's property boundaries. Mitigation measures 5.2.2HH-JJ shall be implemented to ensure that migration does not occur.
- HH. Spray field irrigation will cease when winds exceed 30 mph.
- II. Water quality mitigation measures under **Section 5.2.2** requiring on-site backup power generation for the wastewater treatment plant shall be implemented.

Implementation of the above mitigation will reduce potentially significant odor impacts to a less than significant level.

***TOXIC AIR CONTAMINANT IMPACTS***

To avoid/reduce potential adverse toxic air contaminant effects associated with this facility, the following measures are recommended for Alternatives A, B, C and D:

- JJ. Proposed commercial land uses (e.g., loading docks) that have the potential to emit toxic air emissions shall be located as far away as feasibly possible from existing and proposed sensitive receptors in accordance with ARB's Air Quality and Land Use Handbook.
- KK. Air intakes associated with the heating and cooling system for buildings shall not be located next to potential TAC-emitting locations (e.g., loading docks) in accordance with ARB's Air Quality and Land Use Handbook.

Implementation of the above mitigation will reduce potential toxic air contaminant impacts to a less than significant level.

To avoid/reduce potential adverse effects from aerial spraying associated with adjacent agricultural operations, the following measures are recommended for Alternative C:

- LL. The Tribe shall negotiate an agreement or at least maintain open lines of communication with the adjacent landowner to the east such that notice is gained prior to aerial spraying operations. During aerial spraying operations, any park components/attractions located within 50 feet of the boundary of the Yuba Site shall cease operation until after the completion of off-site aerial spraying operations.

Implementation of the above mitigation will reduce potential public health impacts from off-site aerial spraying to a less than significant level.

#### ***ASBESTOS IMPACTS***

To avoid/reduce potential adverse effects associated with this asbestos related to construction, the following measure is recommended for Alternative D:

- MM. Prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos (NOA) is present within the area that will be disturbed. If NOA is found at the site the applicant shall comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Implementation of the above mitigation will reduce potential public health impacts from NOA to a less than significant level.

**INDOOR AIR QUALITY IMPACTS**

To avoid/reduce potential adverse indoor air quality effects associated with this facility, the following measures are recommended for Alternatives A, B, C, and D:

- NN. The Tribe shall ensure that ventilation of outdoor air is consistent with ASHRAE Standard 62-1999 under all operating conditions.
- OO. The Tribe shall ensure that comfort levels are acceptable to most occupants, and consistent with ASHRAE Standard 55-1992, under all operating conditions.
- PP. The Tribe shall ensure that significant expected sources of pollutant emissions are isolated from occupants using physical barriers, exhausts, and pressure controls.
- QQ. The Tribe shall ensure that outdoor air entering the building is protected from contamination from local outdoor sources and from building exhausts and sanitation vents.
- RR. The Tribe shall ensure that provisions are made for easy access to HVAC equipment requiring periodic maintenance.
- SS. The Tribe shall ensure that occupant exposure to construction contaminants is minimized using protocols for material selection, preventive installation procedures, and special ventilation and pressure control isolation techniques.
- TT. The Tribe shall ensure the use of low-emitting building products pursuant to Integrated Waste Management Board's Section 01350 where feasible.
- UU. The Tribe shall provide notice of the health effects of secondhand smoke exposure to employees upon hire.
- VV. The Tribe shall prominently place placards periodically throughout the casino that summarize the health effects of secondhand smoke. The Tribe shall provide further information about the health effects of secondhand smoke to customers upon request.
- WW. Utilize separate air handling and filtration systems for smoking and non-smoking areas of the property.
- XX. Prohibit all employees from smoking inside the casino building.
- YY. Utilize state-of-the-art HVAC systems that minimize the impact of second-hand smoke.
- ZZ. Allow smoking in the amusement park only in smoking designated areas.
- AAA. Prohibit all employees from smoking anywhere other than in smoking designated areas.

Implementation of the above mitigation will reduce potential public health impacts from indoor airborne pollutants to a less than significant level.

**CLIMATE CHANGE IMPACTS**

As noted in **Table 5-1**, a less than significant cumulative impact to global climate change would result for Alternatives A, B, C, and D after the implementation of Mitigation Measures 5.2.3 BBB and 3.2.2 KK 1 through 8.

- BBB. Buses and other commercial diesel-fueled vehicles shall comply with the California Air Resource Board's (CARB) Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485), which requires that the driver of any diesel bus shall not idle for more than five minutes at any location, except in the case of passenger boarding where a ten minute limit is imposed, or when passengers are onboard.

In addition, the implementation of the following mitigation measures are recommended for all Alternatives to further reduce climate change impacts.

- CCC. The Tribe shall plant trees and vegetation on-site. The addition of photosynthesizing plants would reduce atmospheric CO<sub>2</sub>, because plants use CO<sub>2</sub> for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the building; thus reducing heat absorption, reducing air conditioning needs and saving energy.
- DDD. The Tribe Shall use energy efficient appliances.
- EEE. Environmentally preferable materials shall be used to the extent practical for construction of facilities.
- FFF. The Tribe shall enroll in the ClimateSmart program that is offered to PG&E customs to reduce their indirect GHG emissions form electrical generation to zero. PG&E provides electricity uses with the opportunity to become "carbon neutral" under the ClimateSmart program.
- GGG. The developer shall use of low-emitting building products pursuant to Integrated Waste Management Board's Section 01350 where feasible.

**TABLE 5-1**  
COMPLIANCE WITH STATE EMISSIONS REDUCTION STRATEGES

Exec Order S-3-05 / AB 32 Strategy	Project Design / Mitigation Measure Compliance
Diesel Anti-Idling: In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Development alternatives would be in compliance after implementation of Mitigation Measure 5.2.3 BBB.
Achieve 50 percent statewide Recycling Goal: Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.	Development alternatives would be in compliance, as discussed in <b>Section 4.12</b> .
Water Use Efficiency: Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions	Development alternatives would be in compliance after implementation of Mitigation Measure 5.2.2 KK 1 through 8.

Source: State of California, Environmental Protection Agency, and Climate Action Team, 2006

## 5.2.4 BIOLOGICAL RESOURCES

To reduce potentially significant impacts to federally listed and other sensitive animal species and “waters of the U.S.” and wetland habitat, the following measures are recommended for Alternatives A, B, and C:

### ***FEDERALLY LISTED AND OTHER SENSITIVE SPECIES***

#### ***Giant Garter Snake***

- A. Construction activities within the identified habitat for giant garter snake shall be avoided as identified in the Giant Garter Snake Report, August 2005 (**Appendix H**). The U.S. Fish and Wildlife Service (USFWS) guidelines for giant garter snake avoidance and minimization will be followed.
- B. All construction activity associated with the installation of the wastewater pipeline, within the adjacent roadbed, shall be conducted between May 1 and October 1. This

is the active period for giant garter snakes and the potential for direct effects are lessened because the snakes are actively moving and capable of avoiding danger.

- C. Construction personnel shall participate in a USFWS approved worker environmental awareness program. Under this program, workers shall be informed about the presence of giant garter snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Act. Prior to construction activities, a qualified biologist approved by the Service shall instruct all construction personnel about: (1) the life history of the giant garter snake; (2) the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the giant garter snake; (3) sensitive areas, detailing limits of the construction area, showing workers the designated buffers, and explaining why they must stay out of the buffers. Proof of this instruction shall be submitted to the Sacramento Fish and Wildlife Office.
- D. No more than 24-hours prior to start of construction activities (site preparation and/or grading), the southern portion of the project area adjacent to the ditch shall be surveyed for the presence of giant garter snake. If construction activities stop on the site for a period of two weeks or more, a new giant garter snake survey should be completed no more than 24-hours prior to the re-start of construction activities.
- E. A qualified biologist shall conduct monitoring for giant garter snake during construction within the identified giant garter snake boundary area. If a snake is encountered during construction activities, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. Giant garter snakes encountered during construction activities should be allowed to move away from construction activities on their own. Capture and relocation of trapped or injured individuals can only be attempted by personnel or individuals with current USFWS recovery permits pursuant to section 10(a)1(A) of the Act.
- F. A qualified biologist shall be available for monitoring for giant garter snakes throughout the duration of construction.
- G. Establish fencing prior to construction to demarcate the construction area and prevent encroachment of construction personnel and equipment into adjacent habitats for sensitive species
- H. Prior to the commencement of pipeline construction activities to occur between May 1 and October 1, construction fencing would be installed along the southern and northern extents of upland habitat, which border the irrigation canal and seasonal wetland in order to maintain construction activities within the construction zone easement. Upon completion of construction, permanent fencing would be installed along the border of the seasonal wetland buffer and associated upland habitat on the Yuba site. This fencing will prohibit access by pedestrians and motor vehicles to the

giant garter snake aquatic and upland components. Proper signage, spaced at approximately 100-foot intervals, will convey the idea that (1) the area is sensitive and preserved habitat, and (2) management will ensure the integrity of the preserved area.

- I. The USFWS recommends that plastic mono-filament netting (erosion control matting) not be used for erosion control. Snakes may become entangled in it. Acceptable substitutes include coconut-coir matting or tackified hydroseeding.
- J. Implementation of best management practices (BMPs) to prevent the accidental release of disturbed soils, fuel, oil, or other materials associated with construction activities into sensitive habitats.
- K. Pre-construction surveys for giant garter snake shall be completed by a qualified biologist along the South Yuba Water District irrigation ditch to follow the USFWS guidelines.
- L. The mitigation and avoidance measures referenced and/or contained within in the Biological Opinion issued by the USFWS (**Appendix H**) shall be applied to the WWTP area.

#### ***Swainson's Hawk***

- M. If project construction is to occur during the nesting season (approximately March – August), pre-construction surveys for active Swainson's hawk nests within ¼ mile of proposed construction areas shall be conducted by a qualified biologist.
- N. Conducting construction activities within ¼ mile of active Swainson's hawk nests shall be avoided. If construction activities are to occur within ¼ mile of an active nest, a qualified biologist shall monitor construction activities and any active nest sites. The monitoring biologist shall have the authority to stop any construction activities that are adversely affecting nesting behavior and may result in nest failure.
- O. Impacts to potential foraging habitat for Swainson's hawk shall be mitigated according to the guidelines identified in the California Department of Fish and Game's *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California*.
- P. Replacement foraging habitat for Swainson's hawk shall be provided at a ratio of 0.5 acres of land for each acre of urban development authorized under subdivision entitlements. Land protected under this requirement must be located within 10 miles of the construction site and may be protected through fee title acquisition or a conservation easement on agricultural lands or other suitable habitats acceptable to the California Department of Fish and Game and the County of Yuba or as otherwise approved by the Community Development Director.

***Burrowing Owl***

- Q. A qualified biologist shall conduct a pre-construction survey for burrowing owls within the 30 days prior to construction activities to establish the status of this species on the site. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. If burrowing owls are detected within approximately 500 feet of the site, a qualified biologist shall be consulted to develop measures to avoid “take” of this species prior to the initiation of any construction activities. Avoidance measures may include the establishment of buffers and biological monitoring.

***Nesting Raptors and Migratory Birds***

- R. If construction activities are to occur during the nesting season (approximately March-September), pre-construction surveys for nesting raptors shall be conducted by a qualified biologist within 500 feet of the proposed construction areas. If active nests are identified in these areas, a qualified biologist shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include the establishment of buffers and biological monitoring.
- S. If removal of any woody vegetation is to be conducted during the nesting season (approximately March – September), a pre-construction survey for active migratory bird nests within proposed disturbance areas shall be conducted by a qualified biologist within two weeks to one month prior to vegetation removal. If vegetation removal activities are delayed or suspended for more than one month after the pre-construction survey, the site shall be resurveyed. If active migratory bird nests are identified, vegetation removal that would disturb these nests shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No active nests shall be disturbed without a permit or other authorization from the USFWS.

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

- T. The roadside ditch (0.72 acres) along Forty Mile Road and the palustrine emergent wetland (2.13 acres) are potentially subject to USACE jurisdiction. These features shall be avoided through modifications in the designs for the casino to completely avoid impacts to the ditch and wetland area, including impacts caused by construction equipment. Methods to avoid the roadside ditch shall include bottomless culverts, bridges, or other similar methods, if a driveway must be installed over a portion of the ditch. Before construction activity, workers will be informed of the importance of marshes, wetlands, and seasonally flooded areas. During

construction activity, temporary construction fencing shall be installed around the perimeter of the wetland so that inadvertent impacts to this area will be avoided.

U. The wetlands and irrigation ditches within the wastewater treatment plant study area, as well as the irrigation ditches under the road in which the pipeline route would run are potentially subject to USACE jurisdiction. These features shall be avoided through project design to completely avoid impacts to wetlands and irrigation ditch features. The following measures are recommended to further avoid any potential impacts to wetlands and waters of the U.S.:

1. Temporary fencing shall be installed around wetland and any intermittent drainage features that are outside of the construction area. Fencing shall be located as far as feasible from the edge of wetlands and riparian habitats and installed prior to any construction. The fencing shall remain in place until all construction activities on the site have been completed.
2. Construction activities in the vicinity of any USACE jurisdictional features shall be conducted during the dry season to minimize erosion.
3. Staging areas shall be located away from the areas of wetland habitat that are fenced off. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. with tarps, silt fences, or straw bales).
4. Standard precautions shall be employed by the construction contractor to prevent the accidental release of fuel, oil, lubricant, or other hazardous materials associated with construction activities into jurisdictional features. A contaminant program shall be developed and implemented in the event of release of hazardous materials as part of the projects' NPDES permit.
5. If impacts to waters of the U.S. and wetland habitat become unavoidable, these features shall be mitigated by creating or restoring wetland habitats either on site or at an appropriate off-site location. A USACE 404 permit shall be obtained prior to any discharge into jurisdictional features. Compensatory mitigation shall occur at a minimum of 1:1 ratio, as required by the USACE.

Implementation of the above mitigation will reduce impacts to biological resources from Alternatives A, B, and C to a less than significant level.

To reduce already less than significant and potentially significant impacts to federally listed and other sensitive animal species, "waters of the U.S.", and wetland habitat, the following measures are recommended for Alternative D:

**HABITATS**

- V. Trees shall be preserved, to the extent possible, and protected with construction fencing during construction activities.

**FEDERALLY LISTED AND OTHER SENSITIVE SPECIES**

- W. The Butte Site provides habitat for the federally threatened Layne's ragwort. Mitigation measures for impacts to the chaparral and mixed woodland communities shall include the preservation and creation of suitable habitat on site, as recommended by the USFWS.
- X. The Butte Site is located within the historic range for the California red-legged frog and may contain suitable breeding, foraging, and upland dispersal habitat for this species. Mitigation shall include avoidance or other measures set by the USFWS.
- Y. The mitigation measures identified for Alternatives A, B, and C for nesting raptors and migratory birds shall be applied to Alternative D.

**WATERS OF THE U.S. AND WETLAND HABITAT**

- Z. Due to the linear feet of stream impacts, the Tribe will be required to obtain an Individual Permit from the USACE. Mitigation measures will include creation and preservation of waters of the U.S. at a ratio established by the USACE.

Implementation of the above mitigation will reduce potential impacts to biological resources under Alternative D to a less than significant level and/or will further reduce already less than significant impacts.

**5.2.5 CULTURAL RESOURCES**

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

- A. Any inadvertent discovery of archaeological resources, shall be subject to Section 106 of the National Historic Preservation Act (NHPA) as amended (36 CFR 800), the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.), and the Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. 470aa-mm). Specifically, procedures for post review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed.
- B. All work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess the significance of the find. If any find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the Tribe and the BIA Regional Archaeologist shall meet with the archaeologist, or paleontologist, to determine the appropriate course

of action, including the development of a Treatment Plan, if necessary. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to current professional standards.

- C. All work If human remains are discovered during ground-disturbing activities on Tribal lands, pursuant to NAGPRA Section 10.4 Inadvertent Discoveries, the Tribal Official and BIA Regional Archaeologist will be contacted immediately. No further disturbance shall occur until the Tribal Official and BIA Regional Archaeologist have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA Regional Archaeologist will notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.

The following mitigation measures are recommended for Alternative D:

- D. Prior to start of construction activities, an archaeological testing program shall be designed and implemented to substantiate the horizontal boundaries of the prehistoric site. Based upon the results of the testing program, a 50 foot buffer fence will then be put in place to deter impacts from any ground disturbing activities that may effect the prehistoric site.
- E. Prior to operation of the proposed project, permanent fencing shall be installed around the prehistoric site, including a 20-foot buffer as a formal setback, to discourage pedestrian access to, and vandalism of, the site. Security guards shall also regularly monitor the site to ensure the fence has not been breached. The site shall be maintained in its current state.

Adoption of the above mitigation will reduce the impacts of the alternatives on cultural resources to a less than significant level.

## **5.2.6 SOCIOECONOMIC CONDITIONS/ENVIRONMENTAL JUSTICE**

### ***SOCIAL IMPACTS***

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

- A. It is recommended that the casino participate in responsible gaming practices and provide information to gamers and employees with regards to identifying and treating problem gaming.
- B. Maintain a database of past criminal offenders and bar their presence from the property.
- C. Maintain undercover security personnel to monitor unusual behavior in the casino and parking areas.

- D. Coordinate with local law enforcement agencies to identify and apprehend petty crime suspects.

The following mitigation measure is recommended for Alternatives C:

- E. Maintain undercover security personnel to monitor unusual behavior in locker room areas.
- F. Maintain a database of past criminal offenders and bar their presence from the property.
- G. Coordinate with local law enforcement agencies to identify and apprehend petty crime suspects.
- H. Restrict vehicular access in and around ticket portals and prohibit “automobile cruising on all roads within the water park.”

Implementation of the above mitigation will further reduce less than significant social impacts.

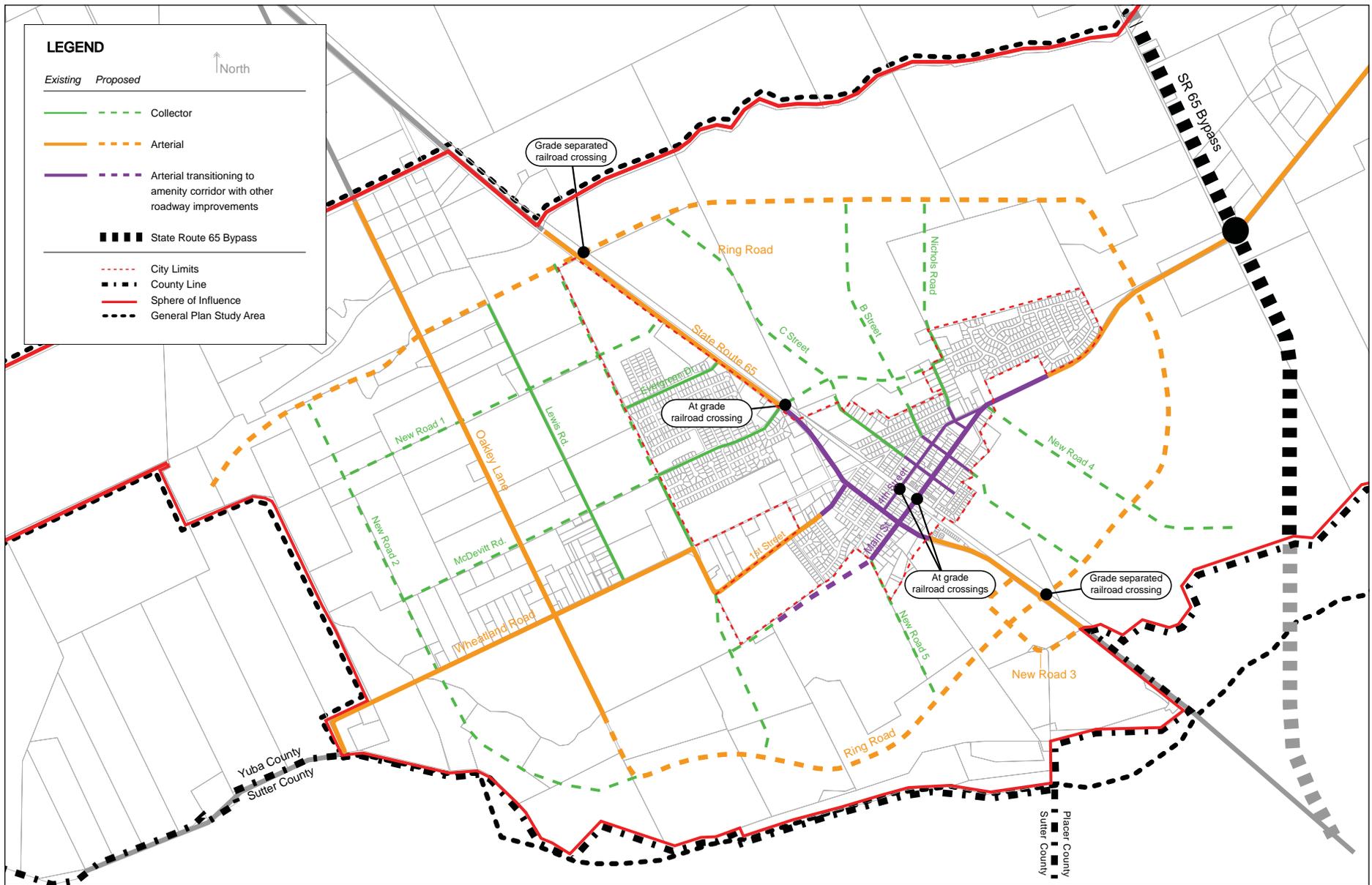
### 5.2.7 RESOURCE USE PATTERNS

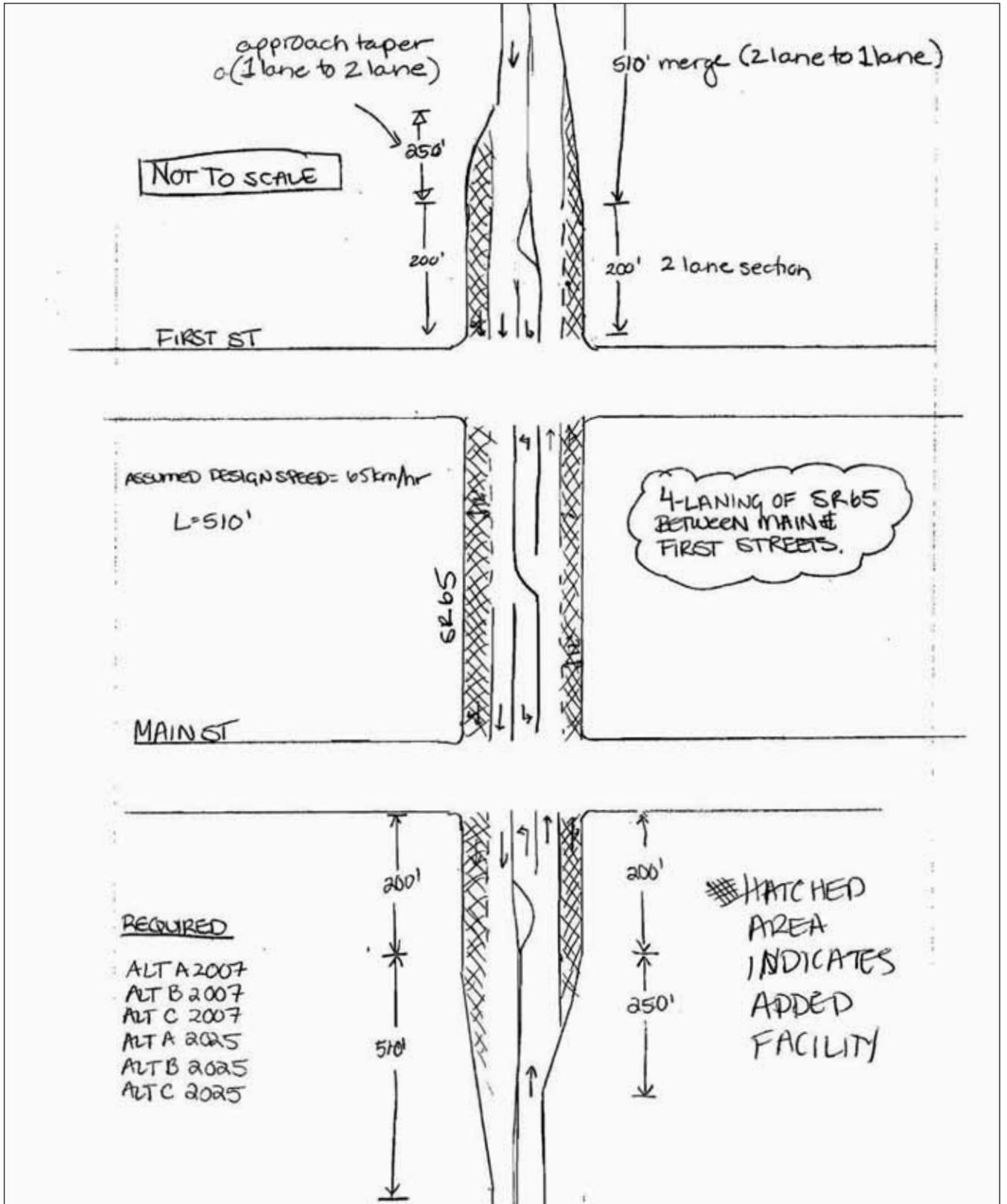
The following mitigation measures are recommended for Alternative A:

- A. The Tribe shall work with the County to provide transit service to the site, if feasible.
- B. The Tribe shall pay the County traffic impact fee, to the extent that equivalent fees are not paid for under a MOU with the County.
- C. The Tribe shall contribute their fair share to widening the following roadways by a total of 24 feet (one additional through lane per direction):

#### 2007

- SR-65 between First Street and Main Street (Wheatland) – The Tribe shall contribute their fair share to the Wheatland by-pass, which would decrease traffic volumes on SR-65 through Wheatland and is, therefore, the preferred measure to alleviate traffic congestion in the Wheatland area (see **Figure 5-1**), or contribute their fair share to making the following changes if feasible: widen the section which would also require that the four-lane section be tapered back to two lanes immediately north of First Street and south of Main Street. This would require a 250-foot widening approach taper and a 200-foot two-lane per direction roadway section on the southbound approach to the First Street intersection and on the northbound approach to the Main Street intersection. In the other directions, a 200-foot four-lane section and a 510-foot merge section would be required as shown in **Figure 5-2**.





**Figure 5-2**  
Improvements to SR-65 Between First Street and Main Street

**2025**

- McGowan Parkway from SR-65 to Donald Drive - This section of roadway should be widened by 12 feet on each side from the ramp interchange to Donald Drive. Although the traffic analysis only indicates the road should be widened to an area west of SR 70, to avoid merging two lanes of traffic into one through an intersection, the widening should be provided westward through the Donald Drive intersection (see **Figure 5-3**).
- Plumas Arboga Road between SR-70 and Forty Mile Road - This section of roadway should be widened by 12 feet on each side for the entire length of the section (from the ramp interchange to Forty Mile Road, where it is already a four-lane cross section) (see **Figure 5-5**).

D. The Tribe shall contribute their fair share towards the implementation of improvements to the intersections/ramps detailed in **Table 5-2**.

The following mitigation measures are recommended for Alternative B:

- E. The Tribe shall work with the County to provide transit service to the site, if feasible.
- F. The Tribe shall pay the County traffic impact fee, to the extent that equivalent fees are not paid for under a MOU with the County.
- G. The Tribe shall contribute their fair share to widening the following roadways by a total of 24 feet (one additional through lane per direction):

**2007**

- SR-65 between First Street and Main Street (Wheatland) – The Tribe shall contribute their fair share to the Wheatland by-pass, which would decrease traffic volumes on SR-65 through Wheatland and is, therefore, the preferred measure to alleviate traffic congestion in the Wheatland area (see Figure 5-1), or contribute their fair share to making the following changes if feasible: widen the section which would also require that the four-lane section be tapered back to two lanes immediately north of First Street and south of Main Street. This would require a 250-foot widening approach taper and a 200-foot two-lane per direction roadway section on the southbound approach to the First Street intersection and on the northbound approach to the Main Street intersection. In the other directions, a 200-foot four-lane section and a 510-foot merge section would be required as shown in **Figure 5-2**.

**TABLE 5-2**  
**INTERSECTION/RAMP MITIGATION – ALTERNATIVE A**

Intersection	Corresponding Figure	Mitigation	Year Required	Design Speed (km/h)	Design Speed (mi/h)	Storage Length (feet)	Deceleration Length (feet) 1	Bay Taper Length (feet)	Total Turn Lane Length (feet)	Approach Taper Length (feet) 2
SR-70 / Plumas Arboga Road		Prohibit Eastbound Left-Turn and Northbound Left-Turn Movements	2007	n/a	n/a	- Install No Left-Turn Signs (CA R17/MUTCD R3-2) at Eastbound and Northbound Approaches -				
SR-70 NB Ramps / McGowan Parkway	<b>Figure 5-7</b>	Provide Separate Left-Turn Lane and Shared Right and Through Lane on Northbound Approach	2007	70	45	225	250	120	595	n/a
SR-65 / First Street	<b>Figure 5-8</b>	Construct Traffic Signal	2007	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SR-65 / Main Street		Construct Traffic Signal and Separate Left-Turn Lane and Shared Right/Through Lane on Northbound and Southbound Approaches or Construct Traffic Signal and the Wheatland Bypass	2007	65	40	200 (NBL) 285 (SBL)	220	120	540 (NBL) 625 (SBL)	345
Plumas Arboga Road / Algodon Road		Convert to an All-Way Stop (or Construct a Two-Way Left-Turn Lane)	2007	40	25	50	n/a	n/a	n/a	n/a
SR-70 NB Ramps / McGowan Parkway		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SR-65 SB Ramps / McGowan Parkway	<b>Figure 5-9</b>	Construct Traffic Signal with Separate Left-Turn Lane and Shared Left/Through/Right Lane on Southbound Approach	2025	70	43.5	400	250	120	770	n/a
SR-65 NB Ramps / Forty Mile Road		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SR-65 / First Street	<b>Figure 5-8</b>	Construct Separate Left-Turn Lane, Separate Through Lane and Shared Right/Through Lane on Northbound and Southbound Approaches or Construct Wheatland Bypass	2025	65	40	200 (NBL) 285 (SBL)	220	120	540 (NBL) 625 (SBL)	345
SR-65 / Main Street	<b>Figure 5-4</b>	Construct an Additional Through Lane on Northbound and Southbound Approaches or Construct Wheatland Bypass	2025	65	40	150 (NBL) 275 (SBL)	220	120	490 (NBL) 615 (SBL)	345
Forty Mile Road / South Site Access		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Plumas Arboga Road / Forty Mile Road		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Note 1: Deceleration length equals total required deceleration length minus the bay taper length.

Note 2: Approach taper length may be reduced in half of length shown if widening occurs on both sides.

Source: LSC Transportation Consultants, Inc. 2007.

**2025**

- McGowan Parkway from SR-65 to Donald Drive - This section of roadway should be widened by 12 feet on each side from the ramp interchange to Donald Drive. Although the traffic analysis only indicates the road should be widened to an area west of SR 70, to avoid merging two lanes of traffic into one through an intersection, the widening should be provided westward through the Donald Drive intersection (see **Figure 5-3**).
- Plumas Arboga Road between SR-70 and Forty Mile Road - This section of roadway should be widened by 12 feet on each side for the entire length of the section (from the ramp interchange to Forty Mile Road, where it is already a four-lane cross section) (see **Figure 5-5**).

H. The Tribe shall contribute their fair share towards the implementation of improvements to the intersections/ramps detailed in **Table 5-3**.

The following mitigation measures are recommended for Alternative C:

- I. The Tribe shall pay the County traffic impact fee, to the extent that equivalent fees are not paid for under a MOU with the County.
- J. The Tribe shall contribute their fair share to widening the following roadways by a total of 24 feet (one additional through lane per direction):

**2007**

- SR-65 between First Street and Main Street (Wheatland) – The Tribe shall contribute their fair share to the Wheatland by-pass, which would decrease traffic volumes on SR-65 through Wheatland and is, therefore, the preferred measure to alleviate traffic congestion in the Wheatland area (see **Figure 5-1**), or contribute their fair share to making the following changes if feasible: widen the section which would also require that the four-lane section be tapered back to two lanes immediately north of First Street and south of Main Street. This would require a 250-foot widening approach taper and a 200-foot two-lane per direction roadway section on the southbound approach to the First Street intersection and on the northbound approach to the Main Street intersection. In the other directions, a 200-foot four-lane section and a 510-foot merge section would be required as shown in **Figure 5-2**.

**TABLE 5-3**  
**MITIGATION SUMMARY – ALTERNATIVE B**

Intersection	Corresponding Figure	Mitigation	Year Required	Design Speed (km/h)	Design Speed (mi/h)	Storage Length (feet)	Deceleration Length (feet) 1	Bay Taper Length (feet)	Total Turn Lane Length (feet)	Approach Taper Length (feet) 2
SR-70 / Plumas Arboga Road		Prohibit Eastbound Left-Turn and Northbound Left-Turn Movements	2007	n/a	n/a	- Install No Left-Turn Signs (CA R17/MUTCD R3-2) at Eastbound and Northbound Approaches -				
SR-70 NB Ramps / McGowan Parkway	<b>Figure 5-7</b>	Provide Separate Left-Turn Lane and Shared Right and Through Lane on Northbound Approach	2007	70	45	250	250	120	620	n/a
SR-65 / First Street	<b>Figure 5-8</b>	Construct Traffic	2007	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SR-65 / Main Street		Construct Traffic Signal and Separate Left-Turn Lane and Shared Right/Through Lane on Northbound and Southbound Approaches or Construct Traffic Signal and the Wheatland Bypass	2007	65	40	150 (NBL) 250 (SBL)	220	120	490 (NBL) 590 (SBL)	345
Plumas Arboga Road / Algodon Road		Convert to an All-Way Stop (or Construct a Two-Way Left-Turn Lane)	2007	40	25	50	n/a	n/a	n/a	n/a
SR-70 NB Ramps / McGowan Parkway		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SR-65 SB Ramps / McGowan Parkway	<b>Figure 5-9</b>	Construct Traffic Signal with Separate Left-Turn Lane and Shared Left/Through/Right Lane on Southbound Approach	2025	70	45	400	250	120	770	n/a
SR-65 NB Ramps / Forty Mile Road		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SR-65 / First Street	<b>Figure 5-8</b>	Construct Separate Left-Turn Lane, Separate Through Lane and Shared Right/Through Lane on Northbound and Southbound Approaches or Construct Wheatland Bypass	2025	65	40	200 (NBL) 285 (SBL)	220	120	540 (NBL) 625 (SBL)	345
SR-65 / Main Street	<b>Figure 5-4</b>	Construct Traffic Signal with Separate Left-Turn Lane, Separate Through Lane and Shared Right/Through Lane on Northbound and Southbound Approaches or Construct Wheatland Bypass	2025	65	40	120 (NBL) 220 (SBL)	220	120	460 (NBL) 560 (SBL)	345
Forty Mile Road / South Site Access	<b>Figure 5-10</b>	Construct Separate Left-Turn Lane and Right-Turn Lane on Westbound Approach	2025	50	30	100	130	120	350	n/a
Plumas Arboga Road / Forty Mile Road		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Note 1: Deceleration length equals total required deceleration length minus the bay taper length.

Note 2: Approach taper length may be reduced in half of length shown if widening occurs on both sides.

Source: LSC Transportation Consultants, Inc. 2007.

**2025**

- McGowan Parkway from SR-65 to Donald Drive - This section of roadway should be widened by 12 feet on each side from the ramp interchange to Donald Drive. Although the traffic analysis only indicates the road should be widened to an area west of SR 70, to avoid merging two lanes of traffic into one through an intersection, the widening should be provided westward through the Donald Drive intersection (see **Figure 5-3**).
- Plumas Arboga Road between SR-70 and Forty Mile Road - This section of roadway should be widened by 12 feet on each side for the entire length of the section (from the ramp interchange to Forty Mile Road, where it is already a four-lane cross section) (see **Figure 5-5**).

K. The Tribe shall contribute their fair share towards the implementation of improvements to the intersections/ramps detailed in **Table 5-4**.

The following mitigation measures are recommended for Alternative D:

- L. The Tribe shall work with the County to provide transit service to the site, if feasible.
- M. The Tribe shall pay the County traffic impact fee, to the extent that equivalent fees are not paid for under a MOU with the County.
- N. The Tribe shall contribute their fair share to widening the following roadways:

**2025**

- Craig Access Road from Lumpkin Road - to the site access will need to be paved and widened to 30 feet to provide at least two 12-foot travel lanes, two-foot shoulders, and one-foot curb/gutter, consistent with the County Minor Collector requirements (see **Figure 5-11**).
- O. The Tribe shall contribute their fair share towards the implementation of improvements to the intersections/ramps detailed in **Table 5-5**.

**TABLE 5-4**  
MITIGATION SUMMARY – ALTERNATIVE C

Intersection	Corresponding Figure	Mitigation	Year Required	Design Speed (km/h)	Design Speed (mi/h)	Storage Length (feet)	Deceleration Length (feet) 1	Bay Taper Length (feet)	Total Turn Lane Length (feet)	Approach Taper Length (feet) 2
SR-70 / Plumas Arboga Road		Prohibit Eastbound Left-Turn and Northbound Left-Turn Movements	2007	n/a	n/a	Install No Left-Turn Signs (CA R17/MUTCD R3-2) at Eastbound and Northbound Approaches				
SR-70 NB Ramps / McGowan Parkway	<b>Figure 5-7</b>	Provide Separate Left-Turn Lane and Shared Right and Through Lane on Northbound Approach	2007	70	45	225	250	120	595	n/a
SR-65 / First Street	<b>Figure 5-8</b>	Construct Traffic Signal	2007	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SR-65 / Main Street		Construct Traffic Signal and Separate Left-Turn Lane and Shared Right/Through Lane on Northbound and Southbound Approaches or Construct Traffic Signal and the Wheatland Bypass	2007	65	40	150 (NBL) 250 (SBL)	220	120	490 (NBL) 590 (SBL)	345
SR-70 SB Ramps / McGowan Parkway	<b>Figure 5-6</b>	Provide Separate Left-Turn Lane and Shared Through and Right-Turn Lane for Southbound Approach	2025	70	45	50	250	120	420	n/a
SR-70 NB Ramps / McGowan Parkway	<b>Figure 5-7</b>	Construct Traffic Signal with Separate Left-Turn Lane and Shared Right and Through Lane on Northbound Approach	2025	70	45	250	250	120	620	n/a
SR-65 SB Ramps / McGowan Parkway	<b>Figure 5-9</b>	Construct Traffic Signal with Separate Left-Turn Lane and Shared Left/Through/Right Lane on Southbound Approach	2025	70	45	400	250	120	770	n/a
SR-65 / First Street	<b>Figure 5-8</b>	Construct Separate Left-Turn Lane, Separate Through Lane and Shared Right/Through Lane on Northbound and Southbound Approaches or Construct Wheatland Bypass	2025	65	40	200 (NBL) 285 (SBL)	220	120	540 (NBL) 625 (SBL)	345
SR-65 / Main Street	<b>Figure 5-4</b>	Construct Traffic Signal with Separate Left-Turn Lane, Separate Through Lane and Shared Right/Through Lane on Northbound and Southbound Approaches or Construct Weaverville Bypass	2025	65	40	125 (NBL) 225 (SBL)	220	120	465 (NBL) 565 (SBL)	345
Plumas Arboga Road / Forty Mile Road		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Note 1: Deceleration length equals total required deceleration length minus the bay taper length.

Note 2: Approach taper length may be reduced in half of length shown if widening occurs on both sides.

Source: LSC Transportation Consultants, Inc. 2007.

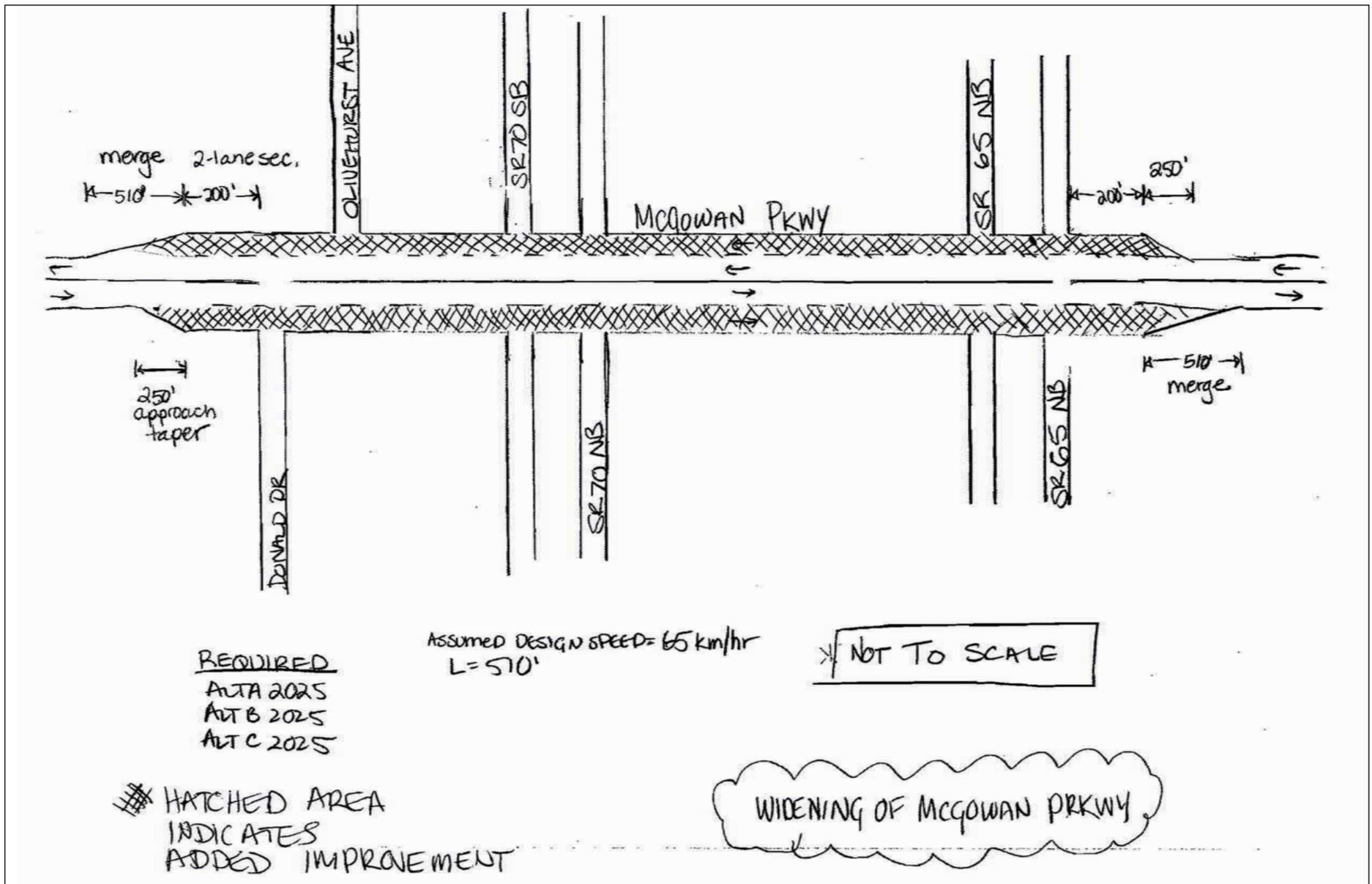
**TABLE 5-5**  
MITIGATION SUMMARY – ALTERNATIVE D

Intersection	Corresponding Figure	Mitigation	Year Required	Design Speed (km/h)	Design Speed (mi/h)	Storage Length (feet)	Deceleration Length (feet) 1	Bay Taper Length (feet)	Total Turn Lane Length (feet)	Approach Taper Length (feet) 2
SR 162 / Lincoln Avenue	<b>Figure 5-12</b>	Construct and Additional Northbound Left-Turn Lane to Provide a Double-Left Turn and Change Northbound and Southbound Left-Turn Phasing to Protected Only	2025	60	40	280	190	120	590	290
SR 162 / Foothill Boulevard	<b>Figure 5-13</b>	Construct Separate Left-Turn Lane and Shared Right and Through Lane on Northbound and Southbound Approaches and an Additional Through Lane on Eastbound and Westbound Approaches	2025	60	40	150 (NBL) 80 (SBL)	190	120	460 (NBL) 390 (SBL)	290
SR 162 / Oroville-Quincy Highway		Construct Traffic Signal	2025	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Note 1: Deceleration length equals total required deceleration length minus the bay taper length.

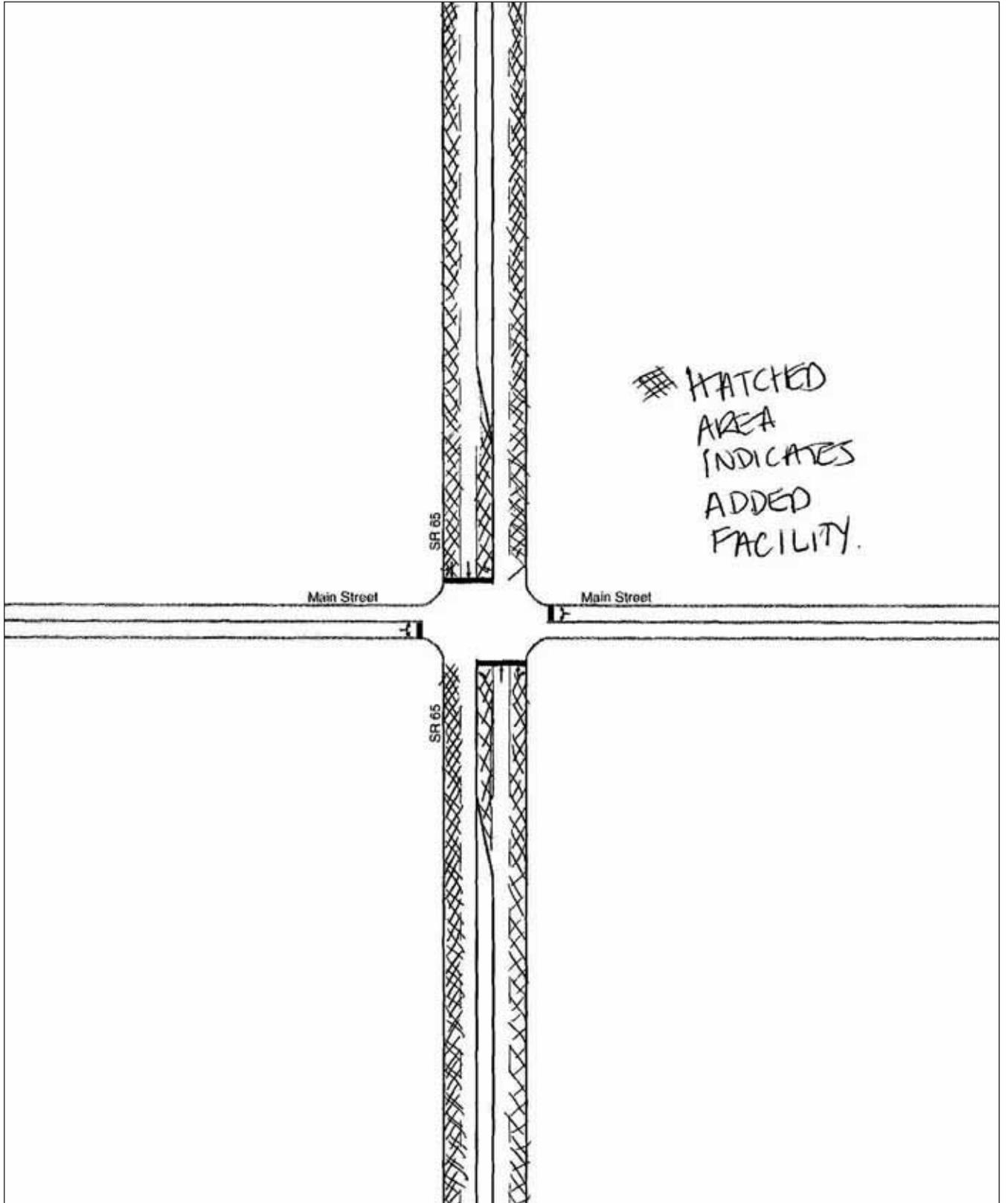
Note 2: Approach taper length may be reduced in half of length shown if widening occurs on both sides.

Source: LSC Transportation Consultants, Inc. 2007.

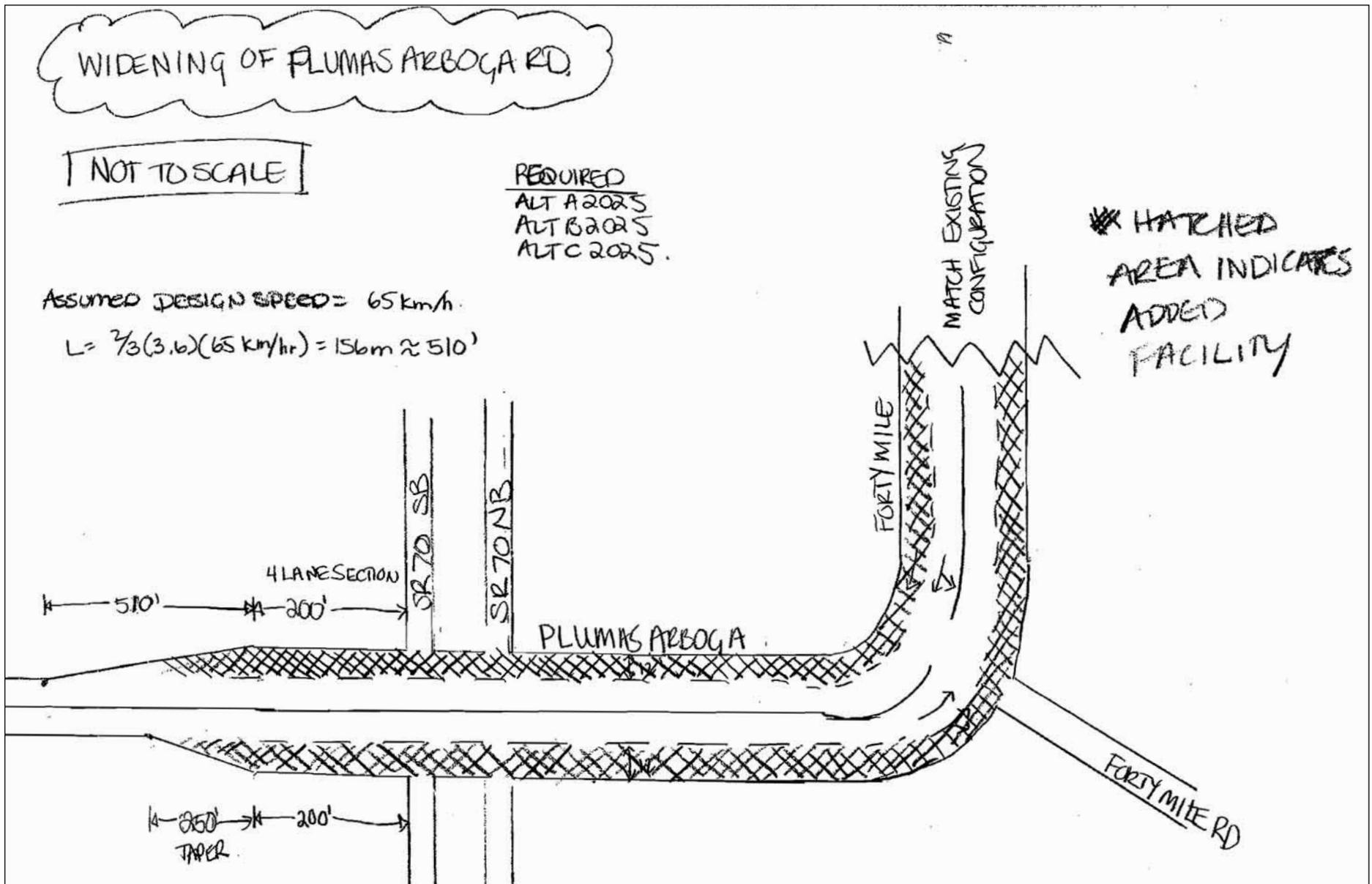


**Figure 5-3**

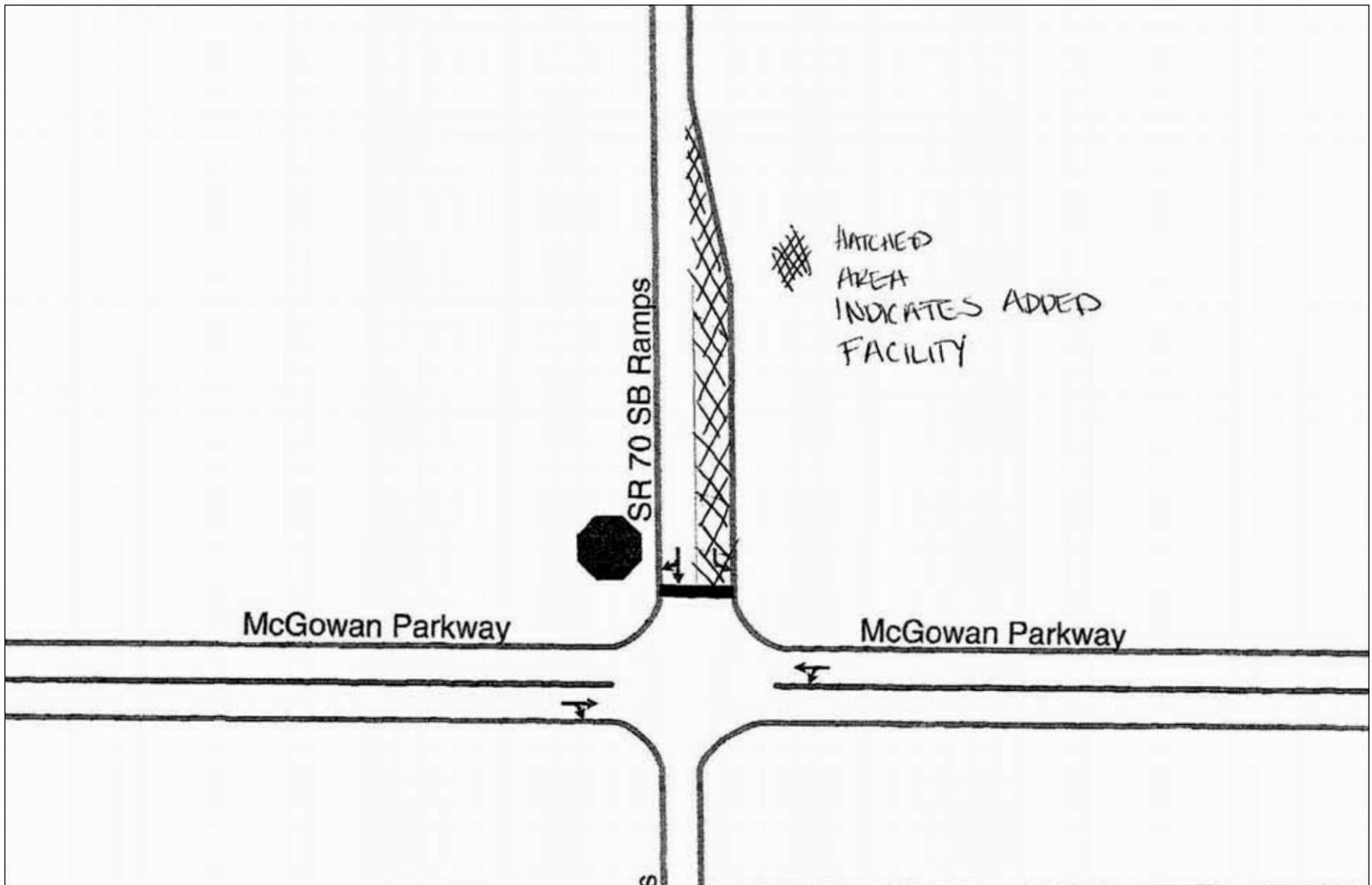
Improvements to McGowan Parkway from SR-65 to Donald Drive



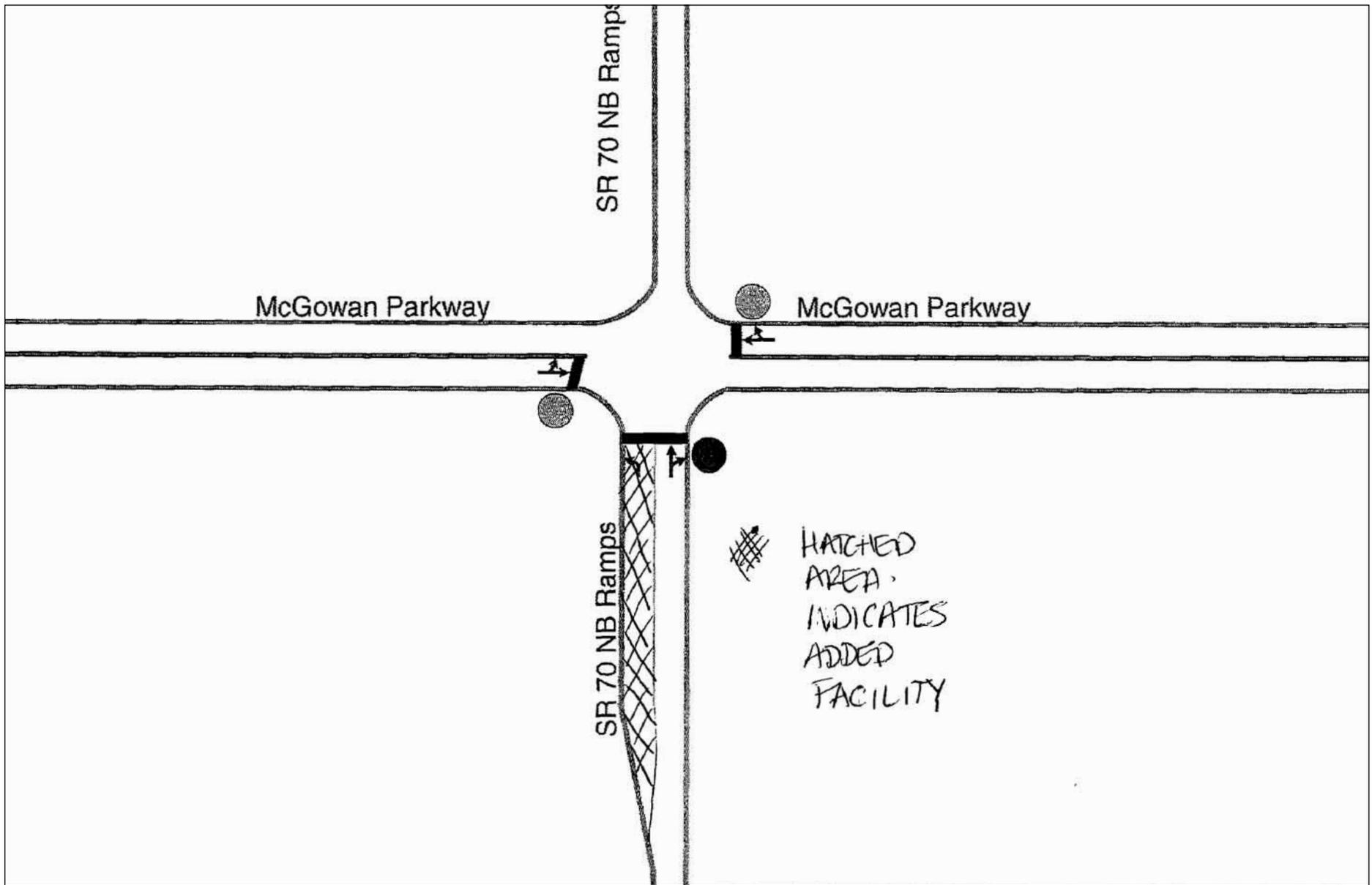
**Figure 5-4**  
Improvements to SR-65 / First Street Intersection



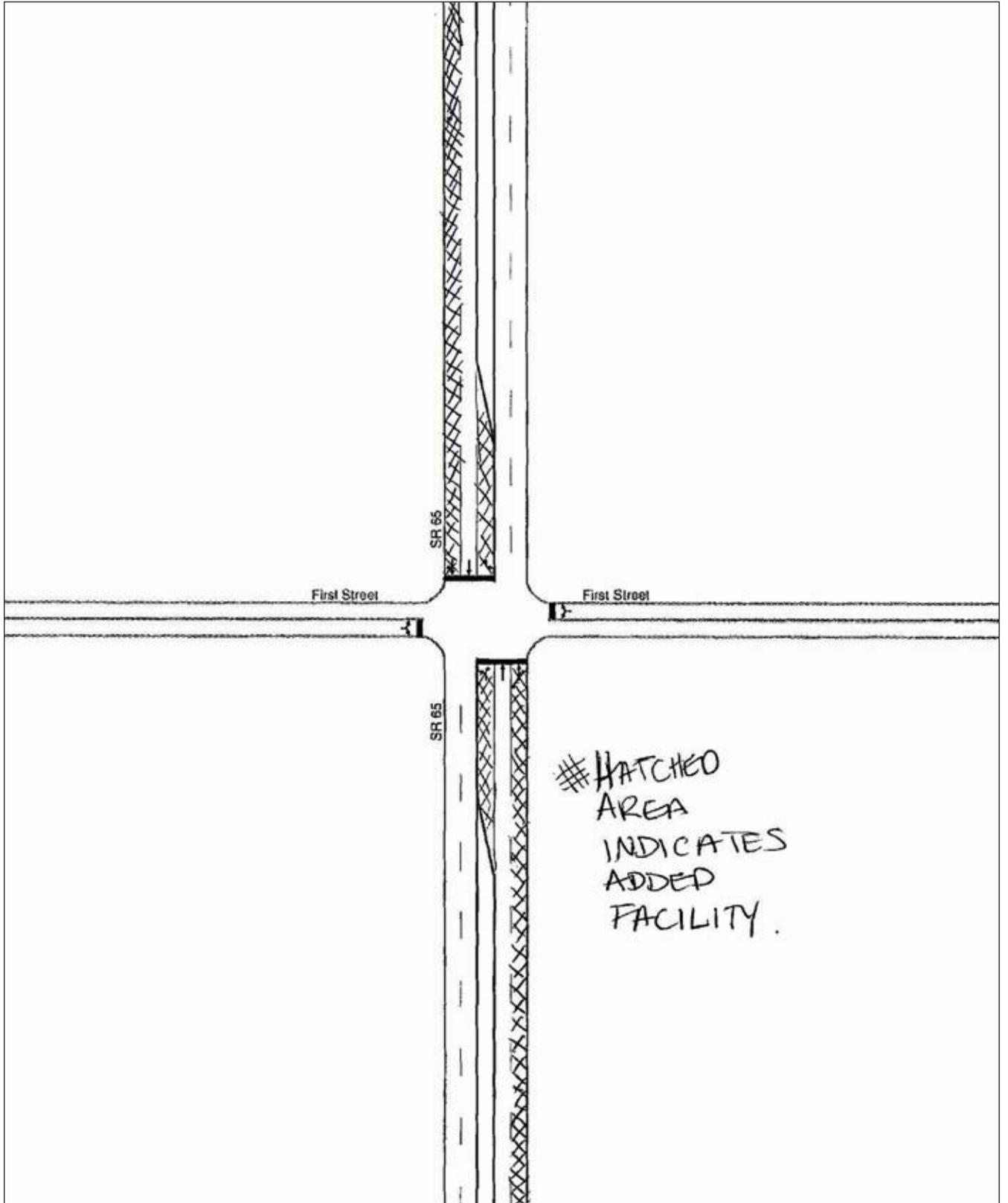
**Figure 5-5**  
Improvements to Plumas-Arboga Road Between SR-70 and Forty Mile Road



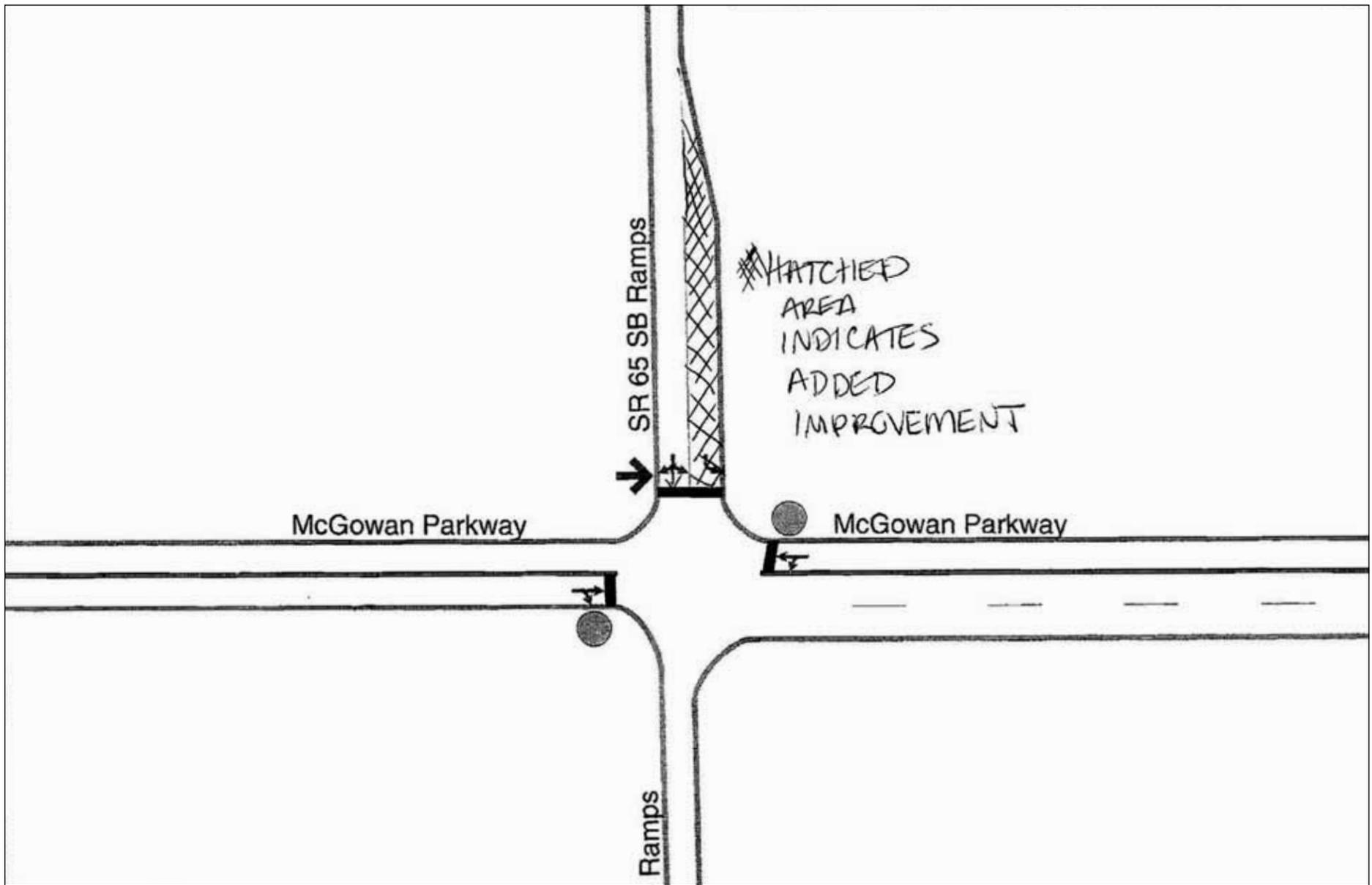
**Figure 5-6**  
Improvements to SR-70 South Bound Ramps / McGowan Parkway



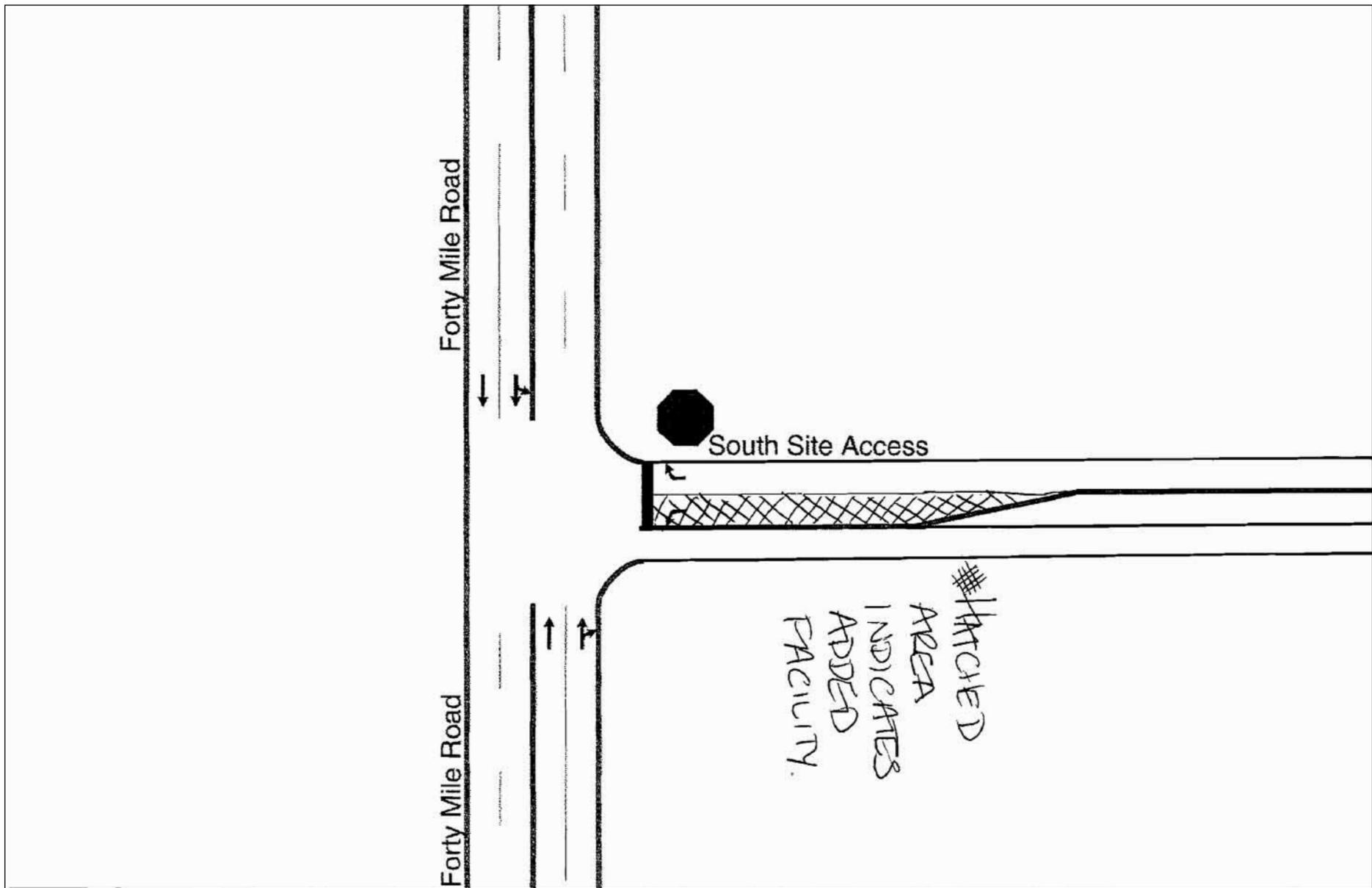
**Figure 5-7**  
Improvements to SR-70 North Bound Ramps / McGowan Parkway



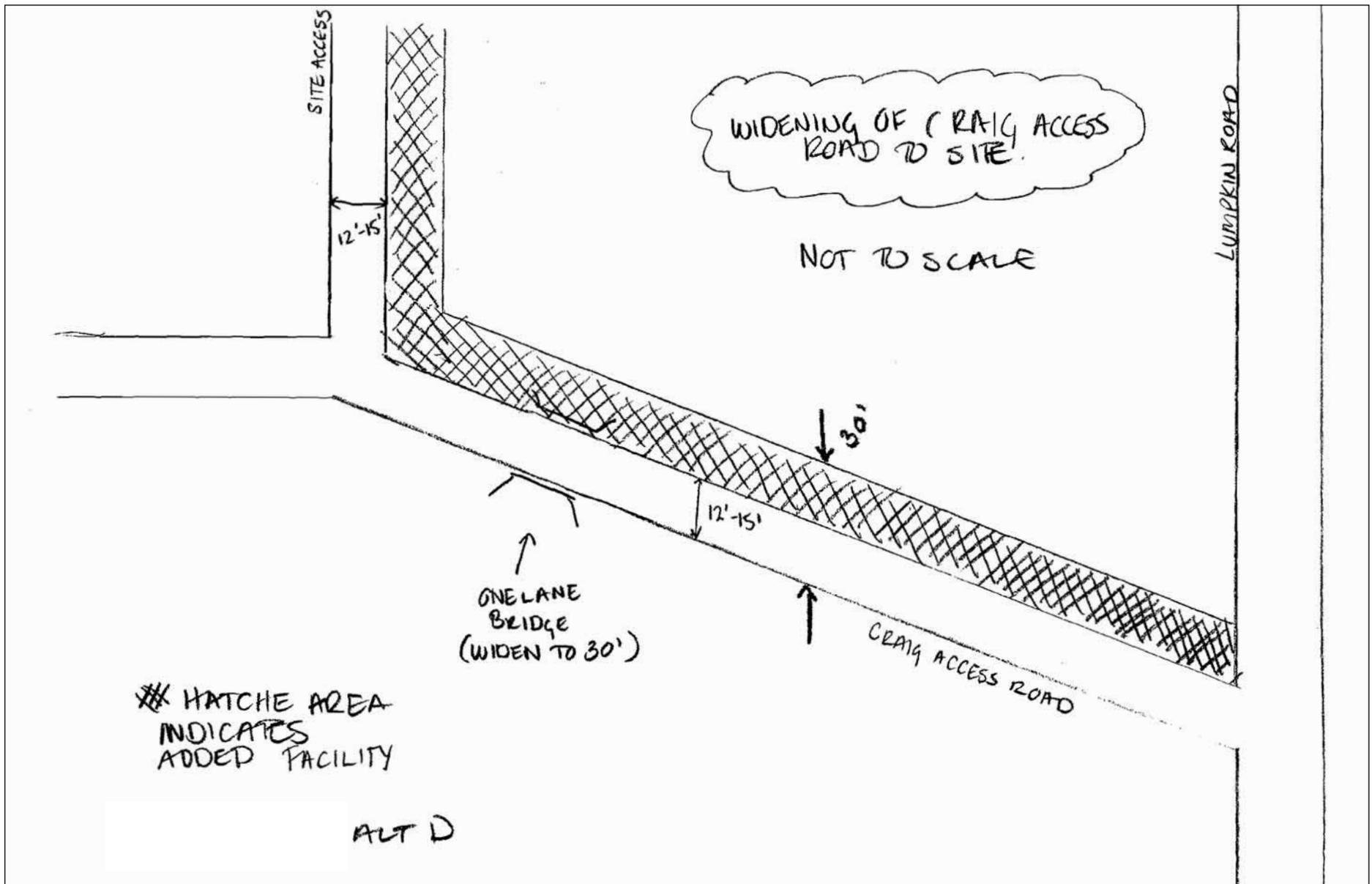
**Figure 5-8**  
Improvements to SR-65 / First Street



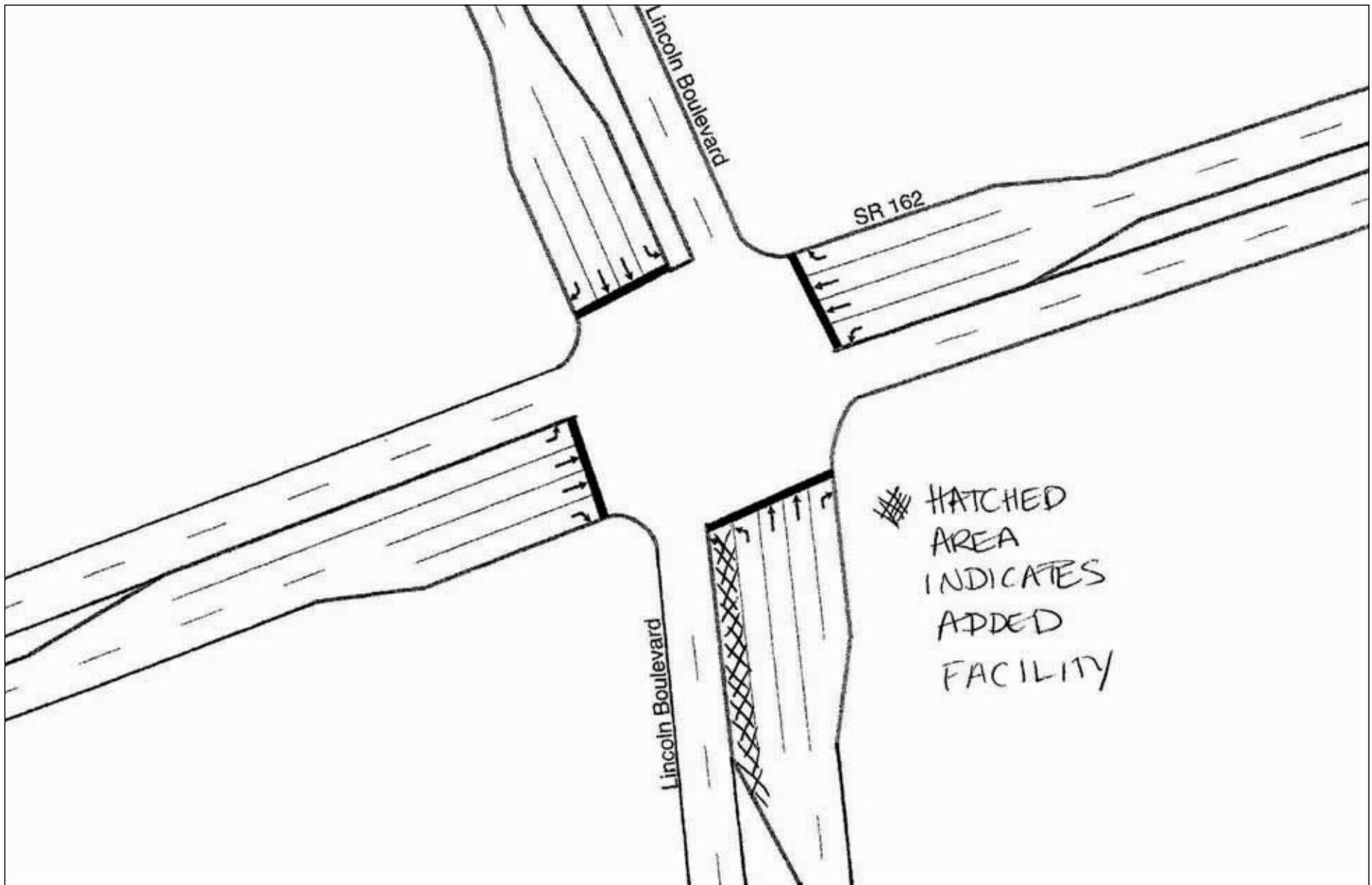
**Figure 5-9**  
Improvements to SR-65 South Bound Ramps / McGowan Parkway



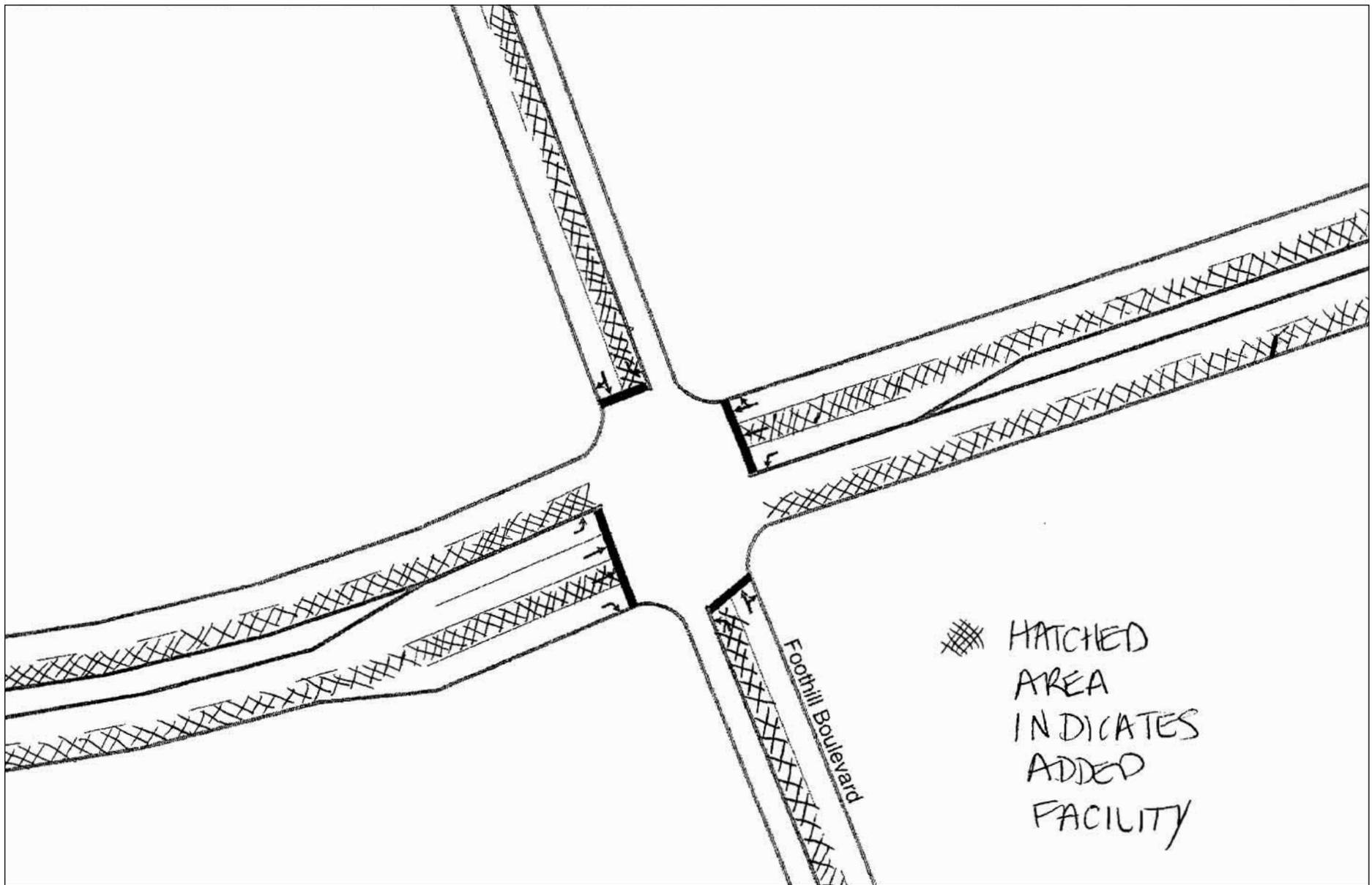
**Figure 5-10**  
Improvements to Forty Mile Road / South Site Access



**Figure 5-11**  
Improvements to Craig Access Road from Lumpkin Road



**Figure 5-12**  
Improvements to SR-162 / Lincoln Avenue



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

- Should the County wish to encourage the development of pedestrian and bicycle facilities along Forty Mile Road, the Tribe should pay a fair share of the development of such facilities.
- Should the County wish to encourage the development of transit service to the Forty Mile Road area / Amphitheatre area, the Tribe should pay a fair share of the development of such facilities if they allow for transit access to the Yuba Site.

Implementation of the above mitigation measure will further reduce less than significant effects to transportation, transit, bicycle, and pedestrian systems. Note that all mitigation measures that recommend off-site roadway/intersection improvements are, by necessity recommending Tribal funding of such improvements because the Tribe has no jurisdiction over off-site roadways/intersections. The governmental agency with jurisdiction over the roadway or intersection would necessarily decide whether to accept the Tribe's funding of a particular improvement and would have full control over design, permitting, and construction of the improvement.

## **5.2.8 PUBLIC SERVICES**

### ***SOLID WASTE***

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

- A. The Tribe shall install a trash compactor for cardboard and paper products.
- B. The Tribe shall install recycling bins throughout the facilities for glass, cans and paper products.
- C. Decorative trash and recycling receptacles will be placed strategically throughout the area of the Yuba Site or Butte Site, as appropriate, to encourage people not to litter at the facilities.
- D. Security guards shall be trained to discourage littering on site.

Implementation of the above mitigation will further reduce less than significant solid waste impacts.

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

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

- E. The Tribe shall be responsible for a fair share of costs associated with any relocation of existing PG&E facilities to accommodate the proposed development and traffic improvements. Appropriate funds shall be made available to conduct any necessary relocation and to construct any system upgrades required by the project.

Implementation of the above mitigation measures will reduce potentially significant electricity and telecommunications impacts to a less than significant level.

***PUBLIC HEALTH & SAFETY***

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

- G. The Tribe shall adopt the following provisions in an MOU with the County or Tribal State-Compact:
- The Tribe shall adopt and comply with standards no less stringent than state public health standards for food and beverage handling.
  - The Tribe shall adopt and comply with standards no less stringent than water quality and safe drinking water standards applicable to California, by operation of either state or federal law.
  - The Tribe shall adopt and comply with building standards no less stringent than applicable building codes, fire codes, plumbing, electrical and related codes applicable in the County by either state law or County codes.
  - The Tribe shall adopt and comply with standards no less stringent than any County ordinances and California state laws dealing with fire safety pertaining to the operation of the resort hotel, gaming facility and ancillary facilities.
  - The Tribe shall adopt and comply with standards no less stringent than federal work place and occupational health and safety standards.

Implementation of the above mitigation measures will reduce potentially significant public health and safety impacts to a less than significant level.

***Law Enforcement***

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

- H. The Tribe shall enter into an MOU or provide for a similar agreement to reimburse the affected law enforcement department for the provision of law enforcement services. This agreement would include compensation for increased equipment or staffing needs from the development.

***Alcoholic Beverages***

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

- I. The Tribe shall pass an ordinance creating a standard policy encouraging responsible drinking and designated driver programs. As part of this policy, the gaming and entertainment facility employees serving alcohol shall undergo Responsible Beverage Service Training (RBST), also

known as “server training.” RBST educates managers, servers and sellers at alcohol establishments about strategies to avoid illegally selling alcohol to underage youth or intoxicated patrons. The goal of RBST is to decrease the number of illegal alcohol sales to underage youth and intoxicated patrons through education programs. Information provided in server training must at a minimum include:

- The importance of checking age identification of customers who appear to be under age 30.
- How to identify fake IDs and what to do once a fake ID is confiscated.
- How to recognize situations in which adults are buying alcohol for underage youth.
- How to refuse sales to individuals who may supply alcohol to underage youth.
- How to identify intoxicated customers.
- How to refuse service to underage youth and intoxicated customers.

Implementation of the above mitigation will further reduce less than significant public health and safety impacts.

#### ***Fire Protection***

The following mitigation measure is recommended for Alternatives A, B, C:

- J. The Tribe shall enter into a binding agreement with the Wheatland Fire Authority (formerly Plumas-Brophy Fire District) or another fire protection district located within the County of Yuba, or make arrangements in lieu of an agreement for the provision of fire and emergency medical services to the Yuba Site. This agreement would include compensation for increased equipment, staffing, or station needs from the development.

The following mitigation measure is recommended for Alternative D:

- K. The Tribe shall enter into a binding agreement with the Butte County Fire Department or make arrangements in lieu of an agreement for the provision of fire and emergency medical services to the Butte Site. This agreement would include compensation for increased equipment, staffing, or station needs from the development.

Implementation of the above mitigation measures will reduce potentially significant fire protection impacts to a less than significant level.

#### ***Emergency Medical Services***

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

- L. An EMT certified staff person and emergency defibrillator shall be available on site during the hours of operation.

Implementation of the above mitigation will further reduce less than significant emergency medical services impacts.

### **5.2.9 OTHER VALUES**

#### ***NOISE***

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

- A. Tour buses operated in proximity to existing residences shall not be allowed to park with idling engines for more than 15 minutes in daytime hours, or more than 5 minutes at nighttime (10 p.m. to 7 a.m.).
- B. Construction activities within a half-mile of existing noise sensitive uses shall be limited to daytime hours (7 a.m. and 10 p.m.).
- C. Engine-powered construction equipment shall be fitted with adequate mufflers and enclosures as supplied by the manufacturer, maintained in good condition.
- D. Engine-powered construction equipment located adjacent to residences for more than five days of continuous use should be shielded from those residences by temporary barriers blocking line of sight between the source and receiver.

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

- E. To ensure mitigation of noise produced by the Sleep Train Amphitheatre, guest lodging shall be designed to ensure that interior noise levels do not exceed 45 dB Ldn, or an average interior hourly noise level of 35 dBA during concerts in nighttime hours (between 10 p.m. to 7 a.m.).

Implementation of the above mitigation measures will reduce noise impacts to a less than significant level.

#### ***HAZARDOUS MATERIALS***

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

- F. The Tribe shall include the following requirement in construction contract specifications for construction activities associated with the project:
  - 1. "If contaminated soil and/or groundwater are encountered or if suspected contamination is encountered during project construction, work shall be halted in the area, and the type and extent of the contamination shall be determined." A qualified professional, in consultation

with appropriate regulatory agencies, shall then develop an appropriate method to remediate the contamination. If necessary, the Tribe shall implement a remediation plan in conjunction with continued project construction.

- G. Hazardous materials used on-site shall be stored, handled, and disposed of according to state, federal, and manufacturer's guidelines.

Implementation of the above mitigation measures will reduce hazardous materials impacts to a less than significant level.

***VISUAL RESOURCES***

No mitigation is recommended.