

## **Record of Decision**

### **Trust Acquisition of the 221-Acre Strawberry Fields Site in Shasta County, California, for the Redding Rancheria**

**U.S. Department of the Interior  
Bureau of Indian Affairs  
July 2024**

## U.S. Department of the Interior

**Agency:** Bureau of Indian Affairs

**Action:** Record of Decision (ROD) for the Trust Acquisition of the approximately 221-acre Strawberry Fields Site in Shasta County, California, for the Redding Rancheria (Tribe).

**Summary:** In 2009, the Tribe submitted a fee-to-trust application to the Bureau of Indian Affairs (BIA), requesting that the Department of the Interior (Department) accept trust title to land totaling approximately 221.41 acres in Shasta County, California (Strawberry Fields Site) for gaming and other purposes (Proposed Action). The Tribe proposes to develop the Strawberry Fields Site with a variety of uses including a casino, hotel, conference and event center, parking, and other supporting facilities (Proposed Project). The existing Win-River Casino located within the Tribe's current 14.8-acre Rancheria would be closed and the facilities converted into tribal uses, such as administrative offices, tribal housing, or tribal services, following construction of the Proposed Project. The Proposed Project was analyzed in an Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act (NEPA), under the direction and supervision of the BIA Pacific Regional Office. The BIA issued the Draft EIS for public review and comment on April 10, 2019. After a comment period, public hearing, and consideration and incorporation of comments received on the Draft EIS, the BIA issued the Final EIS on April 3, 2014. The Draft and Final EIS evaluated a reasonable range of alternatives that would meet the purpose and need for the Proposed Action, analyzed the potential effects of those alternatives, and identified feasible mitigation measures.

With this Record of Decision (ROD), the Department announces that it will acquire the 221.41-acre Strawberry Fields Site in trust for the Tribe for gaming and other purposes. The Department has selected Alternative A in the Final EIS as the Preferred Alternative as it has determined Alternative A will best meet the purpose and need for the Proposed Action of promoting the long-term economic self-sufficiency, self-determination, and self-governance of the Redding Rancheria. The Preferred Alternative will provide the Tribe with a restored land base and the best opportunity for attracting and maintaining a significant, stable, long-term source of governmental revenue. Accordingly, the Preferred Alternative will provide the best prospects for maintaining and expanding tribal governmental programs to provide a wide range of health, education, housing, social, cultural, environmental, and other programs, as well as employment and career development opportunities for its members.

The Department has considered potential effects to the environment, including potential impacts to local governments and other tribes, has adopted all practicable means to avoid or minimize environmental harm, and has

determined that potentially significant effects on the environment will be adequately addressed by mitigation measures, as described in this ROD.

The Department's decision to acquire the Strawberry Fields Site into trust for the Tribe is based on thorough review and consideration of the Tribe's fee-to-trust application and materials submitted therewith; the applicable statutory and regulatory authorities governing acquisition of trust title to land and eligibility of land for gaming; the Draft EIS; the Final EIS; the administrative record; and comments received from the public, federal, state, and local governmental agencies, and potentially affected Indian tribes.

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**Record of Decision**

**TRUST ACQUISITION OF THE STRAWBERRY FIELDS SITE IN SHASTA COUNTY,  
CALIFORNIA, FOR THE REDDING RANCHERIA**

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## 1.0 INTRODUCTION

### 1.1 SUMMARY

On November 12, 2003 the Redding Rancheria (Tribe) submitted an initial request with supplemental applications dated June 2, 2009, December 9, 2010, and April 30, 2019 to the Bureau of Indian Affairs (BIA) to acquire approximately 221.41 acres<sup>1</sup> of land located in unincorporated Shasta County, California (the Strawberry Fields Site), requesting that the Department of the Interior (Department) accept trust title to the Strawberry Fields Site for gaming and other purposes (Proposed Action).

The BIA analyzed the potential environmental impacts of the Proposed Action in an Environmental Impact Statement (EIS). The Draft EIS (DEIS), issued for public review on April 10, 2019 and the Final EIS (FEIS), issued April 3, 2024, considered various alternatives to meet the stated purpose and need, and analyzed in detail potential effects of a reasonable range of alternatives. With this Record of Decision (ROD), the Department has determined that Alternative A is the Preferred Alternative to be implemented, which consists of the Department's transfer of the 221.41-acre Strawberry Fields Site from fee to trust status on behalf of the Tribe for gaming purposes and subsequent construction and operation by the Tribe of an approximately 383,893 square foot (sf) casino-resort, including a 250-room hotel, ancillary infrastructure, and mitigation measures presented in **Section 6.0** of this ROD.

The Department has determined that the Preferred Alternative would best meet the purpose and need for the Proposed Action by promoting the long-term tribal self-sufficiency, self-determination, and economic development of the Tribe. The Department's decision to acquire the Strawberry Fields Site into trust for the Tribe is based on thorough review and consideration of the Tribe's fee-to-trust application and materials submitted therewith; the applicable statutory and regulatory authorities governing acquisition of trust title to land and eligibility of land for gaming; the DEIS; the FEIS; the administrative record; and comments received from the public, federal, state, and local governmental agencies, and potentially affected Indian tribes.

### 1.2 DESCRIPTION OF THE PROPOSED ACTION

The federal Proposed Action is the Trust Acquisition of the Strawberry Fields Site for the Tribe pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC § 5108. The Tribe subsequently proposes to develop a casino, hotel, retail, parking, and other supporting facilities on the site, to construct access roadways within Off-site Access Improvement Areas, and to close the existing Win-River Casino located within the Tribe's current 14.8-acre Rancheria and convert it into tribal uses, such as administrative offices, tribal housing, or tribal services (Proposed Project). The Strawberry Fields Site is located

<sup>1</sup> Note original application referenced the Strawberry Fields Site as approximately 232 acres, subject to land description review (LDR). Bureau Indian Lands Surveyor (BILS) conducted a legal land description review (LDR), dated March 20, 2022, finding APN No. 055-020-005 that equaled ½ undivided interest contains 7.23 acres, which has been deducted from the total acreage (228.64) and the land description of that parcel was removed.

within unincorporated Shasta County, California, immediately south of the City of Redding, California.

### **1.3 PURPOSE AND NEED**

The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus, satisfying both the Department's land acquisition policy as articulated in the Department's trust land regulations at 25 C.F.R. Part 151, and the principle goal of the Indian Gaming Regulatory Act (IGRA) as articulated in 25 U.S.C. § 2701. The need for the Department to act on the Tribe's application is established by the Department's regulations at 25 C.F.R. §§ 151.10(h) and 151.12.

#### **1.3.1 Background**

The Tribe's needs related to facilitation of tribal self-sufficiency, self-determination, and economic development are as follows:

The tribal government of the Redding Rancheria is responsible for providing essential services to its growing membership and preserving its culture for future generations. These services include housing, health care, employment, social services, educational support, and cultural preservation. The Proposed Action would serve the needs of the Tribe by promoting opportunities for economic development and self-sufficiency for the tribal government and tribal members. In particular, implementation of the Proposed Action would assist the Tribe in meeting the following objectives:

- Restore the land base of the Tribe;
- Locate additional tribal services and housing on the current Rancheria;
- Strengthen the socioeconomic status of Tribe; and
- Ensure that the Strawberry Fields Site, which is within the traditional territory of the Tribe, is adequately maintained and protected for future generations and that the Tribe has the ability to exercise its jurisdiction as a sovereign tribal government over the Strawberry Fields Site.

### **1.4 AUTHORITIES**

Section 5 of the Indian Reorganization Act (IRA) of 1934, 25 USC § 5108, provides the Secretary of the Interior with general authority to acquire land in trust status for Indian tribes in furtherance of the statute's broad goals of promoting Indian self-government and economic self-sufficiency. If a tribe is seeking to acquire lands in trust, it must apply to the BIA and comply with the regulations in 25 Code of Federal Regulations (CFR) Part 151, which implement the Secretary's trust acquisition authority in Section 5 of the IRA. This ROD records the decision by the Department to acquire in trust the Strawberry Fields Site in Shasta County, California, for the Redding Rancheria.

IGRA was enacted in 1988 to regulate the conduct of Indian gaming and to promote tribal economic development, self-sufficiency and strong tribal governments. IGRA generally prohibits gaming on lands acquired in trust after 1988, unless certain exceptions found in

Section 20, 25 U.S.C. § 2719, are met. Here the relevant exception is the “restored lands” exception in Section 20 (b)(1)(B)(iii), which allows gaming on after-acquired lands if the lands are taken in trust as part of “the restoration of lands for an Indian tribe that is restored to Federal recognition.” The Section 20 exceptions are implemented through regulations found in 25 C.F.R. Part 292. Therefore, Section 20 of IGRA does not provide the Secretary of the Interior with the authority to acquire land in trust; rather, it authorizes gaming on certain after-acquired lands once those lands are acquired into trust. Because the Redding Rancheria has requested that the Strawberry Fields Site be taken in trust for gaming, the Tribe must satisfy one of the IGRA Section 20 exceptions before it may game on the parcel. This Record of Decision (ROD) and the attached Decision Letter, records the Department’s determination that the Strawberry Fields Site is eligible for gaming under the “restored lands” exception in IGRA Section 20, 25 U.S.C. § 2719(b)(1)(B)(iii), such that the Tribe may game on the Site once it is acquired in trust.

## **1.5 PROCEDURAL BACKGROUND**

The requested federal Proposed Action requires compliance with the National Environmental Policy Act (NEPA). Accordingly, the BIA published a Notice of Intent (NOI) in the Federal Register on November 29, 2016 (Volume 81 page 86001) describing the Proposed Action, announcing the BIA’s intent to prepare an EIS for the Proposed Action, and inviting public and agency comments. The comment period was open until December 29, 2016, and a scoping meeting was held at the McLaughlin Auditorium at Sequoia Middle School in Redding, California on December 21, 2016. A report outlining the results of scoping was issued in May 2017. The scoping report summarized the major issues and concerns from the comments received during the scoping process. Scoping comments were considered by the BIA in developing the project alternatives and analytical methodologies presented in the EIS. During the scoping process, the BIA identified and formally invited five Cooperating Agencies: (1) Tribe, (2) City of Redding, (3) Shasta County, (4) California Department of Transportation (Caltrans), and (5) the U.S. Environmental Protection Agency (USEPA). All agencies accepted Cooperating Agency status for the EIS.

An administrative version of the DEIS was circulated to Cooperating Agencies for review and comment. Comments were taken into consideration and revisions were completed as appropriate prior to public release. On April 10, 2019, the DEIS was made available to federal, Tribal, state, and local agencies and other interested parties for review and comment. The BIA’s Notice of Availability (NOA) for the DEIS was published in the *Federal Register* on April 10, 2019 (Volume 84, page 14391), initiating a 45-day public review period. A separate USEPA NOA for the DEIS (USEPA EIS No. 20190061) was published in the *Federal Register* on April 19, 2019 (Volume 84, page 16485). The NOA was additionally published in the *Record Searchlight* and *The Sacramento Bee*, which circulated in the surrounding area on April 14, 2019. The NOA provided information concerning the proposed project, public comment period, and the time and location of the public hearing to receive comments from the public concerning the DEIS. A public hearing was held at the Redding Memorial Veterans Hall in Redding, California on May 20, 2019. Approximately 270 people attended the public hearing event. On June 6, 2019, the BIA published in the Federal Register a notice to extend the comment period to June 17, 2019. The Notice of Comment Period



Extension newspaper notices were also published by the BIA in the *Record Searchlight* and the *Sacramento Bee* on May 19, 2019, and May 20, 2019, respectively.

On May 14, 2020, the BIA published in the *Federal Register* a notice to suspend the preparation of the EIS. Newspaper notices in the *Record Searchlight* and the *Sacramento Bee* were published by the BIA on May 15, 2020. On September 23, 2021, the BIA published in the *Federal Register* a notice that it was resuming the preparation of the EIS. On October 4, 2021, the *Record Searchlight* published an article that stated that the federal government had resumed the EIS process.

Public and agency comments on the DEIS received during the comment period, including those submitted or recorded at the public hearing, were considered in the preparation of the Final EIS. Responses to the comments received were provided in Volume I of the FEIS and relevant information was revised in Volume II of the Final EIS as appropriate to address those comments. An administrative version of the FEIS was circulated to Cooperating Agencies in December 2023 for review. All comments received as a result of Cooperating Agency review were considered, and changes to the FEIS were made as appropriate. The NOA for the FEIS was published in the *Federal Register* on April 3, 2024, (Volume 89, page 23040). The NOA for the Final EIS was also published in local and regional newspapers, including *Record Searchlight* and *The Sacramento Bee* on April 3, 2024. A separate USEPA NOA for the Final EIS (USEPA EIS No. 20240054) was published in the *Federal Register* on March 29, 2024 (Volume 89, page 22140). The 30-day waiting period ended on May 29, 2024. The Department received a total of 27 comment letters during the waiting period. Responses to each agency comment letter and comment letters which BIA considers representative of the majority of comments received on the Final EIS are provided in the Supplemental Response to Comments document, included as **Attachment 3** of this ROD.

## **2.0 ANALYSIS OF ALTERNATIVES**

### **2.1 ALTERNATIVE SCREENING PROCESS**

The BIA considered a range of possible alternatives in the EIS to meet the purpose and need (see **Section 1.3**), including non-retail alternatives, reduced intensity alternatives, non-casino alternatives, alternative sites, and expansion of the Tribe's existing casino. Alternatives, other than the required No Action Alternative, were screened based on four criteria 1) extent to which they meet the purpose and need for the Proposed Action, 2) feasibility, 3) ability to provide environmental advantages, and 4) ability to expand the range of alternatives in a way that would promote informed decision-making. Alternatives considered but rejected from detailed analysis are discussed below.

### **2.2 ALTERNATIVES ELIMINATED FROM DETAILED CONSIDERATION**

#### **2.2.1 Heritage Center and Walking Trails Alternative**

This alternative was suggested by a commenter during the public scoping period. Under this alternative, a heritage center, parking lot, and associated facilities would be developed along with walking trails that would provide access throughout the site, including along the bank of the Sacramento River. This alternative was eliminated from consideration because it would

not meet the purpose and need of the Proposed Action as described in **Section 1.3** to facilitate tribal self-sufficiency, self-determination, and economic development.

### **2.2.2 Vineyard Alternative**

This alternative was suggested by a commenter during the public scoping period. This alternative would develop the majority of the Strawberry Fields Site as an agricultural vineyard, with associated irrigation infrastructure and buildings for tool and produce storage. This alternative was eliminated from consideration because it would result in a greater area of land disturbance and thus the potential for impacts associated with visual resources, biological resources, and cultural resources. Additionally, given the lack of other vineyard developments in the region, it appears unlikely that this alternative would be economically feasible and thus would not meet the purpose and need of the Proposed Action as described in **Section 1.3** to promote economic development opportunities and the self-sufficiency of the Tribe.

### **2.2.3 Strawberry Fields Site Access Option 3**

Under this alternative, the primary access to the Strawberry Fields Site would be provided from the south through the construction of a full interchange at the Smith Road I-5 overcrossing. However, this alternative was eliminated from detailed consideration within the EIS due to a greater potential for environmental impacts associated with construction of the new interchange and potential for growth inducement. Additionally, construction of an interchange at Smith Road would require a considerable amount of right of way acquisition from private property owners, and would not meet Caltrans' interchange spacing requirements for rural areas. Caltrans' minimum spacing requirements are designed to ensure the operation of freeways is minimally impacted from vehicles entering and exiting the roadway.

### **2.2.4 Strawberry Fields Site Wastewater Treatment and Disposal Option 3**

This method of on-site wastewater disposal would involve discharge of treated wastewater to surface water in the Sacramento River. Surface water disposal would require a NPDES permit which would have significant requirements and constraints. As such, this method would have high operational costs, increased responsibilities, and liabilities associated with a NPDES surface water discharge permit. Additionally, the Sacramento River provides habitat for multiple endangered species, and thus this alternative would have greater potential for environmental impacts. This alternative was therefore eliminated from consideration due to decreased ability to meet the purpose and need of the project and higher potential for environmental impacts.

### **2.2.5 Strawberry Fields Site Wastewater Treatment and Disposal Option 4**

This method of on-site wastewater disposal would involve disposal of treated effluent through land application or irrigation methods. This option for wastewater disposal would require 50 acres of sprayfield irrigation areas under Alternative A which would extend to the south of the proposed development areas and into the open space floodplain areas of the site near the Sacramento River. To protect the sprayfield from flooding, levees would be required. This alternative was rejected due to the potential for increased environmental effects associated with water quality, biological resources, floodplain risk, aesthetics, and odor. Additionally,

compared to other on-site disposal options, this method would require a larger land area and thus have the potential for increased environmental effects associated with construction activities.

### **2.2.6 Anderson Site On-Site Wastewater Treatment and Disposal**

This alternative was eliminated from further consideration as there is not sufficient land available for wastewater surface disposal on the Anderson Site, and there is a lack of suitable land for subsurface disposal. Approximately 42 acres would be required to accommodate the required sub-surface disposal design; however, there are only 8 acres available for sub-surface or surface disposal on the Anderson Site. Therefore this alternative was considered infeasible.

### **2.2.7 Lowery Site Alternative**

This alternative would offer a slightly different approach to expanding the Tribe's gaming operations at or near the existing Win-River Casino. Specifically, this variant would involve development of a 63-acre parcel north of the existing casino, known as the Lowery Site. This alternative would be a variant of Alternative F; however it would result in greater impacts as it would involve new construction in an undeveloped area, versus an expansion of the existing Casino. Clear Creek separates the existing Win- River Casino site from the Lowry Site. Clear Creek and the 100-year floodplain that it resides within is approximately 400' wide at this location. Consequently, use of the Lowry site would not allow for an "expansion" of the existing Win River Casino but would rather require the development of an entirely new, separate and independent gaming facility, including amenities, parking areas, and infrastructure. Similar to the Proposed Action, the Lowery Site variant would develop a new facility on largely undeveloped land near a significant fish-bearing waterway. It would not effectively avoid the environmental issues relevant to the Strawberry Fields Site, while also having greater environmental impacts than Alternative F. Further, development of a new casino directly adjacent to the existing casino is unlikely to significantly increase the revenue potential of the existing facility. Therefore, as there do not appear to be feasible environmental or economic benefits, further study of this variant would not promote informed decision-making and is not necessary to a reasonable range of alternatives and is eliminated from further consideration.

## **2.3 ALTERNATIVES CONSIDERED IN DETAIL**

The DEIS and FEIS evaluated the following reasonable alternatives and the mandatory No Action Alternative in detail. The below alternatives are described in more detail in FEIS Section 2.

### **2.3.1 Alternative A – Proposed Project**

Alternative A, the Proposed Action, consists of the following components: 1) the transfer of the Strawberry Fields Site from fee to trust status on behalf of the Tribe for gaming purposes; 2) the subsequent development of the Strawberry Fields Site with a variety of uses including, but not limited to, a casino, 250-room hotel, conference and event centers, restaurants, retail facilities, parking, and other supporting facilities; 3) the construction of access roadway within the Off-site Access Improvement Areas; and 4) the closure of the Tribe's existing Win-

River Casino and the conversion of the facility into tribal services and housing uses. This alternative, which constitutes the Proposed Action and the BIA's Preferred Alternative, most suitably meets all aspects of the purpose and needs of the Proposed Action by promoting the Tribe's self-governance capability and long-term economic development. Components of Alternative A are summarized below.

Proposed Facilities: Alternative A would result in the development of a portion of the Strawberry Fields Site with a 130,000sf regional retail space and a 383,893sf casino-resort, including a 250-room hotel and ancillary infrastructure. 2,250 parking spaces (including a 1,650-space parking garage) would be constructed. The remainder of the site would remain as undeveloped open space. Proposed facilities would be constructed to meet International Building Code (IBC) requirements.

Agreements with State and Local Agencies: The Tribe has entered into several agreements with state and local agencies, including:

*Tribal-State Gaming Compact.* In March 2023, the Tribe and the state of California entered into a new Tribal-State Gaming Compact (Compact) for the purpose of establishing a mutually respectful government-to-government relationship through developing and implementing a regulatory framework for Class III gaming in accordance with the IGRA. The compact authorizes a maximum of two gaming facilities, limited to gaming eligible lands held in trust for the Tribe, and outlines, among other things, the scope of Class III gaming; licensing requirements; procedures regarding the enforcement of compact provisions; regulations for the operation and management of the tribal gaming operation; and revenue distribution.

*City of Redding Electrical Utilities Agreement.* In June 2010, the Tribe entered into an electrical utilities agreement with the City for the provision of electrical utilities to the Win-River Casino Site. It is anticipated that a similar agreement would be reached for the provision of electrical utilities to the Strawberry Fields Site. In October 2013, an additional agreement was made for the City to credit the Tribe for electrical power from the Tribe's Base Resource Allocation from Western Contract 00-SNR-00370. The Win-River Casino Site continues to obtain power from the City. The City utilizes the Tribe's allocation from the Central Valley Project (CVP) and credits the Tribe for this energy in the Tribe's electrical utilities bills.

*Master Service Agreement.* In September 2012, the Tribe entered into a water and wastewater utilities agreement with the City for the provision of water and wastewater utilities to the Win-River Casino Site. It is anticipated that a similar agreement would be reached for the provision of water and wastewater utilities to the Strawberry Fields Site.

*Intergovernmental Agreement.* On August 15, 2023, the Tribe and the County entered into an Intergovernmental Agreement (IGA). In the IGA, the Tribe and the County acknowledge that each have an interest in ensuring adequate public services and public safety and law enforcement at the Strawberry Fields Site if it is accepted into trust by the federal government. To mitigate the potential financial burdens of the County providing services to the property after it is taken into trust, the Tribe would make the following payments to the

County: The Tribe agrees to make non-recurring one-time payments in the amount of \$1,600,000 in lieu of property taxes, permit fees, and other impact fees. To address potential impacts on County law enforcement, the Tribe shall make a non-recurring payment to the County in the amount of \$1,000,000 to help fund the initial costs associated with providing law enforcement services. To address potential impacts on fire and emergency services resources of the County, the Tribe shall make a non-recurring payment to the County in the amount of \$1,000,000 to help fund costs associated with providing fire and emergency services. To address potential impacts on roads within the jurisdiction of the County, the Tribe shall make non-recurring payments of its fair share to mitigate the impacts on roads within the jurisdiction of the County. In addition to the one-time payments, the Tribe agrees to make recurring payments to the County. For law enforcement and fire/emergency service calls, the compensation will be \$1,000 per law enforcement call for service and \$10,000 per fire/emergency service call for service; these rates shall be increased annually by the consumer price index (CPI) adjustment. The recurring payments for law enforcement services is in consideration of the Shasta County Sheriff's Office providing law enforcement services to the Strawberry Fields Site, and the potential for related impacts to the District Attorney, Public Defender, and Probation. To help maintain the County's roads and traffic controls, the Tribe will make recurring payments to the County in the amount of \$50,000 per year to maintain the County's roads and traffic controls. The County will have sole discretion in determining what improvements are necessary for the roadway systems in order to serve all its users, including ensuring that access to the Strawberry Fields Site is secured and maintained for commercial and business traffic. Additionally, following the opening of a hotel at the Strawberry Fields Site, the Tribe shall levy a tribal transient occupancy tax in the same manner and at the same rate as the County transient occupancy tax. The Tribe shall collect and deposit proceeds from the tribal transient occupancy tax in a tribal tax fund.

Public Services: The Strawberry Fields Site and the existing Win-River Casino are served by the Shasta County Fire Department (SCFD). SCFD, the Redding Fire Department (RFD), and California Department of Fire and Forestry (CAL FIRE) maintain a mutual/automatic aid agreement. The Tribe and County entered into an IGA for the provision of fire and emergency response services for the Proposed Project. The FEIS describes an option for the construction and operation of an on-site public safety building in the absence of an agreement for services. Given the IGA referenced above, this building should not be warranted.

Primary law enforcement services for the Strawberry Fields Site and the existing Win-River Casino are provided by the Shasta County Sheriff's Office (SCSO), which is allied with the Redding Police Department (RPD). The Tribe and County entered into an IGA for the provision of law enforcement services for the Proposed Project. SCSO would have the authority to enforce all non-gaming state criminal laws on the proposed trust lands pursuant to Public Law 280. It is not anticipated that law enforcement services from the City of Redding will be required. The FEIS describes an option for the construction and operation of an on-site public safety building in the absence of an agreement for services. Given the IGA referenced above, this building should not be warranted.

Water Supply: There are two options proposed to supply water to Alternative A; off-site supply (Option 1) or on-site supply (Option 2). Under Water Supply Option 1, water supply to serve the Proposed Project would be provided through a connection to the City of

Redding's municipal water supply infrastructure. The Tribe would enter into an agreement with the City for the provision of water similar to its existing agreement regarding water service at the Win-River Casino. Under Water Supply Option 2, potable water supply to serve the Proposed Project would be provided through the installation of groundwater wells on the Strawberry Fields Site. Recycled water from on-site wastewater treatment would be reused for indoor non-potable uses (such as toilet flushing) and for landscape irrigation. In addition to groundwater wells, a booster pump station would be required to pressurize water provided by the well through any required treatment processes. A separate fire booster pump facility would be required to provide fire flows to the system. A water tank will be constructed to provide necessary operational and fire flow storage.

Wastewater Treatment and Disposal: There are two different options for wastewater treatment and disposal proposed under Alternative A. Under Wastewater Option 1, wastewater treatment would be provided by the City of Redding via connection to the City's conveyance system and wastewater treatment plant (WWTP). Under Wastewater Option 2, wastewater would be treated at an on-site WWTP, located to the south of the casino-resort. An immersed membrane bioreactor (MBR) system would be used to produce tertiary-treated water for reuse or disposal. Reclaimed water from the on-site WWTP would be utilized for casino toilet flushing and landscape irrigation. On-site leach fields would be used to dispose of excess treated wastewater effluent by distributing it underground through a network of perforated pipes or infiltration chambers.

Grading and Drainage: Construction would involve grading and excavation for building pads and parking lots. Up to approximately 37 acres of impervious surfaces would be created on site. It is anticipated that 94,000 cubic yards of cut and fill would be balanced under Alternative A, with no import or export of material required. Finished floor elevations will be approximately three feet above the Federal Emergency Management Agency (FEMA) 100-year floodplain. The Strawberry Fields Site is relatively flat and generally drains southwesterly from I-5 towards the Sacramento River. Under Alternative A, surface parking lots would be constructed with a west-to-east slope toward storm drain inlets, which would be placed at appropriate intervals to capture runoff and convey it via an underground storm drain system. Catch Basin insert filters would be installed at select area drains to capture sediment, debris, trash, oil, and grease from stormwater. A 40-foot wide, 5-foot deep vegetated swale is proposed to run north to south between the access road within the site and I-5. This vegetated swale would convey project runoff, provide stormwater filtration and infiltration, as well as provide a bypass channel for the flow coming westerly from Churn Creek during extreme rain events. The vegetated swale would pass south of the proposed development through a box culvert under the access road and to a wet pond. Wet ponds are constructed basins that have a permanent pool of water throughout the year and differ from constructed wetlands primarily in having a greater average depth. Wet ponds treat incoming stormwater runoff by settling and biological uptake.

Sacramento River Streambank Stabilization and Vegetative Buffer: The eastern bank of the Sacramento River is actively eroding in areas adjacent to the proposed development during exceptionally high river flows. Vegetative streambank stabilization measures have been incorporated within the project design to slow the rate of erosion and reduce sedimentation. Streambank stabilization measures would include establishing a 150-foot buffer or setback

between the top of bank and project improvements and planting native vegetation within this area. Bank stabilization would occur along the western site boundary, extending approximately 1,000 feet south of the northern project site boundary. Bio-technical stabilization would be implemented within the cobbly portion of the riverbank and would include establishment of willows from above the ordinary high-water line up to the toe of the nearly vertical loam bank. Willow cuttings would be placed at not more than 3-feet on center spacing over the area to be vegetated without disturbing the loam bank. The loam mantel would be stabilized by planting native streamside trees in the zone between fifteen feet and fifty feet east of the top of without disturbing the bank swallow nesting habitat.

Energy: It is anticipated that the Tribe will enter in an agreement with the Redding Rancheria Utility Corporation (RRUCO), which receives electricity via a contract with Redding Electric Utility (REU) department, for the provisions of electrical service to the Strawberry Fields Site similar to the existing agreement for the provision of electrical service to the Win-River Casino. No existing natural gas service lines connect to the site. Pacific Gas and Electric Company (PG&E) would supply natural gas services to the Strawberry Fields Site. The Tribe will be responsible for a fair share of costs associated with any relocation of existing REU and PG&E facilities to accommodate the proposed development and off-site access improvements. Appropriate funds will be made available to conduct any necessary relocation and to construct any system upgrades required by the project.

Renovation of Existing Casino for Tribal Government Uses: The existing Win-River Casino would be converted to tribal services and housing uses. While no exterior renovations would occur, interior renovations may take place. Internal renovations would facilitate the repurposing of the existing gaming and hotel facilities for tribal services and housing.

Best Management Practices: Construction and operation of Alternative A would incorporate a variety of industry standard best management practices (BMPs) designed to avoid or minimize potential adverse effects resulting from the development of Alternative A. These are listed in FEIS Table 2-2.

### **2.3.2 Alternative B – Proposed Project with no Retail Alternative**

Alternative B would be located on the Strawberry Fields Site and is identical to Alternative A in all aspects, including the closure of the Tribe's existing Win-River Casino, with the exception that Alternative B would not include the construction of the 130,000-sf regional retail facility. Up to approximately 24 acres of impervious surfaces would be developed within the site. It is anticipated that 80,000 cubic yards of cut and fill would be balanced under Alternative B, with no import or export of material required.

### **2.3.3 Alternative C – Reduced Intensity Alternative**

Alternative C would be located on the Strawberry Fields Site and is identical to Alternative A in all aspects, including the closure of the Tribe's existing Win-River Casino, with the exception that the Alternative C would be reduced in size from 383,893sf to 362,662sf in size. Up to approximately 35 acres of impervious surfaces would be developed within the site. It is

anticipated that 94,000 cubic yards of cut and fill would be balanced under Alternative B, with no import or export of material required.

#### **2.3.4 Alternative D – Non-Gaming Alternative**

Alternative D differs from the other alternatives in that it does not include a casino or gaming element. Alternative D would also occur on the Strawberry Fields Site and involve its transfer into federal trust status. Under Alternative D, the existing Win-River Casino would continue to operate as it does under current conditions. Alternative D would result in the development of the Strawberry Fields Site with a 128-room hotel, restaurants, and regional retail facilities, and related infrastructure. Options for water supply and wastewater would be similar to Alternative A. A total of 200 surface parking spaces would be provided. The site access options under Alternative D would be identical to the two options described for Alternative A. Provision of fire protection, law enforcement, and emergency response and security would be identical to Alternative A.

#### **2.3.5 Alternative E – Anderson Site Alternative**

Alternative E consists of the following components: 1) the transfer of the 55-acre Anderson Site from fee to trust status on behalf of the Tribe for gaming purposes; 2) the subsequent development of the Anderson Site with 2,250 parking spaces (including a 1,650 space parking garage), 120,000sf regional retail facility, and a 378,393sf casino resort including a 250-room hotel and other supporting facilities; and 3) the closure of the existing Win-River Casino and the conversion of the facility into tribal services and housing uses. Alternative E would result in the development of approximately 25 acres within the Anderson Site with a casino-resort, retail facilities, and related infrastructure. The remaining 30 acres of the site would be used for a material borrow area and stormwater infiltration and storage. Access to Alternative E would be from a driveway constructed off of Oak Street, located west of the I-5/North Road interchange in the City of Anderson. Components of Alternative A are described below.

Trust Title Acquisition: Alternative E consists of the conveyance of an approximately 55-acre area of land into Federal trust status. The land transfer would be made in accordance with the procedures set forth in 25 C.F.R. Part 151, which implement the Secretary's trust acquisition authority under Section 5 of the IRA, 25 U.S.C. §465.

Public Services: The Anderson Fire Department (AFD) currently provides fire protection and emergency medical services to the Anderson Site. It is anticipated that the Tribe would enter into an agreement for fire protection and emergency medical services with AFD. It is anticipated that the Tribe would enter into an agreement for law enforcement services with the Anderson Police Department (APD), which would have the authority to enforce all non-gaming state criminal laws on the proposed trust lands pursuant to Public Law 280.

Water Supply: There are two options proposed to supply water to Alternative E; off-site supply (Option 1) or on-site supply (option 2). Under Water Supply Option 1, the City of Anderson's water supply system would be extended to the Anderson Site to serve Alternative E. Under Water Supply Option 2, water for domestic use, emergency supply, and fire protection would be provided by groundwater wells on the Anderson Site.



Wastewater Treatment and Disposal: Under Alternative E, wastewater treatment would be provided by the City of Anderson via connection to the City's conveyance system and WWTP.

Grading and Drainage: Currently, surface drainage within the Anderson Site flows eastward toward the Tormey Drain and I-5. The Tormey Drain flows through the Anderson Site to a box culvert under I-5. According to the FEMA FIRM maps, a majority of the Anderson Site is located within the special flood hazard area within the 100-year flood plain of the Tormey Drain, which means that the site is subject to inundation during the 100-year event. Construction would involve grading and excavation for building pads and parking lots. Up to approximately 25 acres would be developed with impervious surfaces. Since the project proposes a large amount of fill within the 100-year flood plain, an excavation equal to that fill volume would be constructed in order to prevent additional flooding and maintain pre-development flood levels at all locations upstream and downstream of the project. Two large retention ponds will be constructed along the southern portion of the site on either side of Oak Street. It is anticipated that 138,000 cubic yards of cut and fill would be balanced under Alternative E, with no import or export of material required.

Energy: Electrical and natural gas service to the Anderson Site would be provided by PG&E. The Tribe will be responsible for a fair share of costs associated with any relocation of existing PG&E facilities to accommodate the proposed development. Appropriate funds will be made available to conduct any necessary relocation and to construct any system upgrades required by the project.

### **2.3.6 Alternative F – Expansion of Existing Casino Alternative**

Alternative F consists of an expansion of the Tribe's existing Win-River Casino, located on the 14.8-acre Win-River Casino Site. A fee-to-trust acquisition would not be necessary for Alternative F because the Win-River Casino Site is on land that is already in federal trust for the Tribe and is authorized for gaming under the IGRA as restored lands. Operation of the casino facility would be similar to current operations. The expanded gaming component of the facility would consist of 250 additional gaming machines within a 9,826-sf gaming floor area to be located in place of the existing building currently developed as an event center. Alternative F includes the construction of a new parking garage, which would provide 1,710 parking spaces. Currently, 380 surface parking spaces are available on site; however, the addition of the parking garage and event center would reconfigure 227 of these surface spaces. All development under Alternative F would occur within currently paved areas with existing buildings and surface parking lots. The City of Redding would continue to provide water and sewer service to the Win-River Casino Site as it currently does for the existing Win-River Casino.

### **2.3.7 Alternative G – No Action**

Under the No Action Alternative, none of the six development alternatives (Alternatives A through F) considered within the EIS would be implemented. The No Action Alternative assumes that the existing uses on the Strawberry Fields Site, Anderson Site, and Win-River

Casino Site would not change. Under the No Action Alternative, the BIA would not take any land into trust.

### **3.0 PREFERRED ALTERNATIVE**

For the reasons discussed herein and in the FEIS, the Department has determined that Alternative A is the agency's Preferred Alternative because it best meets the purpose and need for the proposed actions. BIA's mission is to enhance the quality of life and to promote economic opportunity in balance with meeting the responsibility to protect and improve the trust resources of American Indians, Indian Tribes and Alaska Natives. This mission is reflected in the policies underlying the statutory authorities governing this action, namely, the IRA, which was enacted to promote Indian self-government and economic self-sufficiency, and IGRA, which was enacted to govern Indian gaming as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments. Of the alternatives evaluated within the EIS, Alternative A would best meet the purposes and needs of the BIA, consistent with its statutory mission and responsibilities to promote the long-term economic vitality, self-sufficiency, self-determination, and self-governance of the Tribe. The casino-resort complex described under Alternative A would provide the Redding Rancheria with the best opportunity for securing a viable means of attracting and maintaining a long-term, sustainable revenue stream for the Tribal government. Under such conditions, the Tribal Government would be stable and better prepared to establish, fund and maintain governmental programs that offer a wide range of health, education and welfare services to Tribal members, as well as provide the Tribe, its members and local communities with greater opportunities for employment and economic growth. Alternative A would also allow the Tribe to implement the highest and best use of the property. Finally, while Alternative A would have greater environmental impacts than the No Action Alternative, that alternative does not meet the purpose and need for the Proposed Action, and the environmental impacts of the Preferred Alternative are adequately addressed by the mitigation measures adopted in this ROD.

Alternative B would be located on the same site as Alternative A and is identical to Alternative A in all aspects with the exception that Alternative B would not include the construction of the retail facility. Therefore, the economic returns would be less than with Alternative A.

Alternative C would have similar impacts to Alternative A, but such impacts would generally be less than those under Alternative A because of the decreased development scope of Alternative C. Additionally, economic returns would be less than with Alternative A.

Alternative D, the non-gaming alternative, would provide economic development opportunities for the Tribe. However, the economic returns would be substantially less than the other development alternatives because the development of a hotel and retail space is not the most effective use of the Tribe's capital resources.

Alternative E, the development of a casino-hotel facility on the Anderson Site, would be similar in design as Alternative A, although slightly reduced in size and at a location farther from the City of Redding. Therefore, the economic returns would be less than with Alternative A.

Alternative F, the expansion of the Tribe's existing Win-River Casino, would potentially generate some additional revenue for the Tribe, but it is unclear if the additional revenue would offset the development costs under this alternative. Also, economic returns would be smaller than Alternative A and, therefore, would not be the most efficient means of maintaining a long-term, sustainable revenue stream.

In summary, Alternative A is the alternative that best meets the purposes and needs of the Tribe and the BIA while resulting in no significant impacts after mitigation. Therefore, Alternative A is the Department's Preferred Alternative.

#### **4.0 ENVIRONMENTALLY PREFERRED ALTERNATIVE(S)**

Alternative F or the No-Action Alternative (Alternative G) would result in the fewest effects to the biological and physical environment. Alternative F, the expansion of the Tribe's existing Win-River Casino, would result in the least environmental impacts among the development alternatives (Alternatives A through F). This is because expansion of the Win-River Casino would take place on previously graded and developed areas, largely within the existing parking lot. Therefore, impacts to the biological and physical environment would be less than with other alternatives. However, as noted above, Alternative F would not best meet the purpose and need.

Among all of the alternatives, the No Action Alternative (Alternative G) would result in the fewest environmental impacts. Under the No Action Alternative, neither the Strawberry Fields nor the Anderson Site would be taken into trust and the Tribe would continue to operate its existing Casino as it does presently. However, the No Action Alternative would not meet the stated purpose and need. Specifically, it would not provide a more stable income source that will enable the tribal government to provide essential social, housing, educational, health, and welfare programs. The No Action Alternative would not promote the economic development and self-sufficiency of the Tribe. The No Action alternative also would likely result in substantially less economic benefits to Shasta County and the cities of Redding and Anderson than any of the development alternatives.

#### **5.0 ENVIRONMENTAL IMPACTS AND PUBLIC COMMENTS**

##### **5.1 ENVIRONMENTAL IMPACTS IDENTIFIED IN FINAL EIS**

A number of specific issues were raised during the EIS scoping process and public and agency comments on the Draft EIS. Each of the alternatives considered in the Final EIS was evaluated relative to these and other issues. The categories of the most substantive issues raised include:

- e Geology and Soilse
- e Water Resourcee
- e Air Quality and Greenhouse Gasese
- e Biological Resourcee
- e Cultural and Paleontological Resourcee
- e Socioeconomics and Environmental Justicee

- Transportation
- Land Use
- Public Services and Utilities
- Noise
- Hazardous Materials
- Aesthetics
- Indirect and Growth-Inducing Effects
- Cumulative Effects

The evaluation of project-related impacts included consultations with entities that have jurisdiction or special expertise to ensure that the impact assessments for the Final EIS were accomplished using accepted industry standard practice, procedures and the most currently available data and models for each of the issues evaluated in the Final EIS. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues. Section 4 of the Final EIS described effects of the Alternatives A through F as follows:

#### **5.1.1 Geology and Soils**

Topography – No import or export of fill material will be required for Alternatives A through E, as they have each been designed to be a balanced earthwork operation. The Strawberry Fields Site and the Anderson Site are flat and do not contain any distinctive topographical features; on-site grading would facilitate proper drainage. Development of Alternatives A through E, given the proposed design and existing flat topography, would result in a minimal impact on topography. Expansion of the Win-River Casino under Alternative F would take place on previously graded and developed areas, largely within the existing parking lot. Impacts to topography on the Win-River Casino Site under Alternative F would be less than significant. Therefore, no adverse effect to topography on any of the development alternative sites would occur and no mitigation is required.

Soils/Geology – All development alternatives could potentially impact soils due to erosion during construction, operation, and maintenance activities, including clearing, grading, trenching, and backfilling. The soils on all development alternative sites have a slight erosion potential based on soil type and slope gradient. All project alternatives would be constructed in association with a NPDES permit from the USEPA for sediment control and erosion prevention into navigable (surface) waters of the U.S. As part of the NPDES permit, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented. The design and construction of the development alternatives, through adherence to an NPDES permit for sediment control and erosion, would not significantly affect soils or create erosion or sedimentation issues on the alternative sites.

Seismicity – The nearest fault line to the Strawberry Fields Site, the Anderson Site, and the Win-River Casino Site is the Battle Creek Fault, approximately eleven, six, and thirteen miles south of the sites, respectively. The project facilities would be constructed to standards consistent with the International Building Code (IBC) guidelines, particularly those pertaining to earthquake design, to safeguard against major structural failures and loss of life.

Development of any of the project alternatives would have no significant effects related to seismic hazards.

Mineral Resources – Given that there are no known or recorded mineral resources within the alternative sites, construction and operation of the project alternatives would not adversely affect known or recorded mineral resources. No significant impacts to mineral resources would occur.

### **5.1.2 Water Resources**

Flooding – The western portion of the Strawberry Fields Site, along the Sacramento River, is almost entirely within the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) designated 100-year floodplain of the Sacramento River; the remainder of the Strawberry Fields Site, with the exception of a small area in its southwest corner, is entirely within the 500-year floodplain. Alternatives A through D have been designed to avoid development and the placement of fill within the 100-year floodplain. The development will be raised by balanced on-site cut and fill to ensure structures are appropriately outside the 100-year floodplain. Because cut and fill will be balanced on site, no net loss or gain within the floodplain will occur off site and the floodplain capacity will not be altered. With the exception of a stormwater retention pond proposed to be located in the central portion of the site and the installation of bank stabilization measures along the Sacramento River in the northern portion of the site, the proposed development footprint of Alternatives A through D, including all structures and infrastructure would be located entirely outside the FEMA designated 100-year floodplain.

A majority of the Anderson Site is located within the FEMA 100-year floodplain of the Tormey Drain; the remainder of the site, with the exception of a small portion along the southeastern boundary, is located within the 500-year flood area. Much of the proposed development on the Anderson Site under Alternative E would be located within the current FEMA 100-year floodplain; however, grading of the Anderson Site has been planned such that the finished floor elevations of all proposed structures would be approximately 2 to 3 feet above the FEMA 100-year flood level of the Tormey Drain. Additionally, the grading for Alternative E would be a balanced earthwork operation. Thus, there would be no net introduction of fill within the FEMA 100-year floodplain, and pre-development flood levels at all locations up- and downstream of the Anderson Site would be maintained.

The small northwestern portion of the Win-River Casino Site along Clear Creek is within the FEMA 100-year floodplain. However, the proposed development footprint of Alternative F is located entirely outside the FEMA 100-year and 500-year floodplains. No associated structures, utility, wastewater treatment and disposal systems, or storage areas are proposed for development within the 100-year and 500-year floodplains on the site. No significant flooding impacts would occur as a result of Alternative F, and no development is proposed within the floodplain.

No significant flooding impacts would occur as a result of any of the development alternatives. Mitigation measures included in **Section 6** of this ROD and Section 5 of the

FEIS would further reduce potential impacts as a result of construction within the alternative sites.

Construction - Construction activities under Alternatives A through E would include ground-disturbing activities such as clearing and grubbing, mass grading, and excavation, which could lead to erosion of topsoil. Erosion from construction could increase sediment discharge to surface waters during storm events thereby degrading downstream water quality. Construction of Alternative F would occur in areas already developed into impervious surfaces, such as parking lots. However, Alternative F could result in sediment erosion, off-site movement of hazardous materials and pollutants, and impacts to surface water and groundwater quality. Discharges of pollutants to surface waters from construction activities and accidents are a potentially significant impact. Erosion control measures will be employed in compliance with the NPDES General Construction Permit for construction activities during construction. A SWPPP will be developed prior to any ground disturbance at the project alternative sites and will include BMPs to reduce potential surface water contamination during storm events.

Stormwater Runoff – Alternatives A through E would alter the existing drainage pattern of the sites and would increase stormwater runoff as a result of increased impervious surfaces on the sites. Alternatives A through E include various design features to improve stormwater quality. The east bank of the Sacramento River in the vicinity of the Strawberry Fields Site is actively eroding during periods of very high flow. Streambank stabilization measures have been incorporated within the project design to slow the rate of erosion and reduce sedimentation. Mitigation measures and BMPs in **Section 6** of this ROD and Section 5 of the FEIS would ensure protection of surface water quality. Accordingly, the implementation of Alternatives A through E would not result in significant adverse effects to stormwater runoff. The Win-River Casino Site is already graded and developed, and because almost all construction would occur in areas that are currently paved, implementation of Alternative F would not significantly alter the existing drainage pattern of the Win-River Casino Site, nor would it add a significant amount of impervious surfaces. Therefore, impacts associated with stormwater runoff would be less than significant for Alternative F, and no mitigation is required.

Wastewater – Alternatives A through D have two wastewater treatment and disposal options: off-site (Wastewater Option 1) and on-site (Wastewater Option 2). Under Option 1, wastewater treatment would be provided by the City via a connection to the City's conveyance system and wastewater treatment plant (WWTP). Connection to the City's existing collection system would require the installation of a sewer lift station on the Strawberry Fields Site, and sewer forcemain pipelines between the new on-site lift station and the existing City-operated Sunnyhill Lift Station. Wastewater would be conveyed to the City's Clear Creek WWTP for treatment and disposal.

The Clear Creek WWTP has sufficient capacity for wastewater generated with Alternatives A through D. The West Side Interceptor, just north of the Clear Creek WWTP, is currently at capacity and experiences localized overflow during storm events. As such, flows from Alternatives A through D would contribute to unacceptable operating conditions at this facility. However, the City's planned interceptor expansion in 2025, will sufficiently increase capacity to serve Alternatives A through D, and mitigation provided in **Section 6** of this ROD

and Section 5 of the FEIS, requiring the construction of equalization storage, would ensure that Alternatives A through D do not contribute to capacity exceedances. Therefore, Alternatives A through D would have a less-than-significant impact on the City's sewer system and WWTP under Wastewater Option 1.

Under Wastewater Option 2, wastewater would be treated by an on-site WWTP, located immediately south of the casino and hotel structures. Tertiary treated reclaimed water from the on-site WWTP would be utilized for casino toilet flushing and landscape irrigation. Because Wastewater Option 2 involves no connections of the Strawberry Fields Site to the municipal wastewater system, it will have no impact on the City's wastewater services and no mitigation is necessary.

Under Alternative E, wastewater treatment would be provided by the City of Anderson via connection to the City's conveyance system and the Anderson Water Pollution Control Plant. The City of Anderson's nearest sewer pipeline has sufficient capacity to accept the Casino's wastewater flow. The existing Anderson Water Pollution Control Plant also has sufficient capacity to serve the estimated daily wastewater generation from Alternative E. Alternative E would have a less-than-significant impact on the City of Anderson's sewer system and WWTP. Additionally, mitigation measures related to cumulative impacts associated with wastewater treatment services are provided in Section 5 of the FEIS that would further reduce potential effects by requiring that the Tribe enter into a service agreement with the City.

Under Alternative F, the City would continue to provide wastewater service as it currently does for the existing Win-River Casino. Under Alternative F, it is assumed that some minor upsizing of existing pipelines may be required but it is possible that existing systems will be sufficient. Additionally, pending the proposed West Side Interceptor expansion, conveyance pipelines and the Clear Creek WWTP would have sufficient capacity to handle minimally increased flows from Alternative F. As such, the impact to the City's wastewater service would be less than significant. Additionally, mitigation measures related to cumulative impacts associated with wastewater treatment services are provided in Section 5 of the FEIS that would further reduce potential effects by requiring that the Tribe enter into a service agreement with the City.

Groundwater – Alternatives A through D have two water supply options. Water Supply Option 1 involves connecting the Strawberry Fields Site to the City of Redding's municipal water supply system, while Water Supply Option 2 involves the drilling of an on-site groundwater well to supply the potable water demand of the Proposed Project. The majority of the municipal water supply is drawn from surface water sources. Due to the current substantial supply surplus within the City of Redding's water system and the relatively small demand that would be added to that system under Alternatives A through D, Water Supply Option 1 would not require the City of Redding to substantively alter its groundwater extraction rates or drill additional wells. The implementation of BMPs provided in **Section 6** of this ROD and Section 2 of the FEIS would further reduce the project's water demand. Therefore, Water Supply Option 1 would have a less-than-significant impact on regional groundwater levels under Alternatives A through D.

Under water Supply Option 2, the potable water demand would be supplied via a groundwater well drilled on site. Because the on-site well would not be drilled in close proximity to the southwestern boundary of the Strawberry Fields Site, the localized groundwater level drawdown associated with the operation of the proposed on-site well would have a less-than-significant impact on neighboring municipal wells. Modelling of the Redding Groundwater Basin has indicated that it is resilient to severe drought conditions and is capable of recovering with one year of normal rainfall. Thus, given the lack of current or historical groundwater supply issues in the Redding Groundwater Basin, the Basin's observed drought resiliency, and the amount of water that would be extracted, Alternatives A through D would have a less-than-significant impact on regional groundwater levels under Option 2.

Like Alternatives A through D, Alternative E involves two water supply options: off-site water supply (Option 1) and on-site water supply (Option 2). The implementation of Option 1 would not require the City of Anderson to substantively alter its groundwater extraction rates or drill additional wells, and Option 1 would have a less-than-significant impact on regional groundwater levels. Under Option 2, the potable water demand would be supplied via a groundwater well drilled on site. To prevent localized drawdown of the groundwater table resulting from the operation of the on-site well from impacting neighboring wells, the on-site well would be drilled no closer than 100 feet from any existing well. The operation of the on-site well under Alternative E, Water Supply Option 2 would not significantly impact the water level within any shallow residential wells. Because Alternative E would pump less water from the Redding Groundwater Basin than Alternative A, the impacts of Alternative E, Water Supply Option 2 on regional groundwater levels, would be less than significant.

Under Alternative F, the Win-River Casino Site would continue to be connected to the City of Redding's municipal water supply. Because potable water consumption under Alternative F would be significantly less than under Alternative A, the impacts of Alternative F on regional groundwater levels would be less than significant and no mitigation is warranted.

All of the project alternatives would include the use of potential hazardous materials during construction. Runoff during construction, plus runoff during operations, could percolate into the groundwater and could potentially transport contaminants with it. The mitigation measures detailed in Section 5 of the FEIS and **Section 6** of this ROD would prevent groundwater pollution during construction and operation and reduce potential impacts to groundwater quality to a less-than-significant level.

### **5.1.3 Air Quality**

Construction Emissions – All development alternatives would generate air pollutants through construction. However, all development alternative sites are in a region of attainment for all criteria pollutants and there are no *de minimis* levels or “thresholds” for project's emissions. Therefore, no conformity determination is required for construction of any development alternative. To further reduce project-related construction criteria pollutants and diesel particulate matter (DPM) emissions, the mitigation measures and BMPs described in **Section 6** of this ROD and Section 2 of the FEIS would further reduce impacts from construction emissions.



Operational Emissions – Buildout of the development alternatives would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as area and energy criteria pollutant emissions. Also, stationary source emissions from combustion of natural gas in boilers, stoves, heating units, and other equipment on the project sites would result from buildout of the project alternatives. BMPs described in Section 2 of the FEIS would reduce emissions resulting from the project, such as promoting transit and ride share programs and utilizing energy efficient equipment and systems. Because the development alternative sites are in a region of attainment for all criteria pollutants, no conformity determination is required and all development alternatives would result in a less-than-significant effect associated with the regional air quality environment.

#### **5.1.4 Biological Resources**

Wildlife and Habitats – Non-native annual grassland would be directly impacted by the development of Alternatives A through D. Additional acreage consisting of non-native annual grassland and small areas of valley foothill riparian and valley oak woodland habitat would be impacted by the development of water supply and wastewater facilities if Option 2 for Water Supply and Wastewater is implemented. The remaining habitat areas of the site would be avoided through project design and remain in undeveloped open space. Although the grassland habitats and valley foothill riverine habitats within the Strawberry Fields Site (including the off-site access improvement areas) may be suitable for several federal and state special-status species, they are not, in and of themselves, listed as critical or sensitive under federal designation. Wildlife movement would not be significantly restricted, as the majority of the Strawberry Fields Site will remain undeveloped.

Designated critical habitat for steelhead and Chinook salmon occurs in the Sacramento River adjacent to the Strawberry Fields Site, and in the riverine habitat on site. Designated critical habitat and essential fish habitat (EFH) does not occur within the area of impact, and adjacent critical habitat and EFH will not be significantly impacted. Additionally, a SWPPP and BMPs in **Section 6** of this ROD and Section 5 of the FEIS would be implemented to further reduce potential runoff impacts to critical habitat. Therefore, impacts to wildlife habitat resulting from development of Alternatives A through D are less than significant and no mitigation is required.

Approximately 25 acres of non-native annual grassland on the Anderson Site would be directly impacted by Alternative E. The remaining 30 acres of oak woodland and seasonal wetland would be graded for use as a material borrow area and stormwater infiltration and storage. Although the grassland and woodland habitats within the Anderson Site may be suitable for the federal and state special-status species, they are not, in and of themselves, listed as critical or sensitive under federal designation. Additionally, habitats on the Anderson Site are highly fragmented and disturbed by adjacent highway and development on all sides. Designated critical habitat or EFH does not occur within the area of impact or immediately adjacent to the Anderson Site. Therefore, impacts to wildlife habitat resulting from development of the Anderson Site are less than significant and no mitigation is required.

Alternative F would impact approximately 5 acres of ruderal/developed habitat on the Win-River Casino Site. The ruderal/developed habitats on the Win-River Casino Site do not provide suitable habitat for special-status species, and are not, in and of themselves, listed as critical or sensitive under federal designation. Designated critical habitat and EFH does not occur within or adjacent to the area of impact. Therefore, impacts to wildlife habitat resulting from development of the Win-River Casino Site are less than significant and no mitigation is required.

Special Status Species – The Strawberry Fields Site may provide habitat for seven federally-listed or protected species (Valley Elderberry Longhorn Beetle (VELB), California red-legged frog (CRLF), bald eagle, and four fish species), as well as seven state-listed species with the potential to be impacted (Red Bluff dwarf rush, bald eagle, tricolored blackbird, bank swallow, western spadefoot toad, foothill yellow-legged frog (FYLF), and CRLF). Potential adverse effects to species would be avoided or minimized to less-than-significant levels with implementation of the mitigation measures identified in **Section 6** of this ROD and Section 5 of the FEIS, which include preconstruction surveys, avoidance buffers, and silt fencing. Construction of the off-site access improvements has the potential to adversely affect two special-status species. The off-site access improvement areas may provide poor to marginal foraging habitat for the bald eagle (*Haliaeetus leucocephalus*) and tricolored blackbird (*Agelaius tricolor*); however, suitable nesting habitat is absent. Potential adverse effects to special-status species would be avoided or minimized to less-than-significant levels with implementation of the mitigation measures identified in **Section 6** of this ROD and Section 5 of the FEIS, which include a preconstruction survey and avoidance buffers.

The Anderson Site may provide habitat for six special-status species: Red Bluff dwarf rush, CRLF, western spadefoot toad, tricolored blackbird, bald eagle, and western red bat. Potential adverse effects to special-status species under Alternative E would be avoided or minimized to less-than-significant levels with implementation of the mitigation measures identified in Section 5 of the FEIS, which include a preconstruction survey, silt fencing, and avoidance buffers.

No special-status species have the potential to occur on the Win-River Casino Site. Therefore, there is no impact to special-status species resulting from development of the Win-River Casino Site (Alternative F) and no mitigation is required.

Migratory Birds – All development alternatives could adversely affect active migratory bird nests if vegetation removal or loud noise-producing activities associated with construction were to occur during the nesting season (February 15 through September 15). Potential adverse effects to migratory birds and other birds of prey would be reduced to less-than-significant levels with implementation of the mitigation measures identified in **Section 6** of this ROD and Section 5 of the FEIS, which include a preconstruction survey and avoidance buffers. Nighttime lighting from the operation of the casino could have a potentially significant effect on both migrating and local bird populations. With the incorporation of design features in Section 2 of the FEIS, including the use of non-reflective glass and downcast lighting, potential adverse effects to migratory birds and other birds of prey would be less than significant.

Waters of the U.S – Under Alternatives A through D, the project design of the casino avoids wetlands and Waters of the U.S. Erosion control measures will be implemented along the Sacramento River to limit soil loss and sedimentation. Although construction activities would not directly impact Waters of the U.S., these features have the potential to be indirectly impacted by construction activities and associated erosion and sedimentation. Indirect construction impacts to the Sacramento River and the wetland in the northeastern corner of the Strawberry Fields Site would be reduced to less-than-significant levels with implementation of the mitigation measures identified in **Section 6** of this ROD and Section 5 of the FEIS.

No wetlands or Waters of the U.S. were observed in the Off-site Access Improvement Areas. A man-made water transport canal that carries water from the Sacramento River intersects the northern portion of the North Access Improvement Area; however, the canal is considered non-jurisdictional by the USACE. Because construction of the North Access Improvements would require widening of the existing crossing over the canal, consultation with ACID would occur prior to construction. Implementation of the Off-site Access Improvement Areas would have a less-than-significant impact on wetlands and Waters of the U.S, and no mitigation is required.

The southern portion of the Anderson Site includes Tormey Drain, a seasonal wetland, and drainages. Approximately 2.68 acres of potential seasonal wetland would be graded for use as a material borrow area and stormwater infiltration and storage. The Tormey Drain is identified by the United States Geological Survey (USGS) as an unnamed blue-line stream and would be avoided by project design. Indirect impacts to the Tormey Drain and impacts to potential wetlands and Waters of the U.S. would be reduced to less-than-significant levels with implementation of the mitigation measures identified in **Section 6** of this ROD and Section 5 of the FEIS, which include a SWPPP and permitting.

No wetlands or Waters of the U.S. occur within Alternative F. Alternative F would have no impact on wetlands or Waters of the U.S.

### **5.1.5 Cultural Resources**

A prehistoric archaeological site (CA-SHA-4413) is within the area proposed for development under Alternatives A through D at the Strawberry Fields Site, although it is not eligible for listing on the National Register of Historic Places (NRHP). However, as-yet unknown aspects of CA-SHA-4413 may be uncovered during construction which would change the evaluation of the site's NRHP eligibility. The presence of one archaeological site also increases the potential for other buried resources to be uncovered during construction. As a result, mitigation measures are presented in **Section 6** of this ROD and Section 5 of the FEIS for the treatment of archaeological or paleontological discoveries made during construction. Implementation of these mitigation measures would reduce any effects on as-yet unknown archaeological resources to less-than-significant levels.

A prehistoric archaeological site (CA-SHA-266) is within the North Access Improvement Area. Cultural resources investigations of the North Access Improvement Area indicates that portions of CA-SHA-266 could be adversely affected by expansion of the intersection at

South Bonnyview Road and Bechelli Lane, the widening of Bechelli Lane, and the development of appurtenant structures. Mitigation measures are presented in **Section 6** of this ROD and Section 5 of the FEIS for the treatment of these adverse effects. Implementation of these mitigation measures would reduce any effects on CA-SHA-266 to less-than-significant levels. No cultural resources were observed during field surveys or uncovered by the background record search of the South Access Improvement Area.

Background research, consultation, and field surveys failed to identify any cultural or paleontological resources within the Anderson Site, and therefore construction of Alternative E would not result in significant adverse effects to known historic properties on the Anderson Site. However, mitigation measures are presented in **Section 6** of this ROD and Section 5 of the FEIS for the treatment of unanticipated discoveries during project-related construction.

The current project design of Alternative F would not result in significant adverse effects to known historic properties on the Win-River Casino Site, as long as the burial site encountered during prior construction is avoided. No paleontological resources have been reported or observed on or in the vicinity of the Win-River Casino Site. However, mitigation measures are presented in **Section 6** of this ROD and Section 5 of the FEIS for the treatment of unanticipated discoveries during project-related construction.

#### **5.1.6 Socioeconomic Conditions and Environmental Justice**

Socioeconomic Conditions – All construction of all development alternatives would result in potential economic benefits for Shasta County and the State of California. Potential economic benefits would include the creation of jobs and increased economic activity of local businesses. Similar to the construction of the development alternatives, operation would also generate increased revenues for a variety of businesses in the County as a result of increased economic activities. Output received by County businesses would in turn increase their spending, and labor demand, thereby further stimulating the local economy. Alternatives B through D would have beneficial economic effects, but to a lesser extent than Alternative A due to the reduced size and scope.

The operation of the casino alternatives (Alternatives A, B, C, E and F) would have substitution or competitive effects on competing gaming venues, including tribal casinos and local cardrooms. The substitution effects would be greater for those gaming facilities that are closest to the proposed gaming projects and most similar in terms of the types of customers that would visit the venues. Estimated substitution effects are anticipated to diminish after the first year of operation of the casino alternatives. The substitution effects resulting from the gaming alternatives to competing tribal gaming facility revenues are not anticipated to significantly impact these casinos, or to cause their closure, or to significantly impact the ability of the tribal governments that own the facilities to provide essential services to their respective memberships.

The operation of the development alternatives would also have non-gaming related substitution effects on local retail businesses and hotels from spending on categories such as food and beverage, retail, lodging, and entertainment. Casino hotels are developed primarily for marketing, player development programs, and to induce additional casino visitation.

Therefore, it is estimated that there would be minimal substitution in the local hotel market from the casino alternatives. The substitution effects from the non-gaming Alternative D would not be of a magnitude that would cause a physical effect to the environment (such as urban blight) and does not constitute a significant impact. Therefore, the effect would not be significant, and no mitigation is recommended.

Alternatives A through E would result in decreased property taxes from those land parcels taken into trust and increased costs to local agencies for the provision of governmental services, including police, fire, and emergency services. The lost property taxes would be more than offset by sales tax revenues on secondary economic activity generated by Alternatives A through E. Potential effects due to the loss of tax revenues resulting from the operation as a sovereign nation on trust land would be offset by increased state, county, and local tax revenues resulting from operation of Alternatives A through E as well as payments made to the Impact Mitigation Fund pursuant to the Tribal State Compact. Mitigation measures are provided in **Section 6** of this ROD and Section 5 of the FEIS that would reduce impacts to governmental services to less-than-significant levels.

Under Alternative F, the Tribe would continue not paying corporate income taxes on revenue or property taxes on tribal land. In addition, Alternative F may slightly increase demand for public services, which may result in increased costs for local governments to provide these services. Alternative F would be constructed on land that is already held in trust by the federal government for the Tribe. Therefore, no property tax impacts would occur, as no property tax is assessed on tribal land. Alternative F would result in a slight beneficial impact to local government revenues.

Impacts to surrounding commercial and industrial uses due to development of Alternatives A through E would probably be neutral to positive because a casino/retail development would bring increased economic activity and because such a project may stimulate additional commercial development in the vicinity of the site. Consequently, it is reasonable to conclude that the development of Alternatives A through E would have a less-than-significant impact on surrounding housing property values. The operation of Alternative F would stimulate a relatively mild increase in patronage to the existing Win-River Casino and would not result in a change in land use. Consequently, Alternative F would not have a significant effect on local property values.

Social Effects – Local residents are presently exposed to gaming. The existing Win-River Casino is located less than two miles from the Strawberry Fields Site and within a short drive of the Anderson. Thus, the relocation of the existing casino would not substantially increase the availability of gaming venues to persons who are risk of problem gambling. The Tribal-State Compact also includes provisions that allow the State to use funds paid by the Tribe for programs designed to address problem gambling. Thus, the effect on problem gambling would be less than significant. Additionally, mitigation in FEIS Section 5 and ROD **Section 6**, involving the implementation of policies similar to those in effect at the existing Win-River Casino, including a self-exclusion policy and informational literature regarding problem gambling available at various locations within the facility to help those who may be affected by problem gaming, would further reduce this less-than-significant impact.

Criminal incidents may be expected to increase as a result of the development alternatives, although not disproportionately as might be expected from any commercial development. Potential impacts to law enforcement services are addressed in Section 4 of the FEIS. As described therein, it is anticipated that law enforcement for the Strawberry Fields Site would be provided through either: Option 1) a service agreement with Shasta County Sheriff's Office (SCSO) to fully reimburse the affected department for quantifiable direct and indirect costs incurred in conjunction with the provision of law enforcement services, or Option 2) the Tribe will construct and operate an onsite Public Safety Building to provide law enforcement, fire and EMS services. Through the implementation of these options, the on-site security measures, and the mitigation and BMPS described in Section 5 and 2 of the FEIS respectively, impacts would be addressed, and less than significant impacts to law enforcement services and crime would result.

Environmental Justice – As described in FEIS Section 4, no disproportionate or adverse effects to minority or low-income populations were found for the development alternatives. Effects to the Tribe, a minority community, would be positive under the development alternatives, as new income would be generated to fund the operation of the tribal government.

#### **5.1.7 Transportation/Circulation**

All development alternatives would result in temporary impacts resulting from construction activities. These effects would include temporary inconveniences to travelers and potential tracking of debris onto roadways. Mitigation included in **Section 6** of this ROD and Section 5 of the FEIS would reduce construction impacts to a less than significant level.

All study roadway and freeway segments would operate under acceptable LOS at the buildout year with traffic from all development alternatives. With the exception of Alternative F, the addition of traffic from the development alternatives would result in some study intersections to operation at an unacceptable level of service (LOS) delay. Mitigation measures in **Section 6** of this ROD and Section 5 of the FEIS include requirements to fund and/or construct key improvements to address traffic impacts related to all development alternatives. With mitigation, traffic impacts would be reduced to a less-than-significant level.

#### **5.1.8 Land Use**

Land use effects of Alternatives A through D would be similar because each such alternative would result in the Strawberry Fields Site being transferred from fee to federal trust, thereby removing the property from County land use jurisdiction. The majority of the Strawberry Fields Site is zoned by the County as Limited Agriculture (A-1), with a small sliver adjacent to the Sacramento River zoned as Designated Floodway (F-1); however, no development would occur in the F-1 zoned area. While the proposed uses on the Strawberry Fields Site under Alternatives A through D are not consistent with allowable uses under existing zoning, they are compatible with surrounding land uses along the Interstate 5 (I-5) corridor. Thus, while the proposed uses on the Strawberry Fields Site are not consistent with allowable uses under existing zoning, this inconsistency with existing zoning would not result in significant adverse land use effects.

Development of Alternatives on the Strawberry Fields Site has the potential to result in land use compatibility impacts with nearby sensitive receptors. There are several rural residential receptors adjacent to the northern and southern site boundaries, and a residential neighborhood is located directly across the Sacramento River to the west. Impacts resulting from construction/development of Alternatives on the Strawberry Fields Site may include, but are not limited to, air quality and noise effects from construction and operational activities, traffic congestion, and alteration of the visual resources and aesthetics of the surrounding neighborhood. Implementation of mitigation measures identified in **Section 6** of this ROD and Section 5 of the FEIS would reduce impacts to less-than-significant levels.

The Strawberry Fields Site is not actively farmed and does not contain any Farmland Mapping and Monitoring Program (FMMP) designated prime farmland, unique farmland, or farmland of local importance. The site received a Farmland Conversion Impact Rating (FCIR) score of 95, which is under the 160-point threshold for evaluation of alternative sites, and the development of Alternatives A through D would represent a negligible conversion of farmland and would be a less-than-significant impact.

Alternatives A through D would not alter the land use designation of the North or South Access Improvement Areas. They would remain in their current state as roads and rights-of-way. There would be no change in land use and no significant impact to land use compatibility as a result of development within the North Access Improvement Area. Additionally, no farming takes place in either Off-site Access Improvement Area, and no impact to agriculture would occur as a result of Alternatives A through D.

Alternative E would result in the Anderson Site being transferred from fee to federal trust, thereby removing the property from the City of Anderson's land use jurisdiction. The Anderson Site is zoned by the City of Anderson for low-density residential development. While these proposed uses on the Anderson Site under Alternative E are not consistent with allowable uses under existing zoning, they are compatible with surrounding land uses along the I-5 corridor. Thus, while the proposed uses on the Anderson Site are not consistent with allowable uses under existing zoning, this inconsistency with existing zoning would not result in significant adverse land use effects.

Development of Alternative E has the potential to result in land use compatibility impacts with nearby sensitive receptors which may include, but are not limited to, air quality and noise effects from construction and operational activities, traffic congestion, and alteration of the visual resources and aesthetics of the surrounding neighborhood. Implementation of mitigation measures identified in **Section 6** of this ROD and Section 5 of the FEIS would reduce impacts to less-than-significant levels. Although Alternative E would differ from the surrounding rural and agricultural land uses, it would not disrupt neighboring land uses, prohibit access to neighboring parcels, or otherwise conflict with neighboring land uses.

No agricultural activities currently take place on the Anderson Site and there is no FMMP-designated prime farmland, unique farmland, or farmland of local importance on the Anderson Site. The Anderson Site received a total FCIR score of 23, which is less than the 160-point threshold for evaluation of alternative sites. Alternative E would convert 40 acres of the Anderson Site, which would result in conversion of less than 0.002 percent of the

farmland in Shasta County. This is a negligible conversion of farmland and would be a less-than-significant impact.

Alternative F involves improvements to the existing Win-River Casino. The Win-River Casino Site is located within an area that has previously been taken into trust by the federal government on behalf of the Tribe; as a result, local planning documents such as the County General Plan are not applicable to Alternative F. Additionally, a gaming facility is already present on the site. The proposed expansion would not disrupt neighboring land uses. No agricultural operations or infrastructure is located on the site. Alternative F would have a less-than-significant effect on local land use conflicts and agriculture.

### **5.1.9 Public Services**

All development alternatives (A through F) would increase demands for public services, including water supply, wastewater (see ROD **Section 5.1.2** for a summary of wastewater disposal service impacts), solid waste, natural gas, electricity, telecommunications, law enforcement, fire protection, and emergency medical services. In the absence of mitigation, effects to specific public services range from potentially significant to less than significant. Implementation of the mitigation measures described in this **Section 6** of this ROD and 5 of the FEIS would reduce impacts to public services to a less than significant level.

### **5.1.10 Noise**

For all development alternatives (A through F), construction activities, including construction traffic, would create intermittent and temporary noise impacts. Noise associated with on-site construction at all development sites could result in temporary significant adverse effects to the ambient noise environment. Furthermore, noise from construction at both Off-site Access Improvement areas would exceed the Federal Highway Administration (FHWA) construction noise standard for commercial areas. BMPs in Section 2.0 of the FEIS would ensure noise impacts are less-than-significant levels for all development alternatives.

Operational noise impacts could occur from the following sources at the development alternatives: traffic; heating ventilation, and air conditioning (HVAC) systems; parking lots; and delivery trucks. As described in FEIS Section 4, operational noise impacts for all of the development alternatives are expected to be less than significant.

### **5.1.11 Hazardous Materials**

Although no major hazardous materials issues are known to be associated with any of the development alternative sites, the possibility exists that undiscovered contaminated soil and/or groundwater is present on the sites due to the migration of hazardous materials from off-site properties or unknown hazardous materials dumping. BMPs presented Section 2 of the FEIS would minimize or eliminate adverse effects from undiscovered contaminated soil or groundwater. During grading and construction, hazardous materials releases could involve the dripping of fuels, oil, and grease from construction equipment. The small quantities of fuel, oil, and grease that may drip would have low relative toxicity and concentrations. Specific BMPs presented in Section 2 of the FEIS would minimize the risk of inadvertent release and,



in the event of a contingency, minimize adverse effects. With these BMPs, all development alternatives would not result in significant adverse effects associated with hazardous materials during construction.

Should an on-site WWTP be developed under Wastewater Option 2, the delivery, storage, and use of hazardous materials, including chlorine for disinfection, would occur. With proper handling and storage of chemicals in accordance with regulatory requirements, no significant impacts are anticipated as a result of the proposed on-site WWTP. Other potential sources of hazardous materials for all development alternatives, such as fuel storage tanks, swimming pool chemical storage, or landscaping chemicals, would be stored, handled, and disposed of according to federal and manufacturer's guidelines and subject to BMPs detailed in FEIS Section 2 and would therefore not result in significant adverse effects.

#### **5.1.12 Aesthetics**

During construction activities on the project sites, heavy construction equipment, materials, and work crews would be readily visible from stationary locations, as well as from vehicles traveling on nearby roadways. Aesthetic impacts from construction would be temporary in nature and would not result in obstructed views of scenic resources. Additionally, none of the alternative sites have scenic resources within the vicinity, therefore, construction would not obstruct views of scenic resources.

To reduce visual impacts from the proposed development of the project alternatives, the structures have been designed to incorporate native materials and colors and would be enhanced by landscaping using plants native to the region to be visually cohesive with surrounding land uses. Although the proposed development of Alternatives A through E would alter the visual character of the sites, it would not be out of character with typical roadside development adjacent to I-5, nor would it impede views of scenic resources. Alternative F, which involves the expansion of the existing Win-River Casino would look very similar to the existing setting and would not adversely affect scenic resources or significantly alter the visual character of the site. Therefore, all development alternatives would have a less-than-significant aesthetic impact on aesthetics.

#### **5.1.13 Indirect and Growth-Inducing Effects**

Indirect Effects from Off-Site Traffic Mitigation Improvements – Under development Alternatives A through E, off-site traffic mitigation measures would require construction that would involve grading and the introduction of fill material. These activities would have potential significant effects to geology and soils, water resources, air quality, biological resources, cultural resources, noise and hazardous materials. Mitigation for these activities is provided in the relevant subsections of **Section 6** of this ROD and Section 5 of the FEIS.

Indirect Effects From Utility/Infrastructure Improvements - Alternatives A, B, C, and D would require off-site utility connections under Water Supply Option 1 (off-site water supply) and Wastewater Option 1 (off-site wastewater treatment and disposal). These optional utility projects involve tying the Strawberry Fields Site (including Alternatives A through D) into the City's water and wastewater systems with new pipeline connections. Alternative E would

require underground utility service connections with PG&E for electricity and natural gas. These activities would have potential significant effects to geology and soils, water resources, air quality, biological resources, cultural resources, noise and hazardous materials. A SWPPP would be developed that would include soil erosion and sediment control practices to reduce the amount of exposed soil, prevent runoff from flowing across disturbed areas, slow runoff from the site, and remove sediment from the runoff. Mitigation for the activities described above is provided in the relevant subsections of **Section 6** of this ROD and Section 5 of the FEIS.

Growth-Inducing Effects – Each of the project development alternatives (Alternatives A through F) would result in employment opportunities and economic activity, including direct, indirect, and induced opportunities. However, the effect on housing and potential commercial growth under Alternative F would be much less than that under Alternative A due to the reduction in number of new employees and low potential for employee relocation. As Alternative F involves the continued operation of the existing Win-River Casino, there is no potential to induce on-Reservation growth, due to land constraints. Indirect and induced output could stimulate further commercial growth; however, such demand would be diffused and distributed among a variety of different sectors and businesses in the project’s respective city and Shasta County. As such, significant regional commercial growth inducing impacts would not be anticipated to occur under the development alternatives.

#### **5.1.14 Cumulative Effects**

The development of Alternatives A through F, when added to past, present, and reasonably foreseeable future actions would not result in significant cumulative impacts to geology and soils, biological resources, cultural resources, land use, hazardous materials, and aesthetics.

Water Resources - Buildout of the County and City General Plans could result in cumulative effects to surface waters, such as increased sedimentation, increased pollution, and increased stormwater flows. However, projects within the cities of Redding and Anderson, including the development alternatives, would include erosion control measures in compliance with the NPDES permit program and the USEPA. Buildout of the County and City General Plans could also result in cumulative effects to water supply if the total water demand of approved projects exceeded the supply capacity of regional surface water resources. However, the City anticipates that their water supply would continue to have a surplus in 2040 with the addition of projected development.

Socioeconomic Effects – Cumulative socioeconomic effects could occur in the future in the project area as the result of the development alternatives that affect the lifestyle and economic wellbeing of residents. Development alternatives would introduce new economic activity to the County, which is a beneficial effect to the region. When considered with the buildout of the City and County General Plans, development alternatives may contribute towards cumulative socioeconomic effects including impacts to the local labor market, housing availability, and impacts to local government. These effects would occur as the region’s economic and demographic characteristics change, as the population grows, and as specific industries expand or contract. Planning documents will continue to designate land uses for businesses, industry, and housing, as well as plan public services for anticipated growth in the

region. Additionally, mitigation measures in **Section 6** of this ROD and Section 5 of the FEIS would address potential impacts from those who may be affected by problem gambling. Therefore, the gaming development alternatives would have a less-than-significant cumulative effect with mitigation on socioeconomic conditions.

Transportation – Development of the project alternatives, in combination with anticipated growth, would result in increased traffic flow, congestion and a larger number of intersections, freeway ramps and roadway segments that do not meet minimum LOS levels. Such effects would be reduced to less than significant levels through mitigation for direct project impacts described in **Section 6** of this ROD and Section 5 of the FEIS.

Public Services (Water Supply and Wastewater)– Alternatives A through D would receive domestic water supply from either connection to the City’s municipal water system infrastructure (Water Supply Option 1) or development of on-site groundwater wells (Water Supply Option 2). According to the City of Redding 2010 Urban Water Management Plan, it is projected annual water demand by 2030 will still be only approximately 66 percent of the system’s capacity. Following the implementation of Alternatives A through D, the municipal water supply would still have a surplus. Further, cumulative projects approved for connection to the City’s water system would pay the appropriate water capital connection charges and monthly service fees, allowing the City to maintain or expand its water supply infrastructure. Mitigation is included in **Section 6** of this ROD and Section 5 of the FEIS to address the possibility of a municipal water supply connection for Alternatives A through D. With implementation of mitigation, Wastewater Option 1 would not result in significant cumulative effects to the City’s wastewater system under Alternatives A through D. No municipal water systems would be affected by Water Supply Option 2 as no connections are proposed.

Alternatives A through D would receive wastewater service from either connection to the City’s wastewater service system (Wastewater Option 1) or development of an on-site WWTP (Wastewater Option 2). According to the City of Redding 2012 Wastewater Utility Master Plan, future improvement projects for the Clear Creek WWTP include improvements to the levee between the ponds and the Sacramento River and upgrades to two of the existing holding ponds. The West Side Interceptor is currently at capacity; however, the City’s proposed interceptor expansion in 2025, will sufficiently increase capacity to serve Alternatives A through D and other new developments. Therefore, there will be sufficient capacity at the Sunnyhill Lift Station, Clear Creek WWTP, and conveyance pipelines to provide services for Alternatives A through D and cumulative projects. Mitigation is included in **Section 6** of this ROD and Section 5 of the FEIS and wastewater Option 1 would not result in significant cumulative effects to the City’s wastewater.

Alternative E would receive its domestic water supply from either connections to the City of Anderson’s municipal water system infrastructure (Water Supply Option 1) or development of on-site groundwater wells (Water Supply Option 2). The City of Anderson’s sole municipal water supply source is groundwater from the Redding Groundwater Basin, which is not in a state of overdraft. According to the City of Anderson’s 2015 Urban Water Management report, the storage capabilities of the Redding Groundwater Basin, along with prudent basin management will allow the City of Anderson to meet its future water demands. Projects approved for connection to the City of Anderson’s water system would pay the appropriate

water capital connection charges and monthly service fees. The corresponding fee structure would allow the City of Anderson to expand and maintain its water supply infrastructure as necessary. With the implementation of mitigation measures outlined in **Section 6** of this ROD and Section 5 of the FEIS, Alternative E would not result in significant cumulative effects to the City of Anderson's water supply system.

Under Alternative E, wastewater treatment would be provided by the City of Anderson via connection to the City's conveyance system and the Anderson Water Pollution Control Plant. The City of Anderson Sewer System Report described plans to methodically upgrade the sewer collection system through buildout conditions. Any other potential future upgrades to and expansion of infrastructure, when warranted, would be funded through rates charged to customers, and contributions paid by developers. The Tribe would pay the appropriate connection charges and monthly service fees, as would new development. Mitigation is included in **Section 6** of this ROD and Section 5 of the FEIS to address the possibility of a municipal sewer connection. With implementation of mitigation, Alternative E would not result in significant cumulative effects to the City of Anderson's wastewater system.

Municipal water service to the Win-River Casino is provided by the City pursuant to a Master Service Agreement signed in September 2012. The Tribe maintains an internal water supply system to provide for domestic and fire flows, and is responsible for any required upgrades to the system. Mitigation provided in **Section 6** of this ROD and Section 5 of the FEIS would ensure that Alternative F would not result in significant cumulative effects to water supply services. The Win-River Casino Site currently receives public wastewater services from the City pursuant to a Master Service Agreement signed in September 2012. The City would continue to provide wastewater service for Alternative F and the Tribe would continue to pay the appropriate connection charges and monthly service fees, consistent with any other commercial development. The West Side Interceptor is currently at capacity; however, the City's proposed interceptor expansion in 2025, will sufficiently increase capacity to serve Alternative F and other new developments. As capacity will be available for cumulative growth including Alternative F, no significant cumulative effects to wastewater services would occur.

Noise – Under Alternative A, project related traffic under Site Access Option 1 would result in ambient noise levels along the segment of Bechelli Lane south of Bonnyview Road to exceed NAC thresholds at the nearest receptor, the Hilton Garden Inn. Site access improvements included in Section 2 of the FEIS would ensure this impact is less than significant.

#### **5.1.15 Unavoidable Adverse Effects**

In accordance with the analysis within the FEIS, there are no unavoidable adverse effects that would occur as a result of the implementation of the Proposed Action and alternatives. All identified impacts can be adequately mitigated.

## **6.0 MITIGATION MEASURES**

All practicable means to avoid or minimize environmental harm from the Proposed Action and alternatives have been identified and adopted. The following mitigation measures and related enforcement and monitoring programs have been adopted as a part of this decision. Where applicable, mitigation measures will be monitored and enforced pursuant to federal law, tribal ordinances, and agreements between the Tribe and appropriate governmental authorities, as well as this decision. Specific BMPs and mitigation measures adopted pursuant to this decision are set forth below and included within the Mitigation Monitoring and Enforcement Plan (MMEP) (see **Attachment 1** of this ROD).

### **6.1 GEOLOGY AND SOILS**

The following BMPs shall be implemented for the Alternatives A through F in accordance with federal regulatory requirements and would minimize potential impacts related to soils and geology:

- A.e The Tribe shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the United States Environmental Protection Agency (USEPA), for construction site runoff during the construction phase in compliance with the Clean Water Act (CWA). A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared, implemented, and maintained throughout the construction phase of the development, consistent with Construction General Permit requirements. The SWPPP shall detail the BMPs to be implemented during construction and post-construction operation of the selected project alternative to reduce impacts related to soil erosion and water quality. The BMPs shall include, but are not limited to, the following:
- 1.e Existing vegetation shall be retained where practicable. To the extent feasible, grading activities shall be limited to the immediate area required for construction and remediation.
  - 2.e Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary re-vegetation, rock bag dams, erosion control blankets, and sediment traps) shall be employed for disturbed areas.
  - 3.e To the maximum extent feasible, no disturbed surfaces shall be left without erosion control measures in place.
  - 4.e 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.
  - 5.e Creating construction zones and grading only one area or part of a construction zone at a time shall minimize exposed areas. If practicable during the wet season, grading on a particular zone shall be delayed until protective cover is restored on the previously graded zone.
  - 6.e Disturbed areas shall be re-vegetated following construction activities.
  - 7.e Construction area entrances and exits shall be stabilized with large-diameter rock.

- 8.t Sediment shall be retained on site by a system of sediment basins, traps, or other appropriate measures.t
  - 9.t A spill prevention and countermeasure plan shall be developed which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on site.t
  - 10.t Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 United States Code [USC] 1251 to 1387).t
  - 11.t Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater.t
  - 12.t Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff.t
  - 13.t Sanitary facilities shall be provided for construction workers.t
  - 14.t Disposal facilities shall be provided for soil wastes, including excess asphalt during construction and demolition.t
  - 15.t Other potential BMPs include use of wheel wash or rumble strips and sweeping of paved surfaces to remove any and all tracked soil.t
- B.t Contractors involved in the project shall be trained on the potential environmental damage resulting from soil erosion prior to construction in a pre-construction meeting. Copies of the project's SWPPP shall be distributed at that time. Construction bid packages, contracts, plans, and specifications shall contain language that requires adherence to the SWPPP.t
- C.t In order to prevent damage to concrete and steel from corrosive soils, construction will utilize non-corrosive materials and protective coatings for buried facilities.t

## **6.2 WATER RESOURCES**

The following measure shall be implemented, in accordance with federal regulatory requirements, for Alternative E:

- A.t Prior to construction of Alternative E, the Tribe shall file a request for a "Letter of Map Revision – Fill" with Federal Emergency Management Agency (FEMA) that describes the portions of the existing 100-year floodplain on the Anderson Site that will be filled as a result of site grading activities. The application shall demonstrate that the lowest adjacent grades of all proposed on-site structures are at or above the base flood elevation, and shall also demonstrate that the land and proposed structures are reasonably safe from flooding.t

## **6.3 BIOLOGICAL RESOURCES**

The following mitigation measures shall be implemented in accordance with federal regulatory requirements, including the Endangered Species Act, Migratory Bird Treaty Act, Bald and Gold Eagle Protection Act, Clean Water Act, and to prevent violation of state and

local policies related to biological resources imposed for the protection of the environment in accordance with 40 CFR 1508.27(b)(10).

### **6.3.1 Special-Status Species**

#### ***Valley Elderberry Longhorn Beetle (VELB)***

The following mitigation measures, consistent with United States Fish and Wildlife Service (USFWS) Framework, shall be implemented for Alternatives A through D prior to commencement of construction activities occurring within 50 meters of Valley Elderberry Longhorn Beetle (VELB) or the elderberry shrubs:

- A.e The elderberry shrubs located on the northwest portion of the Strawberry Fields Site along the Sacramento River shall be fenced or flagged for avoidance. Construction activities potentially impacting the shrubs (e.g., trenching) shall apply a buffer of at least 6 meters (approximately 20 feet) from the drip-line. To the degree feasible, activities occurring within 50 meters (165 feet) of the elderberry shrubs shall be limited to the season when VELB are not active (August to February).e
- B.e Should mechanical weed removal occur within the drip-line of the elderberry shrubs, it shall be limited to the season when adults are not active (August to February) and shall avoid damaging the elderberry.e
- C.e Construction staging areas shall be located a minimum of 30 feet away from the elderberry shrubs. Temporary stockpiling of excavated or imported material shall occur in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility.e
- D.e A qualified biologist shall provide training for construction personnel. Training shall include the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.e
- E.e Herbicides shall not be used within the drip-line of the shrubs. Insecticides shall not be used within 30 meters (98 feet) of the elderberry shrubs. Chemicals shall be applied using a backpack sprayer or similar direct application method.e
- F.e A qualified biologist shall monitor the work area at project-appropriate intervals to assure avoidance and conservation measures are being implemented. The amount and duration of monitoring depend on project specifics and shall be discussed with USFWS.e
- G.e Should removal of elderberry shrubs be necessary as part of future bank stabilization measures, the shrubs will be relocated following USFWS protocols (USFWS, 1999) to a suitable riparian habitat approximately 1,800 feet southwest of its original location, as approved by USFWS. Additionally, two credits will be purchased from a USFWS-approved conservation bank. After relocation, monitoring and annual reporting will occur for five years. Additional mitigation may be required pursuant to consultation with USFWS.e

#### ***Bald Eagle***

The following mitigation measure shall be implemented for Alternatives A through E:

H.e If construction activities (e.g., building, grading, ground disturbance, removal of vegetation) are scheduled to occur during the nesting season for bald eagles (nesting season in the Pacific Northwest is from January 1 through August 15), a qualified biologist shall conduct a preconstruction nest survey for bald eagles within one-mile of the Strawberry Fields Site prior to the start of construction. If an active nest is located within one mile of construction activities, the Tribe will comply with the recommendations identified in the USFWS (2007) *National Bald Eagle Management Guidelines and Conservation* to avoid disturbing nesting bald eagles and their young. If the active nest is visible from the Strawberry Fields Site, recommendations include maintaining a buffer of at least 660 feet between construction activities and the nest, restricting all clearing, external construction, and landscaping activities within 660 feet of the nest until the nesting season is over and maintaining and establishing landscape buffers. If the active nest is not visible from the Strawberry Fields Site recommendations include maintaining a buffer of at least 660 feet between construction activities and the nest and maintaining and establishing landscape buffers.

#### **Western Spadefoot Toad**

The following mitigation measure shall be implemented for Alternatives A through E:

I.e A qualified biologist will conduct a preconstruction survey of the potential upland grassland habitat for western spadefoot toad within 14 days prior to the start of construction. Mitigation discussed in **Section 6.3.3** will be implemented to protect potential breeding habitat. Additional exclusionary silt fencing will be installed around the perimeter of construction after surveys have been completed to further protect this species from construction impacts, should it be present. The fencing shall remain in place until all construction activities on the site have been completed.

#### **Foothill Yellow-legged Frog (FYLF)**

The following mitigation measure shall be implemented for Alternatives A through E:

J.e A qualified biologist will conduct a preconstruction habitat assessment survey for foothill yellow-legged frog (FYLF). The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the FYLF. The survey will be conducted in all potential FYLF habitat on and within 200 feet of the Action Area. If FYLF is detected within or immediately adjacent to the Action Area, the USFWS shall be contacted immediately to determine the best course of action.

K.e Should FYLF be identified during surveys, additional silt fencing will be installed after surveys have been completed to further protect this species from construction impacts, should it be present. The fencing shall remain in place until construction activities cease. If identified on site, USFWS shall be contacted for additional consultation.

L.e Prior to the start of construction, the Tribe shall retain a qualified biologist to conduct an informational meeting to educate all construction staff on the FYLF. This training will include a description of the FYLF and habitat needs; an explanation of the status of the species and protection under the FESA; and a list of the measures being taken to reduce effects to the species during project construction and implementation. The training will include a handout containing training information. The project manager



will use this handout to train any additional construction personnel that were not in attendance at the first meeting, prior to starting work on the project.

### **Western Red Bat**

The following mitigation measure shall be implemented for Alternative E:

M.eA qualified biologist shall conduct a habitat assessment of the oak woodland habitat within the Anderson Site no more than three days prior to the start of construction occurring within 100 feet of the oak woodland. If the habitat assessment reveals suitable tree cavities large enough to accommodate roosting bats, the qualified biologist shall conduct a sunset fly-out survey on trees with identified cavities. Should bats be detected, the identified trees shall be flagged and buffered by 100 feet. Should the avoidance of identified bat-roosting trees not be feasible, replacement of suitable bat roosting habitat shall occur at a 1:1 ratio elsewhere on the Anderson Site outside of clearing limits. Replacement habitat may consist of bat boxes or similar structures. A qualified biologist shall determine bat box placement and a 100-foot avoidance buffer will be placed around each box. Trees identified to contain roosting bats that are proposed for removal shall be removed as late in the day as possible to reduce the likelihood of potential bat mortality. On the first day, remaining limbs may be removed as late in the day as possible. This amount of disturbance should cause roosting bats to seek other roosting habitat. The rest of the tree can then be harvested on the afternoon of the second day. A qualified biologist shall be present for the removal of these trees in the event that bats are found to have been roosting.

### **6.3.2 Nesting Migratory Birds**

The following measures shall be implemented for the Alternatives A through F to avoid and/or reduce impacts to any potentially nesting migratory, raptor, and/or special-status bird species:

N.eIf construction activities (e.g., building, grading, ground disturbance, removal of vegetation) are scheduled to occur during the nesting season (February 15-September 15), a preconstruction nesting bird survey shall be conducted by a qualified wildlife biologist throughout the areas of suitable habitat within 500 feet of proposed construction activity. The surveys shall occur no more than 7 days prior to the scheduled onset of construction. If construction is delayed or halted for more than 7 days, another preconstruction survey for nesting bird species shall be conducted. If no nesting birds are detected during the preconstruction survey, no additional surveys or mitigation measures are required.

O.eIf nesting bird species are observed within 500 feet of construction areas during the surveys, appropriate “no construction” buffers shall be established. The size and scale of nesting bird buffers shall be determined by a qualified biologist and in consultation with the USFWS if necessary and shall be dependent upon the species observed and the location of the nest. Buffers shall be established around active nest locations. The nesting bird buffers shall be completely avoided during construction activities. The qualified biologist shall also determine an appropriate monitoring plan and decide whether construction monitoring is necessary during construction activities.

Monitoring requirements are dependent upon the species observed, the location of the nests, and the number of nests observed. The buffers may be removed when the qualified wildlife biologist confirms that the nest(s) is no longer occupied, and all birds have fledged.

P.e If impacts (i.e., take) to migratory nesting bird species (including bank swallows) are unavoidable, consultation with USFWS shall be initiated. Through consultation, an appropriate and acceptable course of action shall be established.e

### **6.3.3 Wetlands and Waters of the U.S.**

The following measures shall be implemented for the Alternatives A through E to minimize or avoid potential impacts to wetlands and Waters of the U.S.:

Q.e Prior to the start of construction, wetlands and jurisdictional features shall be fenced,e and excluded from activity. Fencing shall be located as far as feasible from the edge of wetlands and riparian habitats and installed prior to the dry season, after special-status species surveys have been conducted and prior to construction. The fencing shall remain in place until all construction activities on the site have been completed.e

1.e Construction activities within 50 feet of any United States Army Corps of Engineers (USACE) jurisdictional features identified in the formal delineation process shall be conducted during the dry season to minimize erosion.e

2.e 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.e 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).e

3.e Standard precautions (including measures identified in Mitigation Measure 5.2A)e 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.e

4.e If impacts to Waters of the U.S. and wetland habitat are unavoidable, a 404e permit and 401 Certification under CWA shall be obtained from the USACE and USEPA. Mitigation measures may include creation or restoration of wetland habitats either on site or at an appropriate off-site location, or the purchase of approved credits in a wetland mitigation bank approved by the USACE.e Compensatory mitigation shall occur at a minimum of 1:1 ratio or as required by the USACE and USEPA.e

R.e Prior to the construction of streambank stabilization measures along the Sacramento River, the Tribe shall consult with the USEPA and USACE regarding the need to obtain a CWA 404 permit and 401 Water Quality Certification. Additionally, the Tribe shall consult with FEMA regarding the need for FEMA review of potential floodplain impacts. The Tribe shall adhere to all conditions of applicable permits to ensure the protection of the floodplain and water quality during construction activities.e

S.e Compliance with the NPDES General Construction Permit, as required in **Section 6.1**, will provide additional protection to wetlands, Waters of the U.S., and the fish and wildlife species that depend on them.e

The following measure shall be implemented for Alternative E to minimize or avoid potential impacts to wetlands and Waters of the U.S.:

T.e Prior to the start of construction on any site, a formal Jurisdictional Delineation shall be conducted and the results of that survey shall be verified by the USACE. A 404e permit and 401 Certification under CWA shall be obtained from the USACE and USEPA. Mitigation measures may include creation or restoration of wetland habitatse either on site or at an appropriate off-site location, or the purchase of approved creditse in a wetland mitigation bank approved by the USACE. Revegetation would be conducted in accordance with permit requirements. Compensatory mitigation shall occur at a minimum of 1:1 ratio or as required by the USACE and USEPA.e

#### **6.4 CULTURAL AND PALEONTOLOGICAL RESOURCES**

The following mitigation measures shall be implemented for Alternatives A through F in accordance with federal regulatory requirements:

U.e Prior to any ground-disturbing activities, an Unanticipated Discoveries plan shall be developed by a qualified professional archaeologist in consultation with the BIA and Redding Rancheria. The Unanticipated Discoveries plan shall include measures for the identification and assessment of finds made during construction, as well as procedures to be followed in case of discovery of human remains. At a minimum, the burial portion of the Unanticipated Discoveries plan shall address documentation methods, analysis methods, sampling, and testing parameters. The plan shall also pre-identify a storage location or repatriation procedure for human remains and associated artifacts, as well as non-burial related artifacts.e

V.e Areas subject to ground-disturbing activities that were not previously surveyed (as such surveys are documented in the Final EIS) shall be surveyed and, if necessary, e new Northeast Information Center record searches shall be completed. This shall include Traffic Improvements Intersection #6, as well as any additional off-site improvements areas identified subsequent to the publication of the EIS.e

W.e A team of qualified professional archaeologists and Native American monitors shall monitor all ground-disturbing activities within soils that have the potential to yield cultural resources. Monitoring shall cease when excavation reaches undisturbed subsoil, when excavation occurs within channel lag deposits, or when bedrock is encountered. The monitoring team shall provide construction worker awareness training to machine operators and construction supervisors at regular intervals as needed to inform new construction contractor employees.e

X.e In the event of inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities within the Strawberry Fields Site, e traffic mitigation locations, or Off-site Access Improvement Areas, all such finds shall be subject to Section 106 of the National Historic Preservation Act (NHPA) as e

amended (36 CFR 800), and the BIA and Tribe shall be notified. Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 feet of the find shall be halted until a qualified professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR 61) can assess the significance of the find.

If the find can be associated with archaeological site CA-SHA-4413 and appears to represent a new feature, activity, time period, or is anything other than emblematic of the site as it is currently understood, then the National Register eligibility of CA-SHA-4413 shall be reassessed in light of the new finds.

Any find not related to CA-SHA-4413 shall be evaluated by the archaeologist in accordance with Unanticipated Discoveries plan measures (**Mitigation Measure 6.4-A**); if the site appears to be eligible to the NRHP, the archaeologist in consultation with the Tribe and BIA shall determine the appropriate course of action, which may include the development and implementation of specialized studies, data recovery, or construction monitoring as appropriate.

- Y.o In the event of inadvertent discovery of paleontological resources during construction-related earth-moving activities, all such finds shall be subject to Section 101 (b)(4) of NEPA (40 CFR §§ 1500-1508), and the BIA shall be notified. All work within 50 feet of the find shall be halted until a professional paleontologist can assess the significance of the find. If the find is determined to be significant by the paleontologist, then representatives of the BIA shall meet with the paleontologist to determine the appropriate course of action, including the development of an Evaluation Report and/or Mitigation Plan, if necessary. All significant paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional paleontologist according to current professional standards.o
- Z.o If human remains are discovered during ground-disturbing activities on tribal lands, work within 100 feet of the find shall halt immediately and the Tribe, BIA, and County Coroner shall be notified. No further disturbance shall occur until the County Coroner has determined that the remains are not connected to criminal activity. If the remains are determined to be of Native American origin, and the remains are on lands that have been taken into federal trust, the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) shall apply. Construction shall not resume in the vicinity until a plan for avoidance, removal or other disposition of the remains has been developed and implemented.o
- AA. If human remains are encountered during off-site improvements construction, work within 100 feet of the find shall halt immediately and the Tribe, BIA, the County Coroner notified in accordance with California Health and Safety Code Section 7050.5. If the remains are of Native American origin, the Coroner must, in accordance with PRC Section 5097, notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. In turn, the NAHC will identify a Most Likely Descendent, who will work with the Tribe and construction contractor to develop a plan for avoidance, removal or other disposition of the remains.

## **6.5 SOCIOECONOMIC CONDITIONS**

The following mitigation measure shall be implemented for Alternatives A, B, C, and E in accordance with the Tribal-State Compact:

- BB. The Tribe shall implement problem gambling policies similar to those in effect at the existing Win-River Casino, which include self-help brochures available on site, and self-banning procedures to help those who may be affected by problem gaming.

## **6.6 TRANSPORTATION**

Where transportation infrastructure is shown as having an unacceptable level of service (LOS) with the addition of traffic from the project alternatives (and caused at least in part from project traffic), the Tribe shall pay for a fair share of costs for the recommended mitigation (including right-of-way and any other environmental mitigation). In such cases, the Tribe shall be responsible for the incremental impact that the added project trips generate, calculated as a percentage of the costs involved for construction of the mitigation measure (referred to as the fair share). The fair share is calculated using the methodology presented in the Caltrans Guide for the Preparation of Traffic Impact Studies (2002; Appendix F). The Tribe shall make fair share contributions available prior to initiation of project construction. Funds shall be placed in an escrow account for use by the governmental entity with jurisdiction over the road to be improved so that the entity may design (funding shall be for design standards consistent with those required for similar facilities in the region, unless a deviation is approved by the entity with jurisdiction), obtain approvals/permits for, and construct the recommended road improvement.

### **6.6.1 Construction**

The following mitigation measures shall be implemented for Alternatives A through F in accordance with the applicable jurisdictional agency's regulatory requirements:

- CC.e A traffic management plan shall be prepared in accordance with standards set forth in the California Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways (FHWA, 2009). The traffic management plan shall be submitted to each affected local jurisdiction and/or agency. Also, prior to construction, the contractor shall coordinate 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. Traffic management plans shall include details regarding emergency service coordination. Copies of the traffic management plans shall be provided to all affected emergency service providers.

## 6.6.2 Operation

To prevent violation of federal, state, and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measures shall be implemented as identified in the Updated Traffic Impact Study (Updated TIS) for Alternatives A through F (included as Appendix Q, Volume II of the Final EIS).

### ***Buildout Year (2025)***

#### **Strawberry Fields Site (Alternatives A, B, C, and D)**

##### **Site Access Option 1 – North Access Only**

The following mitigation measures shall be implemented for Alternatives A through D:

**DD.e South Bonnyview Road / Interstate 5 (I-5) SB Ramps.** Construct a SB right turn channelized lane with yield control. Fair share calculations are 53 percent for Alternative A, 30 percent for Alternative B, 49 percent for Alternative C, and 9 percent for Alternative D.e

**EE. South Bonnyview Road / I-5 NB Ramps.** Construct a NB left turn lane. Fair share calculations are 39 percent for Alternative A, 20 percent for Alternative B, 22 percent for Alternative C, and 6 percent for Alternative D.

**FF. Churn Creek Road / Victor Avenue.** Install a traffic signal. Fair share calculations are 10 percent for Alternative A, 8 percent for Alternative B, 9 percent for Alternative C, and 2 percent for Alternative D.

The following mitigation measure shall be implemented for Alternative A:

**GG. South Bonnyview Road / Churn Creek Road.** Construct a SB right turn lane. Fair share calculations are 4 percent.

##### **Site Access Option 2 – North and South Access**

The following mitigation measures shall be implemented under Alternatives A through D:

**HH. South Bonnyview Road / I-5 SB Ramps.** Construct a SB right turn channelized lane with yield control. Fair share calculations are 39 percent for Alternative A, 24 percent for Alternative B, 35 percent for Alternative C, and 3 percent for Alternative D.

**II.e South Bonnyview Road / I-5 NB Ramps.** Construct a NB left turn lane. Fair share calculations are 14 percent for Alternative A, 10 percent for Alternative B, 11 percent for Alternative C, and 2 percent for Alternative D.e

**JJ. South Bonnyview Road / Churn Creek Road.** Add a SB right turn permitted overlap signal phase. Fair share calculations are 4 percent for Alternative A, 3 percent for Alternative B, 3 percent for Alternative C, and 1 percent for Alternative D.

**KK. Churn Creek Road / Victor Avenue.** Install a traffic signal. Fair share calculations are 10 percent for Alternative A, 8 percent for Alternative B, 9 percent for Alternative C, and 2 percent for Alternative D.

### **Anderson Site (Alternative E)**

The following mitigation measures shall be implemented under Alternative E:

- LL.e **North Street / Oak Street.** Install a traffic signal or roundabout. Fair share calculations are 96 percent.e
- MM.e **North Street / I-5 SB Off-Ramp.** Install a traffic signal or roundabout. Fair share calculations are 86 percent.e
- NN. **North Street / McMurray Drive and I-5 NB Off-Ramp.** Install a traffic signal or roundabout. Fair share calculations are 64 percent.
- OO. **I-5 SB Off-Ramp / North Street Diverge Segment.** Either increase the length of the deceleration lane to 360 feet or add a third lane to I-5 in the SB direction.

### **Cumulative Year (2040)**

### **Strawberry Fields Site (Alternatives A, B, C, and D)**

#### **Site Access Option 1 – North Access Only**

The following mitigation measures shall be implemented under Alternatives A through D:

- PP. **South Bonnyview Road / I-5 SB Ramps.** Install a diverging diamond interchange at the I-5 NB and SB ramps. This is consistent with the Alternative 4B concept proposed by Omni-Means. Fair share calculations are 44 percent for Alternative A, 30 percent for Alternative B, 40 percent for Alternative C, and 22 percent for Alternative D.
- QQ. **South Bonnyview Road / I-5 NB Ramps.** Implement **Mitigation Measure 6.5.2 (O)**. Fair share calculations are 30 percent for Alternative A, 19 percent for Alternative B, 27 percent for Alternative C, and 14 percent for Alternative D.
- RR. **South Bonnyview Road / Churn Creek Road.** Install a roundabout. This is consistent with the Alternative 4B concept proposed by Omni-Means. Fair share calculations are 4 percent for Alternative A, 2 percent for Alternative B, 3 percent for Alternative C, and 1 percent for Alternative D.
- SS. **Churn Creek Road / Alrose Lane.** Implement **Mitigation Measure 6.5.2(O)** and **Mitigation Measure 6.5.2(Q)**. Fair share calculations are 8 percent for Alternative A, 5 percent for Alternative B, 8 percent for Alternative C, and 3 percent for Alternative D.
- TT. **Churn Creek Road / Victor Avenue.** Install a traffic signal. Fair share calculations are 10 percent for Alternative A, 8 percent for Alternative B, 9 percent for Alternative C, and 2 percent for Alternative D.
- UU. **Churn Creek Road / Rancho Road.** Add a SB left turn pocket. Fair share calculations are 6 percent for Alternative A, 5 percent for Alternative B, 5 percent for Alternative C, and 1 percent for Alternative D.

#### **Site Access Option 2 – North and South Access**

The following mitigation measures shall be implemented under Alternatives A through D:

**VV.e South Bonnyview Road / I-5 SB Ramps.** Install a diverging diamond interchange at the I-5 NB and SB ramps. This is consistent with the Alternative 4Be concept proposed by Omni-Means. Fair share calculations are 30 percent for Alternative A, 18 percent for Alternative B, 27 percent for Alternative C, and 13 percent for Alternative D.e

**WW. South Bonnyview Road / I-5 NB Ramps.** Implement **Mitigation Measure 6.5.2 (P)**. Fair share calculations are 17 percent for Alternative A, 7 percent for Alternative B, 14 percent for Alternative C, and 8 percent for Alternative D.

**XX.e South Bonnyview Road / Churn Creek Road.** Install a roundabout. This is consistent with the Alternative 4B concept proposed by Omni-Means. Fair share calculations are 4 percent for Alternative A, 2 percent for Alternative B, 3 percent for Alternative C, and 1 percent for Alternative D.e

**YY. Churn Creek Road / Alrose Lane.** Implement **Mitigation Measure 6.5.2 (P)** and **Mitigation Measure 6.5.2 (R)**. Fair share calculations are 8 percent for Alternative A, 5 percent for Alternative B, 8 percent for Alternative C, and 3 percent for Alternative D.

**ZZ. Churn Creek Road / Victor Avenue.** Install a traffic signal. Fair share calculations are 10 percent for Alternative A, 8 percent for Alternative B, 9 percent for Alternative C, and 2 percent for Alternative D.

**AAA. Churn Creek Road / Rancho Road.** Add a SB left turn pocket. Fair share calculations are 6 percent for Alternative A, 5 percent for Alternative B, 5 percent for Alternative C, and 1 percent for Alternative D.

#### **Anderson Site (Alternative E)**

The following mitigation measures shall be implemented under Alternative E:

**BBB. North Street / Oak Street.** Install a traffic signal or roundabout. Fair share calculations are 90 percent.

**CCC.e North Street / I-5 SB Off-Ramp.** Install a traffic signal or roundabout. Fair share calculations are 81 percent.e

**DDD. North Street / McMurray Drive and I-5 NB On-Ramp.** Install a traffic signal or roundabout. Fair share calculations are 64 percent.

**EEE. Balls Ferry Road / Oak Street.** Install all-way stop control. Fair share calculations are 43 percent.

#### **6.7 PUBLIC SERVICES**

To prevent violation of federal, state, and local policies related to public services imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measures shall be implemented.



### **6.7.1 Off-site Water and Wastewater Services**

The following mitigation measures shall be implemented for Alternatives A through D:

FFF. For off-site water and/or wastewater provision options (i.e., Water Supply and Wastewater Option 1), the Tribe shall enter into a service agreement with the City of Redding prior to project operation. The service agreement shall include provisions for monthly services charges consistent with rates paid by other commercial users within the city.

GGG. Should the project be operational prior to the completion of improvements to the West Side Interceptor (Water Supply and Wastewater Option 1 only), the Tribe shall construct an equalization storage tank with a capacity of at least 362,000 gallons for storage of wastewater generated during 10-year, 24-hour storm events when the City's conveyance system is over capacity until the peak event has resided and flows are below the capacity of the pipeline conveyance system.

The following mitigation measure shall be implemented for Alternative E:

HHH. For the off-site water and/or wastewater provision option, the Tribe shall enter into a service agreement with the City of Anderson prior to project operation. The service agreement shall include provisions for monthly services charges consistent with rates paid by other commercial users within the city.

The following mitigation measure shall be implemented for Alternative F:

III.eThe existing 2012 Master Service Agreement between the City of Redding and the Tribe shall be renegotiated to account for the increase in water and wastewater demand as a result of Alternative F. The Tribe would continue to pay for water and wastewater services on per-use basis.e

### **6.7.2 Law Enforcement**

To prevent violation of federal, state, and local policies related to law enforcement services imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measure shall be implemented for Alternatives A through D, Public Safety Option 1:

JJJ.Prior to operation the Tribe shall enter into a service agreement to reimburse the Shasta County Sheriff's Office (SCSO) or another qualified agency for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services. Payments made in accordance with this agreement may be contributed, at least in part, through the Impact Mitigation Fund pursuant to Section 11 of the Tribal-State Compact. It should be noted that the existing County IGA described in Section 1.5.4 of Volume II of the Final EIS would fulfill this mitigation requirement. If the existing County IGA is terminated and a new agreement cannot be reached, the Tribe

shall implement Public Safety Option 2 to construct and staff a Public Safety Building that will provide police, fire, and emergency medical response services to the Strawberry Fields Site.

To prevent violation of federal, state, and local policies related to law enforcement services imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measure shall be implemented for Alternative E:

KKK. Prior to operation the Tribe shall enter into agreements to reimburse the Anderson Police Department (APD) for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services. Payments made in accordance with this agreement may be contributed, at least in part, through the Impact Mitigation Fund pursuant to Section 11 of the Tribal-State Compact.

### **6.7.3 Fire Protection and Emergency Services**

To prevent violation of federal, state, and local policies related to fire protection and emergency services (EMS) imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measure shall be implemented for Alternatives A through D (Public Safety Option 1) and Alternative F:

LLL.e Prior to operation the Tribe shall enter into a service agreement to reimburse the Shasta County Fire Department (SCFD) or another qualified agency for additional demands caused by the operation of the facilities on trust property. The agreement shall address any required conditions and standards for emergency access and fire protection systems. Payments made in accordance with this agreement may be contributed, at least in part, through the Impact Mitigation Fund pursuant to Section 11 of the Tribal-State Compact. It should be noted that the existing County IGAs described in Section 1.5.4 would fulfill this mitigation requirement. If the existing County IGA is terminated and a new agreement cannot be reached, the Tribe shall implement Public Safety Option 2 to construct and staff a Public Safety Building that will provide police, fire, and emergency medical response services to the Strawberry Fields Site.

To prevent violation of federal, state, and local policies related to fire protection and emergency services imposed for the protection of the environment (40 CFR 1508.27[b][10]), the following mitigation measure shall be implemented for Alternative E:

MMM.e Prior to operation the Tribe shall enter into a service agreement to reimburse the Anderson Fire Department (AFD) or another qualified agency for additional demands caused by the operation of the facilities on trust property. The agreement shall address any required conditions and standards for emergency access and fire protection systems. Payments made in accordance with this agreement may be contributed, at least in part, through the Impact Mitigation Fund pursuant to Section 11 of the Tribal-State Compact.

## **6.8 AESTHETICS**

The following mitigation measures shall be implemented for Alternatives A through D in accordance with the applicable jurisdictional agency's regulatory requirements:

- NNN. The placement of electronic signage shall ensure that the lighted portion is not facing residential areas with direct line of sight.

## **6.9 MITIGATION MEASURES THAT ARE NOT ADOPTED**

Council on Environmental Quality (CEQ) NEPA regulations 40 C.F.R. § 1505.2(c) call for identification in the ROD of any mitigation measures specifically mentioned in the Final EIS that are not adopted. Because Alternative A has been selected by BIA in this ROD, mitigation measures for other alternatives in the Final EIS are not adopted.

## **7.0 DECISION TO IMPLEMENT THE PREFERRED ALTERNATIVE**

With this ROD, the Department announces that it will implement Alternative A as the Preferred Alternative. Of the alternatives evaluated in the EIS, Alternative A would best meet the purpose and need by promoting the long-term economic vitality and self-sufficiency, self-determination, and self-governance of the Tribe. The construction of Alternative A would provide the Tribe the best opportunity for securing a viable means of attracting and maintaining a long-term, sustainable revenue stream for its government. This would enable the tribal government to establish, fund and maintain programs vital to tribal members, as well as provide greater opportunities for employment and economic growth.

The development of Alternative A would meet the purpose and need of the Proposed Action better than the other development alternatives due to the reduced revenues that would be expected from the operation of Alternatives B, C, D, E, F and G (as described in Section 2.11.2 of the Final EIS). While Alternative A would have greater environmental impacts than the No Action Alternative, that alternative does not meet the purpose and need for the Proposed Action, and the BMPs and mitigation measures adopted in this ROD adequately address the environmental impacts of the Preferred Alternative. Accordingly, the Department will implement the Preferred Alternative subject to implementation of the applicable BMPs and mitigation measures listed in Section 6.0 of this ROD.

## **7.1 THE PREFERRED ALTERNATIVE RESULTS IN SUBSTANTIAL BENEFICIAL IMPACTS**

The Preferred Alternative is reasonably expected to result in beneficial effects for the Tribe and its members, as well as residents of Shasta County. Key beneficial effects include:

- Establishment of a land base for the Tribe to establish a viable business enterprise. Revenues from the operation of the casino would provide funding for a variety of health, housing, education, social, cultural, and other programs and services for Tribal members, and provide employment opportunities for its members.

- <sup>e</sup> Revenue generated from the development will also provide capital for other economic development opportunities, and will allow the Tribe to achieve Tribal self-sufficiency, self-determination, and a strong, stable Tribal government.e
- <sup>e</sup> Generation of approximately 2,127 jobs within Shasta County during the construction period, with total wages of \$99.1 million. These amounts include indirect and induced wages, which are estimated to total \$34.1 million.e
- During the first full year of operations, operational activities are estimated to create 921 new jobs in Shasta County. Total annual wages from operations that would accrue to residents of Shasta County are estimated at \$23.9 million.e
- One-time Federal, State, County and local taxes resulting from construction activities are estimated at approximately \$34.5 million.e
- <sup>e</sup> Federal, State, County, and local taxes resulting from operating activities are estimated at approximately \$4.3 million per year.e
- <sup>e</sup> Local governments would receive Impact Mitigation Fund payments pursuant to the Compact, and payments made to the County in accordance with the Intergovernmental Agreement between the Tribe and County.e

## **7.2 ALTERNATIVES B THROUGH E RESULT IN FEWER BENEFICIAL EFFECTS**

Alternatives B, C, D, and E would generate less revenue than the Preferred Alternative. As a result, these alternatives would restrict the Tribe's ability to meet its needs and to foster Tribal economic development, self-determination, and self-sufficiency. We believe the reduced economic and related benefits of these alternatives make them less viable options. Alternatives B, C, D and E would fulfill the purpose and need for the Proposed Action to a lesser degree than Alternative A.

## **7.3 EXPANSION OF THE TRIBE'S EXISTING CASINO (ALTERNATIVE F) WOULD NOT GENERATE SUBSTANTIAL REVENUE**

The expansion of the Tribe's existing Win-River Casino (Alternative F) would potentially generate some additional revenue for the Tribe but it would not produce a substantial additional revenue stream to fund essential governmental, social, and other services. It is unclear if the additional revenue would offset the development costs under Alternative F.

## **7.4 NO ACTION ALTERNATIVE FAILS TO MEET PURPOSE AND NEED**

The No Action Alternative (Alternative G) would not meet the stated purpose and need. Specifically, it would not provide a land base for the Tribe and a source of net income to allow the Tribe to achieve self-sufficiency, self-determination, and a strong Tribal government. This alternative also would likely result in substantially less economic benefits to Shasta County than the development alternatives.

## 8.0 SIGNATURE

By my signature, I indicate my decision to implement the Preferred Alternative and acquire the Strawberry Fields property in trust for the Redding Rancheria.

Date: July 1, 2024



Bryan Newland  
Assistant Secretary – Indian Affairs  
U.S. Department of the Interior

## **Attachment 1**

### **Mitigation and Monitoring Plan**

# REDDING RANCHERIA FEE-TO-TRUST ACQUISITION AND CASINO PROJECT

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## MITIGATION MONITORING AND ENFORCEMENT PLAN

### Mitigation Monitoring Overview

This Mitigation Monitoring and Enforcement Plan (MMEP) has been developed to guide mitigation compliance before, during, and after implementation of the Bureau of Indian Affairs' (BIA's) Preferred Alternative (Alternative A). The mitigation measures described below in **Table 1** were developed through the analysis of potential impacts within the Final Environmental Impact Statement (EIS). As specified in **Table 1**, the compliance monitoring and evaluation will be performed by the Redding Rancheria (Tribe), the Bureau of Indian Affairs (BIA), the County Coroner, the United States Fish and Wildlife Service (USFWS), and the United States Environmental Protection Agency (USEPA) as indicated in the description of each measure. The MMEP provides:

- Requirements for compliance of the mitigation measures specifically created to mitigate impacts;
- List of responsible parties; and
- Timing of mitigation measure implementation.

Where applicable, mitigation measures will be monitored and enforced pursuant to Federal law, tribal ordinances, and agreements between the Tribe and appropriate governmental authorities, as well as the Record of Decision (ROD).

**TABLE 1**  
**MITIGATION MONITORING AND ENFORCEMENT PLAN**

Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
<b>1. Geology and Soils</b>			
<p>A. The Tribe shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the United States Environmental Protection Agency (USEPA), for construction site runoff during the construction phase in compliance with the Clean Water Act (CWA). A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared, implemented, and maintained throughout the construction phase of the development, consistent with Construction General Permit requirements. The SWPPP shall detail the BMPs to be implemented during construction and post-construction operation of the selected project alternative to reduce impacts related to soil erosion and water quality. The BMPs shall include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Existing vegetation shall be retained where practicable. To the extent feasible, grading activities shall be limited to the immediate area required for construction and remediation.</li> <li>2. Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary re-vegetation, rock bag dams, erosion control blankets, and sediment traps) shall be employed for disturbed areas.</li> <li>3. To the maximum extent feasible, no disturbed surfaces shall be left without erosion control measures in place.</li> <li>4. 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.</li> <li>5. Creating construction zones and grading only one area or part of a construction zone at a time shall minimize exposed areas. If practicable during the wet season, grading on a particular zone shall be delayed until protective cover is restored on the previously graded zone.</li> <li>6. Disturbed areas shall be re-vegetated following construction activities.</li> <li>7. Construction area entrances and exits shall be stabilized with large-diameter rock.</li> <li>8. Sediment shall be retained on site by a system of sediment basins, traps, or other appropriate measures.</li> <li>9. A spill prevention and countermeasure plan shall be developed which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on site.</li> <li>10. Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 United States Code [USC] 1251 to 1387).</li> <li>11. Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater.</li> </ol>	<p align="center">Tribe USEPA</p>	<p align="center">Planning Phase Construction Phase</p>	



<p>12. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff.</p> <p>13. Sanitary facilities shall be provided for construction workers.</p> <p>14. Disposal facilities shall be provided for soil wastes, including excess asphalt during construction and demolition.</p> <p>15. Other potential BMPs include use of wheel wash or rumble strips and sweeping of paved surfaces to remove any and all tracked soil.</p> <p>B. Contractors involved in the project shall be trained on the potential environmental damage resulting from soil erosion prior to construction in a pre-construction meeting. Copies of the project's SWPPP shall be distributed at that time. Construction bid packages, contracts, plans, and specifications shall contain language that requires adherence to the SWPPP.</p> <p>In order to prevent damage to concrete and steel from corrosive soils, construction will utilize non-corrosive materials and protective coatings for buried facilities.</p>			
<p><b>2. Biological Resources</b></p>			
<p><b>Valley Elderberry Longhorn Beetle (VELB)</b>  The following mitigation measures, consistent with United States Fish and Wildlife Service (USFWS) Framework, shall be implemented for the Preferred Alternative prior to commencement of construction activities occurring within 50 meters of Valley Elderberry Longhorn Beetle (VELB) or the elderberry shrubs:</p> <p>A. The elderberry shrubs located on the northwest portion of the Strawberry Fields Site along the Sacramento River shall be fenced or flagged for avoidance. Construction activities potentially impacting the shrubs (e.g., trenching) shall apply a buffer of at least 6 meters (approximately 20 feet) from the drip-line. To the degree feasible, activities occurring within 50 meters (165 feet) of the elderberry shrubs shall be limited to the season when VELB are not active (August to February).</p> <p>B. Should mechanical weed removal occur within the drip-line of the elderberry shrubs, it shall be limited to the season when adults are not active (August to February) and shall avoid damaging the elderberry.</p> <p>C. Construction staging areas shall be located a minimum of 30 feet away from the elderberry shrubs. Temporary stockpiling of excavated or imported material shall occur in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility.</p> <p>D. A qualified biologist shall provide training for construction personnel. Training shall include the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.</p> <p>E. Herbicides shall not be used within the drip-line of the shrubs. Insecticides shall not be used within 30 meters (98 feet) of the elderberry shrubs. Chemicals shall be applied using a backpack sprayer or similar direct application method.</p> <p>F. A qualified biologist shall monitor the work area at project-appropriate intervals to assure avoidance and conservation measures are being implemented. The amount and duration of monitoring depend on project specifics and shall be discussed with USFWS.</p> <p>G. Should removal of elderberry shrubs be necessary as part of future bank stabilization measures, the shrubs will be relocated following USFWS protocols (USFWS, 1999) to suitable riparian habitat approximately 1,800 feet southwest of</p>	<p>Tribe USFWS</p>	<p>Planning Phase Construction Phase</p>	

<p>its original location, as approved by USFWS. Additionally, two credits will be purchased from a USFWS-approved conservation bank. After relocation, monitoring and annual reporting will occur for five years. Additional mitigation may be required pursuant to consultation with USFWS.</p>			
<p><b>Bald Eagle</b></p> <p>H. If construction activities (e.g., building, grading, ground disturbance, removal of vegetation) are scheduled to occur during the nesting season for bald eagles (nesting season in the Pacific Northwest is from January 1 through August 15), a qualified biologist shall conduct a preconstruction nest survey for bald eagles within one-mile of the Strawberry Fields Site prior to the start of construction. If an active nest is located within one mile of construction activities, the Tribe will comply with the recommendations identified in the USFWS (2007) <i>National Bald Eagle Management Guidelines and Conservation</i> to avoid disturbing nesting bald eagles and their young. If the active nest is visible from the Strawberry Fields Site, recommendations include maintaining a buffer of at least 660 feet between construction activities and the nest, restricting all clearing, external construction, and landscaping activities within 660 feet of the nest until the nesting season is over and maintaining and establishing landscape buffers. If the active nest is not visible from the Strawberry Fields Site recommendations include maintaining a buffer of at least 660 feet between construction activities and the nest and maintaining and establishing landscape buffers. Implementation of the mitigation discussed under <b>Nesting Migratory Birds</b> below will further reduce potential adverse effects to bald eagles.</p>	<p>Tribe USFWS</p>	<p>Planning Phase Construction Phase</p>	
<p><b>Western Spadefoot Toad</b></p> <p>I. A qualified biologist will conduct a preconstruction survey of the potential upland grassland habitat for western spadefoot toad within 14 days prior to the start of construction. Mitigation discussed in <b>Wetlands and Waters of the U.S.</b> below will be implemented to protect potential breeding habitat. Additional exclusionary silt fencing will be installed around the perimeter of construction after surveys have been completed to further protect this species from construction impacts, should it be present. The fencing shall remain in place until all construction activities on the site have been completed</p>	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	
<p><b>Foothill Yellow-legged Frog (FYLF)</b></p> <p>J. A qualified biologist will conduct a preconstruction habitat assessment survey for foothill yellow-legged frog (FYLF). The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the FYLF. The survey will be conducted in all potential FYLF habitat on and within 200 feet of the Action Area. If FYLF is detected within or immediately adjacent to the Action Area, the USFWS shall be contacted immediately to determine the best course of action.</p> <p>K. Should FYLF be identified during surveys, additional silt fencing will be installed after surveys have been completed to further protect this species from construction impacts, should it be present. The fencing shall remain in place until construction activities cease. If identified on site, USFWS shall be contacted for additional consultation.</p> <p>L. Prior to the start of construction, the Tribe shall retain a qualified biologist to conduct an informational meeting to educate all construction staff on the FYLF.</p>	<p>Tribe USFWS</p>	<p>Planning Phase Construction Phase</p>	

<p>This training will include a description of the FYLF and habitat needs; an explanation of the status of the species and protection under the FESA; and a list of the measures being taken to reduce effects to the species during project construction and implementation. The training will include a handout containing training information. The project manager will use this handout to train any additional construction personnel that were not in attendance at the first meeting, prior to starting work on the project.</p>			
<p><b>Nesting Migratory Birds</b></p> <p>M. If construction activities (e.g., building, grading, ground disturbance, removal of vegetation) are scheduled to occur during the nesting season (February 15-September 15), a preconstruction nesting bird survey shall be conducted by a qualified wildlife biologist throughout the areas of suitable habitat within 500 feet of proposed construction activity. The surveys shall occur no more than 7 days prior to the scheduled onset of construction. If construction is delayed or halted for more than 7 days, another preconstruction survey for nesting bird species shall be conducted. If no nesting birds are detected during the preconstruction survey, no additional surveys or mitigation measures are required.</p> <p>N. If nesting bird species are observed within 500 feet of construction areas during the surveys, appropriate “no construction” buffers shall be established. The size and scale of nesting bird buffers shall be determined by a qualified biologist and in consultation with the USFWS if necessary and shall be dependent upon the species observed and the location of the nest. Buffers shall be established around active nest locations. The nesting bird buffers shall be completely avoided during construction activities. The qualified biologist shall also determine an appropriate monitoring plan and decide whether construction monitoring is necessary during construction activities. Monitoring requirements are dependent upon the species observed, the location of the nests, and the number of nests observed. The buffers may be removed when the qualified wildlife biologist confirms that the nest(s) is no longer occupied, and all birds have fledged.</p> <p>O. If impacts (i.e., take) to migratory nesting bird species (including bank swallows) are unavoidable, consultation with USFWS shall be initiated. Through consultation, an appropriate and acceptable course of action shall be established.</p>	<p>Tribe USFWS</p>	<p>Planning Phase Construction Phase</p>	
<p><b>Wetlands and Waters of the U.S.</b></p> <p>P. Prior to the start of construction, wetlands and jurisdictional features shall be fenced, and excluded from activity. Fencing shall be located as far as feasible from the edge of wetlands and riparian habitats and installed prior to the dry season, after special-status species surveys have been conducted and prior to construction. The fencing shall remain in place until all construction activities on the site have been completed.</p> <ol style="list-style-type: none"> <li>1. Construction activities within 50 feet of any United States Army Corps of Engineers (USACE) jurisdictional features identified in the formal delineation process shall be conducted during the dry season to minimize erosion.</li> <li>2. 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</li> </ol>	<p>Tribe USACE USEPA</p>	<p>Planning Phase Construction Phase</p>	

<p>shall be protected to prevent erosion (e.g. with tarps, silt fences, or straw bales).</p> <p>3. Standard precautions (including measures identified in Mitigation Measure 5.2A) 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.</p> <p>4. If impacts to Waters of the U.S. and wetland habitat are unavoidable, a 404 permit and 401 Certification under CWA shall be obtained from the USACE and USEPA. Mitigation measures may include creation or restoration of wetland habitats either on site or at an appropriate off-site location, or the purchase of approved credits in a wetland mitigation bank approved by the USACE. Compensatory mitigation shall occur at a minimum of 1:1 ratio or as required by the USACE and USEPA.</p> <p>Q. Prior to the construction of streambank stabilization measures along the Sacramento River, the Tribe shall consult with the USEPA and USACE regarding the need to obtain a CWA 404 permit and 401 Water Quality Certification. Additionally, the Tribe shall consult with FEMA regarding the need for FEMA review of potential floodplain impacts. The Tribe shall adhere to all conditions of applicable permits to ensure the protection of the floodplain and water quality during construction activities.</p> <p>R. Compliance with the NPDES General Construction Permit, as required under the <b>Geology and Soils</b> section, will provide additional protection to wetlands, Waters of the U.S., and the fish and wildlife species that depend on them.</p>			
<b>3. Cultural and Paleontological Resources</b>			
<p>A. Prior to any ground-disturbing activities, an Unanticipated Discoveries plan shall be developed by a qualified professional archaeologist in consultation with the BIA and Redding Rancheria. The Unanticipated Discoveries plan shall include measures for the identification and assessment of finds made during construction, as well as procedures to be followed in case of discovery of human remains. At a minimum, the burial portion of the Unanticipated Discoveries plan shall address documentation methods, analysis methods, sampling, and testing parameters. The plan shall also pre-identify a storage location or repatriation procedure for human remains and associated artifacts, as well as non-burial related artifacts.</p>	Tribe BIA	Planning Phase	
<p>B. Areas subject to ground-disturbing activities that were not previously surveyed (as such surveys are documented in the Final EIS) shall be surveyed and, if necessary, new Northeast Information Center record searches shall be completed. This shall include Traffic Improvements Intersection #6, as well as any additional off-site improvements areas identified subsequent to the publication of the EIS.</p>	Tribe	Planning Phase	
<p>C. A team of qualified professional archaeologists and Native American monitors shall monitor all ground-disturbing activities within soils that have the potential to yield cultural resources. Monitoring shall cease when excavation reaches undisturbed subsoil, when excavation occurs within chanel lag deposits, or when bedrock is encountered. The monitoring team shall provide construction worker awareness training to machine operators and construction supervisors at regular intervals as needed to inform new construction contractor employees.</p>	Tribe	Construction Phase	

<p>D. In the event of inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities within the Strawberry Fields Site, traffic mitigation locations, or Off-site Access Improvement Areas, all such finds shall be subject to Section 106 of the National Historic Preservation Act (NHPA) as amended (36 CFR 800), and the BIA and Tribe shall be notified. Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 feet of the find shall be halted until a qualified professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR 61) can assess the significance of the find. If the find can be associated with archaeological site CA-SHA-4413 and appears to represent a new feature, activity, time period, or is anything other than emblematic of the site as it is currently understood, then the National Register eligibility of CA-SHA-4413 shall be reassessed in light of the new finds. Any find not related to CA-SHA-4413 shall be evaluated by the archaeologist in accordance with Unanticipated Discoveries plan measures (<b>Mitigation Measure 3-A</b>); if the site appears to be eligible to the NRHP, the archaeologist in consultation with the Tribe and BIA shall determine the appropriate course of action, which may include the development and implementation of specialized studies, data recovery, or construction monitoring as appropriate.</p>	<p>Tribe BIA</p>	<p>Construction Phase</p>	
<p>E. In the event of inadvertent discovery of paleontological resources during construction-related earth-moving activities, all such finds shall be subject to Section 101 (b)(4) of NEPA (40 CFR §§ 1500-1508), and the BIA shall be notified. All work within 50 feet of the find shall be halted until a professional paleontologist can assess the significance of the find. If the find is determined to be significant by the paleontologist, then representatives of the BIA shall meet with the paleontologist to determine the appropriate course of action, including the development of an Evaluation Report and/or Mitigation Plan, if necessary. All significant paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional paleontologist according to current professional standards.</p>	<p>Tribe BIA</p>	<p>Construction Phase</p>	
<p>F. If human remains are discovered during ground-disturbing activities on tribal lands, work within 100 feet of the find shall halt immediately and the Tribe, BIA, and County Coroner shall be notified. No further disturbance shall occur until the County Coroner has determined that the remains are not connected to criminal activity. If the remains are determined to be of Native American origin, and the remains are on lands that have been taken into federal trust, the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) shall apply. Construction shall not resume in the vicinity until a plan for avoidance, removal or other disposition of the remains has been developed and implemented.</p>	<p>Tribe BIA County Coroner</p>	<p>Construction Phase</p>	
<p>G. If human remains are encountered during off-site improvements construction, work within 100 feet of the find shall halt immediately and the Tribe, BIA, the County Coroner notified in accordance with California Health and Safety Code Section 7050.5. If the remains are of Native American origin, the Coroner must, in accordance with PRC Section 5097, notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. In turn, the NAHC will identify a Most Likely Descendent, who will work with the Tribe and construction contractor to develop a plan for avoidance, removal or other disposition of the remains.</p>	<p>Tribe BIA County Coroner</p>	<p>Construction Phase</p>	

<b>4. Socioeconomic Conditions</b>			
A. The Tribe shall implement problem gambling policies similar to those in effect at the existing Win-River Casino, which include self-help brochures available on site, and self-banning procedures to help those who may be affected by problem gaming.	Tribe	Operations Phase	
<b>5. Transportation</b>			
A. Where transportation infrastructure is shown as having an unacceptable level of service (LOS) with the addition of traffic from the Preferred Alternative (and caused at least in part from project traffic), the Tribe shall pay for a fair share of costs for the recommended mitigation (including right-of-way and any other environmental mitigation). In such cases, the Tribe shall be responsible for the incremental impact that the added project trips generate, calculated as a percentage of the costs involved for construction of the mitigation measure (referred to as the fair share). The fair share is calculated using the methodology presented in the <i>Caltrans Guide for the Preparation of Traffic Impact Studies</i> (2002). The Tribe shall make fair share contributions available prior to initiation of project construction. Funds shall be placed in an escrow account for use by the governmental entity with jurisdiction over the road to be improved so that the entity may design (funding shall be for design standards consistent with those required for similar facilities in the region, unless a deviation is approved by the entity with jurisdiction), obtain approvals/permits for, and construct the recommended road improvement.	Tribe	Construction Phase	
<b>Construction</b> A. A traffic management plan shall be prepared in accordance with standards set forth in the California Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways (FHWA, 2009). The traffic management plan shall be submitted to each affected local jurisdiction and/or agency. Also, prior to construction, the contractor shall coordinate 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. Traffic management plans shall include details regarding emergency service coordination. Copies of the traffic management plans shall be provided to all affected emergency service providers.	Tribe	Construction Phase	
<b>Operation</b>  <b>Buildout Year (2025)</b> <b>Site Access Option 1 – North Access Only</b> The following mitigation measures shall be implemented for the Preferred Alternative:  B. <b>South Bonnyview Road / Interstate 5 (I-5) SB Ramps.</b> Construct a SB right turn channelized lane with yield control. Fair share calculations are 53 percent for the Preferred Alternative.  C. <b>South Bonnyview Road / I-5 NB Ramps.</b> Construct a NB left turn lane. Fair share calculations are 39 percent for the Preferred Alternative.	Tribe	Construction Phase	

<p>D. <b>Churn Creek Road / Victor Avenue.</b> Install a traffic signal. Fair share calculations are 10 percent for the Preferred Alternative.</p> <p>E. <b>South Bonnyview Road / Churn Creek Road.</b> Construct a SB right turn lane. Fair share calculations are 4 percent for the Preferred Alternative.</p> <p><b>Site Access Option 2 – North and South Access</b> The following mitigation measures shall be implemented under the Preferred Alternative:</p> <p>F. <b>South Bonnyview Road / I-5 SB Ramps.</b> Construct a SB right turn channelized lane with yield control. Fair share calculations are 39 percent for the Preferred Alternative.</p> <p>G. <b>South Bonnyview Road / I-5 NB Ramps.</b> Construct a NB left turn lane. Fair share calculations are 14 percent for the Preferred Alternative.</p> <p>H. <b>South Bonnyview Road / Churn Creek Road.</b> Add a SB right turn permitted overlap signal phase. Fair share calculations are 4 percent for the Preferred Alternative.</p> <p>I. <b>Churn Creek Road / Victor Avenue.</b> Install a traffic signal. Fair share calculations are 10 percent for the Preferred Alternative.</p> <p><b>Cumulative Year (2040)</b> <b>Site Access Option 1 – North Access Only</b> The following mitigation measures shall be implemented under the Preferred Alternative:</p> <p>J. <b>South Bonnyview Road / I-5 SB Ramps.</b> Install a diverging diamond interchange at the I-5 NB and SB ramps. This is consistent with the Alternative 4B concept proposed by Omni-Means. Fair share calculations are 44 percent for the Preferred Alternative.</p> <p>K. <b>South Bonnyview Road / I-5 NB Ramps.</b> Implement <b>Mitigation Measure 5-O.</b> Fair share calculations are 30 percent for the Preferred Alternative.</p> <p>L. <b>South Bonnyview Road / Churn Creek Road.</b> Install a roundabout. This is consistent with the Alternative 4B concept proposed by Omni-Means. Fair share calculations are 4 percent for the Preferred Alternative.</p> <p>M. <b>Churn Creek Road / Alrose Lane.</b> Implement <b>Mitigation Measure 5-O</b> and <b>Mitigation Measure 5-Q.</b> Fair share calculations are 8 percent for the Preferred Alternative.</p> <p>N. <b>Churn Creek Road / Victor Avenue.</b> Install a traffic signal. Fair share calculations are 10 percent for the Preferred Alternative.</p> <p>O. <b>Churn Creek Road / Rancho Road.</b> Add a SB left turn pocket. Fair share calculations are 6 percent for the Preferred Alternative.</p> <p><b>Site Access Option 2 – North and South Access</b> The following mitigation measures shall be implemented under the Preferred Alternative:</p> <p>P. <b>South Bonnyview Road / I-5 SB Ramps.</b> Install a diverging diamond interchange at the I-5 NB and SB ramps. This is consistent with the Alternative 4B concept proposed by Omni-Means. Fair share calculations are 30 percent for the Preferred Alternative.</p>			
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<p>Q. <b>South Bonnyview Road / I-5 NB Ramps.</b> Implement <b>Mitigation Measure 5-P.</b> Fair share calculations are 17 percent for the Preferred Alternative.</p> <p>R. <b>South Bonnyview Road / Churn Creek Road.</b> Install a roundabout. This is consistent with the Alternative 4B concept proposed by Omni-Means. Fair share calculations are 4 percent for the Preferred Alternative.</p> <p>S. <b>Churn Creek Road / Alrose Lane.</b> Implement <b>Mitigation Measure 5-P</b> and <b>Mitigation Measure 5-R.</b> Fair share calculations are 8 percent for the Preferred Alternative.</p> <p>T. <b>Churn Creek Road / Victor Avenue.</b> Install a traffic signal. Fair share calculations are 10 percent for the Preferred Alternative.</p> <p>U. <b>Churn Creek Road / Rancho Road.</b> Add a SB left turn pocket. Fair share calculations are 6 percent for the Preferred Alternative.</p>			
<p><b>6. Public Services</b></p>			
<p><b>Off-Site Water and Wastewater Services</b></p> <p>A. For off-site water and/or wastewater provision options (i.e., Water Supply and Wastewater Option 1), the Tribe shall enter into a service agreement with the City of Redding prior to project operation. The service agreement shall include provisions for monthly services charges consistent with rates paid by other commercial users within the city.</p> <p>B. Should the project be operational prior to the completion of improvements to the West Side Interceptor (Water Supply and Wastewater Option 1 only), the Tribe shall construct an equalization storage tank with a capacity of at least 362,000 gallons for storage of wastewater generated during 10-year, 24-hour storm events when the City's conveyance system is over capacity until the peak event has resided and flows are below the capacity of the pipeline conveyance system.</p>	<p>Tribe</p>	<p>Planning Phase</p>	
<p><b>Law Enforcement</b></p> <p>A. Prior to operation the Tribe shall enter into a service agreement to reimburse the Shasta County Sheriff's Office (SCSO) or another qualified agency for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services. Payments made in accordance with this agreement may be contributed, at least in part, through the Impact Mitigation Fund pursuant to Section 11 of the Tribal-State Compact. It should be noted that the existing County IGA described in Section 1.5.4 of Volume II of the Final EIS would fulfill this mitigation requirement. If the existing County IGA is terminated and a new agreement cannot be reached, the Tribe shall implement Public Safety Option 2 to construct and staff a Public Safety Building that will provide police, fire, and emergency medical response services to the Strawberry Fields Site.</p>	<p>Tribe</p>	<p>Planning Phase</p>	
<p><b>Fire Protection and Emergency Services</b></p> <p>A. Prior to operation the Tribe shall enter into a service agreement to reimburse the Shasta County Fire Department (SCFD) or another qualified agency for additional demands caused by the operation of the facilities on trust property. The agreement shall address any required conditions and standards for emergency access and fire protection systems. Payments made in accordance with this agreement may be contributed, at least in part, through the Impact Mitigation Fund pursuant to Section 11 of the Tribal-State Compact. It should be noted that the existing County IGA described in Section 1.5.4 would fulfill this mitigation requirement. If the existing County IGA is terminated and a new agreement cannot be reached, the Tribe shall implement Public Safety Option 2 to construct and staff</p>	<p>Tribe</p>	<p>Planning Phase</p>	



a Public Safety Building that will provide police, fire, and emergency medical response services to the Strawberry Fields Site.			
<b>7. Aesthetics</b>			
A. The placement of electronic signage shall ensure that the lighted portion is not facing residential areas with direct line of sight.	Tribe	Planning Phase	

## **Attachment 2**

### **FEIS Notices**

# **ATTACHMENT 2**

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**FINAL EIS NOTICES**

allocated per speaker will depend on the number of requests received but will not exceed five minutes. Requests for oral statements must be received at least seven days prior to the meeting. Those not able to attend the meeting or having insufficient time to address the Council are invited to send a written statement to [nancy.johnson@hq.doe.gov](mailto:nancy.johnson@hq.doe.gov). Any member of the public who wishes to file a written statement to the Council will be permitted to do so, either before or after the meeting.

**Minutes:** The minutes of the meeting will be available at <https://www.energy.gov/fecm/national-petroleum-council-npc>, or by contacting Ms. Johnson. She may be reached at the postal address or email address listed previously.

**Signing Authority:** This document of the Department of Energy was signed on March 25, 2024, by David Borak, Deputy Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 26, 2024.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2024-06708 Filed 3-28-24; 8:45 am]

**BILLING CODE 6450-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL OP-OFA-119]

### Environmental Impact Statements; Notice of Availability

**Responsible Agency:** Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS)

Filed March 18, 2024 10 a.m. EST

Through March 25, 2024 10 a.m. EST Pursuant to 40 CFR 1506.9.

**Notice:** Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://>

[cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search](https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search).

EIS No. 20240052, Final, NCPC, DC, ADOPTION—Proposed Land Acquisition at Washington Navy Yard, Washington, DC, Review Period Ends: 04/29/2024, Contact: Matthew Flis 202-482-7236.

The National Capital Planning Commission (NCPC) has adopted the United States Navy's Final EIS No. 20230093 filed 07/28/2023 with the Environmental Protection Agency. The NCPC was not a cooperating agency on this project. Therefore, republication of the document is necessary under section 1506.3(b)(1) of the CEQ regulations.

EIS No. 20240053, Draft Supplement, USACE, MD, Mid-Chesapeake Bay Island Ecosystem Restoration Project: James Island, Dorchester County, Maryland, Comment Period Ends: 05/15/2024, Contact: Angela Sowers 410-962-7440.

EIS No. 20240054, Final, BIA, CA, Redding Rancheria Fee-to-Trust and Casino, Review Period Ends: 04/29/2024, Contact: Chad Broussard 916-978-6165.

EIS No. 20240055, Final, FTA, CA, West Santa Ana Branch Transit Corridor Final EIS/EIR, Review Period Ends: 04/29/2024, Contact: Rusty Whisman 213-202-3956.

Dated: March 25, 2024.

**Cindy S. Barger,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2024-06695 Filed 3-28-24; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2024-0145; FRL-11854-01-OGC]

### Proposed Consent Decree, Clean Water Act Claim

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with the Environmental Protection Agency (EPA) Administrator's March 18, 2022, memorandum regarding "Consent Decrees and Settlement Agreements to resolve Environmental Claims Against the Agency," notice is hereby given of a proposed consent decree in *Sierra Club, et al. v. EPA, et al.*, No. 3:24-cv-00130 (S.D.W. Va. 2024). On March 18, 2024, the Sierra Club, the West Virginia Highlands Conservancy, Inc., and the West Virginia Rivers Coalition, Inc.

(collectively, "Plaintiffs") filed a complaint in the United States District Court for the Southern District of West Virginia against EPA alleging that the Agency failed to perform a mandatory duty under the Clean Water Act (CWA) to establish Total Maximum Daily Loads (TMDLs) for certain waters located in the Lower Guyandotte River Watershed in West Virginia that are impaired due to ionic toxicity. This complaint followed Plaintiffs' submission to EPA of a Notice of Intent to Sue on March 21, 2023. EPA seeks public input on a proposed consent decree prior to its final decision-making with regard to potential settlement of the litigation.

**DATES:** Written comments on the proposed consent decree must be received by April 29, 2024.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2024-0145 online at <https://www.regulations.gov> (EPA's preferred method). Follow the online instructions for submitting comments.

**Instructions:** All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments, see the "Additional Information About Commenting on the Proposed Consent Decree" heading under the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Alec Mullee, Water Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone: (202) 564-9616; email address: [mullee.alec@epa.gov](mailto:mullee.alec@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Additional Information About the Proposed Consent Decree

On March 18, 2024, Plaintiffs filed a complaint in Federal district court asserting that EPA failed to perform a mandatory duty under the CWA to establish TMDLs for certain waters located in the Lower Guyandotte River Watershed in West Virginia that are biologically impaired due to ionic toxicity (Ionic Toxicity TMDLs). This complaint followed Plaintiffs' submission to EPA of a Notice of Intent to Sue (NOI) on March 21, 2023. Following submission of the NOI, Plaintiffs and EPA initiated settlement discussions, which resulted in the proposed consent decree. Under the consent decree, EPA would be obligated to establish Ionic Toxicity TMDLs for 11 waterbody segments in the Lower Guyandotte River Watershed by January



California  
GANNETT

PO Box 631437 Cincinnati, OH 45263-1437

**PROOF OF PUBLICATION**

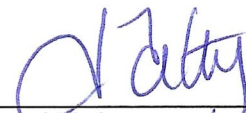
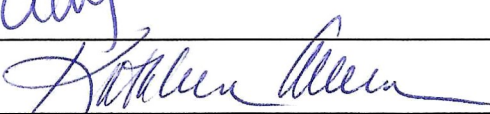
Acorn Environmental  
5170 Golden Foothill Parkway  
El Dorado Hills CA 95762

STATE OF WISCONSIN, COUNTY OF BROWN

The Record Searchlight, a newspaper published in the city of Redding, Shasta County, State of California, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/03/2024

and that the fees charged are legal.  
Sworn to and subscribed before on 04/03/2024

  
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**KATHLEEN ALLEN**  
Notary Public  
State of Wisconsin

DEPARTMENT OF THE INTERIOR  
Bureau of Indian Affairs  
Final Environmental Impact Statement for the Redding  
Rancheria Win-River Casino Relocation Project  
AGENCY: Bureau of Indian Affairs, Interior.  
ACTION: Notice of availability.  
SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Redding Rancheria (Tribe), City of Redding (City), Shasta County (County), the California Department of Transportation, District 2 and the U.S. Environmental Protection Agency, Region 9 serving as cooperating agencies, intends to file a Final Environmental Impact Statement (FEIS) with the U.S. Environmental Protection Agency (EPA) in connection with the Tribe's application to transfer into trust approximately 232 acres for gaming purposes in Shasta County, California (Strawberry Fields Site).  
DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the Federal Register. The BIA must receive any comments on the FEIS before that date.  
ADDRESSES: By mail or hand delivery to: Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Redding Rancheria Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. If emailing comments, please use "DEIS Comments, Redding Rancheria Project" as the subject of your email.  
FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825; telephone: (916) 978-6165; email: chad.broussard@bia.gov. Information is also available online at <http://www.reddingeis.com>.  
SUPPLEMENTARY INFORMATION: The Notice of Availability (NOA) of the Draft EIS was published by the BIA (84 FR 14391) on April 10, 2019, and EPA (84 FR 16485) in the Federal Register on April 19, 2019. The Draft EIS was originally made available for public comment for a 45-day period. However, the BIA extended the public comment period for an additional two weeks that concluded on June 17, 2019. A public hearing was held on May 20, 2019, to collect verbal comments on the Draft EIS. On May 14, 2020, the BIA published a notice to suspend preparation of the EIS (85 FR 28973). On September 23, 2021, the BIA published a notice of resumption of the EIS (85 FR 52922).  
Background  
The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Proposed Project with No Retail Alternative; (3) Reduced Intensity Alternative; (4) Non-Gaming Alternative; (5) Anderson Site Alternative; (6) Expansion of Existing Casino Alternative and (7) and No Action/No Development Alternative. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.  
Environmental issues addressed in the FEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects.  
The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the Federal Register; and (3) transfer of the Strawberry Fields Site in to trust.  
Locations where the FEIS is Available for Review  
The FEIS is available for review at <https://reddingeis.com>. Contact information is listed in the FOR FURTHER INFORMATION CONTACT section of this notice.  
Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.  
Authority  
This notice is published pursuant to section 1503.1 of the

Interior, through the Director of the U.S. Fish and Wildlife Service (Service), and the Secretary of Commerce, through the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA), on aquatic conservation endeavors that benefit recreational fishery resources and recreational boating and that encourage partnerships among industry, the public, and government.

#### Meeting Agenda

- Opening remarks from ex officio members
- Member introductions
- Overview of Council history and current program priorities
- Agency updates from the Service and NOAA
- Recreational Boating and Fishing Foundation updates
- National outreach and communications assessment review
- Wildlife and Sport Fish Restoration program updates
- Council business; open discussion
- Subcommittee discussion and assignment
- Public comment period

The final agenda and other related meeting information will be posted on the Council's website at <https://www.fws.gov/sfbpc/>.

#### Public Input

If you wish to provide oral public comment or provide a written comment for the Council to consider, contact the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). Written comments should be received no later than Friday, May 10, 2024, to be considered by the Council during the meeting.

Requests to address the Council during the meeting will be accommodated in the order the requests are received. Depending on the number of people who want to comment and the time available, the amount of time for individual oral comments may be limited. Interested parties should contact the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**) for placement on the public speaker list for this meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Designated Federal Officer up to 30 days following the meeting.

#### Accessibility Information

Please make requests in advance for sign language interpreter services,

assistive listening devices, or other reasonable accommodations. Please contact the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**) no later than May 7, 2024, to give the Service sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

#### Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Authority:* 5 U.S.C. ch. 10.

#### David A. Miko,

*Assistant Director, Fish and Aquatic Conservation Program.*

[FR Doc. 2024-07056 Filed 4-2-24; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[245A2100DD/AAKC001030/  
A0A501010.999900]

#### Final Environmental Impact Statement for the Redding Rancheria Win-River Casino Relocation Project

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Redding Rancheria (Tribe), City of Redding (City), Shasta County (County), the California Department of Transportation, District 2 and the U.S. Environmental Protection Agency, Region 9 serving as cooperating agencies, intends to file a Final Environmental Impact Statement (FEIS) with the U.S. Environmental Protection Agency (EPA) in connection with the Tribe's application to transfer into trust approximately 232 acres for gaming purposes in Shasta County, California (Strawberry Fields Site).

**DATES:** The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. The BIA must receive any comments on the FEIS before that date.

**ADDRESSES:** By mail or hand delivery to: Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "FEIS Comments, Redding Rancheria Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov). If emailing comments, please use "FEIS Comments, Redding Rancheria Project" as the subject of your email.

**FOR FURTHER INFORMATION CONTACT:** Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825; telephone: (916) 978-6165; email: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov). Information is also available online at <http://www.reddingeis.com>.

**SUPPLEMENTARY INFORMATION:** The Notice of Availability (NOA) of the Draft EIS was published by the BIA (84 FR 14391) on April 10, 2019, and EPA (84 FR 16485) in the **Federal Register** on April 19, 2019. The Draft EIS was originally made available for public comment for a 45-day period. However, the BIA extended the public comment period for an additional two weeks that concluded on June 17, 2019. A public hearing was held on May 20, 2019, to collect verbal comments on the Draft EIS. On May 14, 2020, the BIA published a notice to suspend preparation of the EIS (85 FR 28973). On September 23, 2021, the BIA published a notice of resumption of the EIS (85 FR 52922).

#### Background

The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Proposed Project with No Retail Alternative; (3) Reduced Intensity Alternative; (4) Non-Gaming Alternative; (5) Anderson Site Alternative; (6) Expansion of Existing Casino Alternative and (7) and No Action/No Development Alternative. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects,

and indirect and growth inducing effects.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the **Federal Register**; and (3) transfer of the Strawberry Fields Site in to trust.

**Locations where the FEIS is Available for Review:** The FEIS is available for review at <https://reddingeis.com>. Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Public Comment Availability:** Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

#### Authority

This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR part 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

#### Wizipan Garriott,

*Principal Deputy Assistant Secretary—Indian Affairs, Exercising by delegation the authority of the Assistant Secretary—Indian Affairs.*

[FR Doc. 2024-07048 Filed 4-2-24; 8:45 am]

BILLING CODE 4337-15-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[245A2100DD/AAKC001030/  
AOA501010.999900]

#### Notice of Intent To Prepare an Environmental Impact Statement for the Confederated Tribes of the Colville Reservation's Proposed Fee-to-Trust and Casino Project, Franklin County, Washington

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) in connection with the Confederated Tribes of the Colville Reservation (Colville Tribes) proposed Fee-to-Trust and Casino Project in the City of Pasco, Franklin County, Washington. This notice also opens public scoping to identify potential issues, concerns, and alternatives to be considered in the EIS.

**DATES:** To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than 30 days after publication of this Notice of Intent (NOI) in the **Federal Register**. The time and date of the public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper (*The Tri-City Herald*) and online at <http://www.colvilleis.com>.

**ADDRESSES:** You may mail written comments to Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Region, 911 NE 11th Avenue, Portland, Oregon 97232. Please include your name, return address, and "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" on the first page of your written comments. You may also submit comments through email to Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, at: [tobiah.mogavero@bia.gov](mailto:tobiah.mogavero@bia.gov), using "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" as the subject of your email.

**FOR FURTHER INFORMATION CONTACT:** Mr. Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, Northwest Region, (435) 210-0509, [tobiah.mogavero@bia.gov](mailto:tobiah.mogavero@bia.gov). Information is also available online at <http://www.colvilleis.com>.

**SUPPLEMENTARY INFORMATION:** The Colville Tribes submitted a Fee-to-Trust application to the Bureau of Indian Affairs (BIA) requesting the placement of approximately 164.63 acres of fee land in trust by the United States upon which the Colville Tribes would construct a casino resort. The facility would include an approximately 184,200-square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities. The proposed Fee-to-Trust property is located within the boundaries of the City of Pasco, Franklin County, Washington. The proposed trust property is comprised of one parcel (Assessor Parcel No. 113-130-068) bound by N. Capitol Avenue to the west, commercial and industrial development to the west and south, and agricultural parcels to the north and east. The purpose of the proposed action is to improve the economic status of the Tribal government so that it can provide comprehensive services and ensure the continued social and economic independence and well-being of its Tribal members.

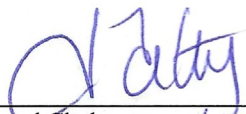
The proposed action encompasses the various federal approvals that may be required to implement the Colville Tribes' proposed project, including approval of the Colville Tribes' Fee-to-Trust application and Secretarial Determination pursuant to section 20(b)(1)(A) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A)). The EIS will identify and evaluate issues related to these approvals and will also evaluate a range of reasonable alternatives. Possible alternatives currently under consideration include: (1) a reduced-intensity casino alternative, and (2) an alternate-use (non-gaming) alternative. The range of alternatives evaluated in the EIS may be expanded based on comments received during the scoping process.

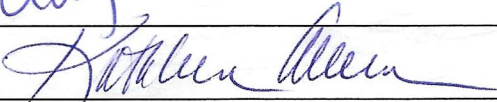
Areas of environmental concern preliminarily identified for analysis in the EIS include land resources; water resources; air quality; noise; biological resources; cultural/historic/archaeological resources; resource use patterns; traffic and transportation; public health and safety; hazardous materials and hazardous wastes; public services and utilities; socioeconomic; environmental justice; visual resources/aesthetics; and cumulative, indirect, and growth-inducing effects. The range of issues to be addressed in the EIS may be expanded or reduced based on comments received in response to this notice and at the public scoping meeting. Additional information, including a map of the proposed trust property, is available by contacting the

The Record Searchlight, a newspaper published in the city of Redding, Shasta County, State of California, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

04/03/2024

and that the fees charged are legal.  
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**KATHLEEN ALLEN**  
Notary Public  
State of Wisconsin

Environmental Protection Agency (EPA) in connection with the Tribe's application to transfer into trust approximately 232 acres for gaming purposes in Shasta County, California (Strawberry Fields Site).  
DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the Federal Register. The BIA must receive any comments on the FEIS before that date.  
ADDRESSES: By mail or hand delivery to: Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Redding Rancheria Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. If emailing comments, please use "DEIS Comments, Redding Rancheria Project" as the subject of your email.  
FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825; telephone: (916) 978-6165; email: chad.broussard@bia.gov. Information is also available online at <http://www.reddingeis.com>.  
SUPPLEMENTARY INFORMATION: The Notice of Availability (NOA) of the Draft EIS was published by the BIA (84 FR 14391) on April 10, 2019, and EPA (84 FR 16485) in the Federal Register on April 19, 2019. The Draft EIS was originally made available for public comment for a 45-day period. However, the BIA extended the public comment period for an additional two weeks that concluded on June 17, 2019. A public hearing was held on May 20, 2019, to collect verbal comments on the Draft EIS. On May 14, 2020, the BIA published a notice to suspend preparation of the EIS (85 FR 28973). On September 23, 2021, the BIA published a notice of resumption of the EIS (85 FR 52922).  
Background  
The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Proposed Project with No Retail Alternative; (3) Reduced Intensity Alternative; (4) Non-Gaming Alternative; (5) Anderson Site Alternative; (6) Expansion of Existing Casino Alternative and (7) and No Action/No Development Alternative. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.  
Environmental issues addressed in the FEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects.  
The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the Federal Register; and (3) transfer of the Strawberry Fields Site in to trust.  
Locations where the FEIS is Available for Review  
The FEIS is available for review at <https://reddingeis.com>. Contact information is listed in the FOR FURTHER INFORMATION CONTACT section of this notice.  
Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.  
Authority  
This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR part 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, et seq.), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.  
April 3 2024  
LYRK0081935





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Attention: Bibiana Sparks

Bibiana Sparks  
 5170 Golden Foothill Parkway  
 El Dorado Hills, CA 95762

bsparks@acorn-env.com

**DEPARTMENT OF THE INTERIOR  
 Bureau of Indian Affairs**

**Final Environmental Impact Statement for the Redding Rancheria  
 Win-River Casino Relocation Project**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Redding Rancheria (Tribe), City of Redding (City), Shasta County (County), the California Department of Transportation, District 2 and the U.S. Environmental Protection Agency, Region 9 serving as cooperating agencies, intends to file a Final Environmental Impact Statement (FEIS) with the U.S. Environmental Protection Agency (EPA) in connection with the Tribe's application to transfer into trust approximately 232 acres for gaming purposes in Shasta County, California (Strawberry Fields Site).

DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the Federal Register. The BIA must receive any comments on the FEIS before that date.

ADDRESSES: By mail or hand delivery to: Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "DEIS Comments, Redding Rancheria Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. If emailing comments, please use "DEIS Comments, Redding Rancheria Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825; telephone: (916) 978-6165; email: chad.broussard@bia.gov. Information is also available online at <http://www.reddingeis.com>.

SUPPLEMENTARY INFORMATION: The Notice of Availability (NOA) of the Draft EIS was published by the BIA (84 FR 14391) on April 10, 2019, and EPA (84 FR 16485) in the Federal Register on April 19, 2019. The Draft EIS was originally made available for public comment for a 45-day period. However, the BIA extended the public comment period for an additional two weeks that concluded on June 17, 2019. A public hearing was held on May 20, 2019, to collect verbal comments on the Draft EIS. On May 14, 2020, the BIA published a notice to suspend preparation of the EIS (85 FR 28973). On September 23, 2021, the BIA published a notice of resumption of the EIS (85 FR 52922).

**Background**

The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Proposed Project with No Retail Alternative; (3) Reduced Intensity Alternative; (4) Non-Gaming Alternative; (5) Anderson Site Alternative; (6) Expansion of Existing Casino Alternative and (7) and No Action/No Development Alternative. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the Federal Register; and (3) transfer of the Strawberry Fields Site in to trust.

**Locations where the FEIS is Available for Review**

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Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

**Authority**

This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR part 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, et seq.), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

IPL0166971  
 Apr 3 2024

### DECLARATION OF PUBLICATION (C.C.P.2015.5)

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the printer and principal clerk of the publisher of The Sacramento Bee, printed and published in the City of Sacramento, County of Sacramento, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sacramento, State of California, under the date of September 26, 1994, Action No. 379071; that the notice of which the annexed is a printed copy, has been published in each issue thereof and not in any supplement thereof on the following dates, to wit:

1 insertion(s) published on:

04/03/24

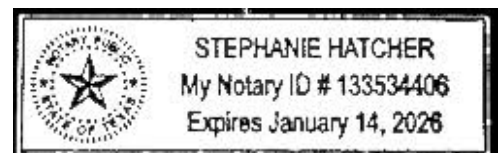
Legals Clerk

### COUNTY OF DALLAS STATE OF TEXAS

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Sacramento, California, on 4/3/2024.

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



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## **Attachment 3**

### **Comments and Response to Comments on the FEIS**

# **ATTACHMENT 3**

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**COMMENTS AND RESPONSE TO COMMENTS ON THE  
FINAL EIS**

# ATTACHMENT 3

## COMMENTS AND RESPONSE TO COMMENTS ON THE FINAL EIS

This attachment to the U.S. Department of Interior’s (DOI) Record of Decision (ROD) regarding the Trust Acquisition of the 221-acre “Strawberry Fields Site” in Shasta County, California (Proposed Action) for the Redding Rancheria Fee-To-Trust and Casino Project (Proposed Project) contains responses to certain “new” comments that were received on the Final Environmental Impact Statement (Final EIS) following the publication of the Notice of Availability (NOA) in the Federal Register on April 3, 2024 (89 FT 23040). A total of 27 letters were received and were considered by the DOI during the decision-making process for the Proposed Action. The commenters for these 27 Letters are indexed in **Table 1** and copies of the comment letters are provided in **Exhibit 1** of this document. Specific responses to comments that were determined to potentially be “new” comments (i.e. not previously responded to during the EIS process) are provided below in **Table 2**. If a specific comment raises an issue that has previously been responded to within the Final EIS, the appropriate section or response within the Final EIS is referenced. Additionally, once an issue has been addressed in a response to a comment, subsequent responses to similar comments reference the initial response.

In summary, the comments by the BIA following publication of the NOA for the Final EIS did not reveal substantial new circumstances or information about the significance of adverse effects that bear on the analysis.

**TABLE 1**  
INDEX OF COMMENT LETTERS ON FINAL EIS

<b>GOVERNMENT AGENCIES (A)</b>			
<b>Number</b>	<b>Agency</b>	<b>Name</b>	<b>Date</b>
<b>A-1</b>	United States Environmental Protection Agency	Karen Vitulano, Region 9, Environmental Review Section 2, Acting Manager	4/29/2024
<b>A-2</b>	California Department of Transportation, District 2	Brett Ditzler, Deputy District Director, Planning and Local Assistance	5/2/2024
<b>A-3</b>	City of Redding	Tenessa Audette, Mayor	4/16/2024
<b>TRIBES (T)</b>			
<b>Number</b>	<b>Tribe</b>	<b>Name</b>	<b>Date</b>
<b>T-1</b>	Paskenta Band of Nomlaki Indians	Andrew Alejandre, Chairman	4/1/2024
<b>T-2</b>	Paskenta Band of Nomlaki Indians	Counsel for the Paskenta Band of Nomlaki Indians - Kaighn Smith Jr.; Robert L. Gips; and Erick J. Giles,	5/2/2024
<b>T-3</b>	Wintu Tribe of Northern California	Cindy Hogue, Secretary	5/2/2024

<b>INDIVIDUALS/ORGANIZATION (I)</b>			
<b>Number</b>	<b>Individual</b>	<b>Organization</b>	<b>Date</b>
<b>I-1</b>	Katherine Benner		4/4/2024
<b>I-2</b>	Donna Buchanan		4/4/2024
<b>I-3</b>	Diane Ronquist-Kinyon		4/3/2024
<b>I-4</b>	Stuart Gross	Speak Up Shasta	4/1/2024
<b>I-5</b>	Frank Treadway		4/1/2024
<b>I-6</b>	Pam Hughes		4/1/2024
<b>I-7</b>	Pam Hughes		4/7/2024
<b>I-8</b>	Thomas Reemts		4/4/2024
<b>I-9</b>	Pam Hughes		4/7/2024
<b>I-10</b>	Bryan and Karen Crum		4/14/2024
<b>I-11</b>	Susan Keller		4/18/2024
<b>I-12</b>	Mike and Deidre Hobbs		4/12/2024
<b>I-13</b>	Daniel McGann		4/22/2024
<b>I-14</b>	Blossom Hamusek		4/22/2024
<b>I-15</b>	Mary Ocasion		4/23/2024
<b>I-16</b>	Steering Committee	Churn Creek Bottom Homeowners and Friends Organization	4/23/2024
<b>I-17</b>	Sarah Murray	Brownstein Hyatt Farber Shreck, LLP	4./26/2024
<b>I-18</b>	Melinda Brown		4/29/2024
<b>I-19</b>	Joe Hinostro		5/2/2024
<b>I-20</b>	Marjy Cantrell		5/3/2024
<b>I-21</b>	Stuart Gross	Speak Up Shasta	5/2/2024

**TABLE 2**  
RESPONSE TO NEW COMMENTS ON FINAL EIS

Comment Letter	Comment	Response
A1-1	We also commented on the on-site wastewater treatment plant option, requesting clarification of the design standards to be used, since the DEIS had referenced “USEPA’s standards” for leach field design. We appreciate this reference being removed from Appendix M, although it is still present in the response to comments document. The FEIS continues to identify the Underground Injection Control Program for determining what test locations fall outside the standard range for “usable disposal material,” and it is still unclear which specific part of the UIC Program is being referenced. We recommend any additional clarifications regarding wastewater treatment design standards be indicated in the Record of Decision.	As noted in Final EIS, Appendix M, Section 3.1, although USEPA is the regulatory agency on trust land, Shasta County’s 2018 Local Agency Management Program (LAMP) for Onsite Wastewater Treatment Systems (OWTS) was to be used as a basis of conceptual design of the onsite treatment and disposal options. These standards are tailored for local conditions. The percolation tests done within the leach field area were performed using the method described in Shasta County Onsite Wastewater Treatment System Technical Guidance Manual, TSM SECTION E. LEACH LINE WASTEWATER DISPERSAL SYSTEMS (OWTS Policy 9.5). The percolation testing results summarized in Appendix B, Table B-3 of Final EIS, Appendix M demonstrate that all fifteen test locations are consistent with the definition of “usable leaching material” as provided on page 11 of the Shasta County LAMP.
A2-1	<p>Traffic Safety</p> <p>While the Traffic Impact Study (TIS) did review and calculate the fair-share percentage for mitigation of the proposed development traffic, it did not calculate the potential opening day queues on the I-5 ramps. Potential queues for 2040 were provided in Appendix L. In these tables, it is shown that the queue for the southbound right from the I-5 offramp will exceed the available storage length without mitigation. As this is the only available information (lacking 2025 analysis), Caltrans believes it is prudent to assume this project has the potential to create a safety concern, as the difference between mainline and the ramps will be greater than 30 miles per hour.</p>	Please see the Final EIS, Volume I, Response to Comment A4-21. Please also see ROD Response to Comment A3-14. Please note that TIS Appendix D also reports comprehensive queuing analysis results for the year 2040. Alternative A was specifically included in the comprehensive queuing analyses completed as part of the River Crossing Marketplace Specific Plan Traffic Impact Analysis Report. Specifically, a supplemental deliverable (Technical Memorandum, GHD, October 9, 2019) for the River Crossing Marketplace Specific Plan documents the effects of the addition of Alternative A of the Proposed Project (Redding Rancheria), including the queuing anticipated at the S. Bonnyview Road intersection with the I-5 Southbound Ramps. Per Page 22 (Intersection 7) of this supplemental deliverable, the southbound approach at the subject intersection would need to be modified to include 400-foot lanes (shared through/left, two right) to accommodate the anticipated 2040 queues resulting from the cumulative effect of the River Crossing Marketplace and Redding Rancheria projects. Kimley Horn has confirmed that the improvements that were constructed in 2022 at this location satisfy these mitigation requirements. Accordingly, no further mitigation is required at the noted ramp intersection location.
A2-2	We believe that the mitigating improvements as described in the Proposed Project Mitigations of the February 2023 Kimley Horn TIS for the I-5/South Bonnyview ramps should be installed prior to occupancy/operation of the proposed development.	Please see ROD Response to Comment A2-1. As noted above, the recommended mitigations have already been constructed and installed as part of the mitigation requirements associated with the <i>River Crossing Marketplace Specific Plan</i> .
A3-1	The FEIS identifies a possible negative economic impact to existing sporting goods stores in the city yet does not identify how these will be mitigated. The demand for sporting goods in Shasta County cannot support the existing stores along with the additional store being proposed. Existing stores can expect to see a 24 % decrease in sales as a result of the new store opening. The closure of existing stores in Redding will result in a decrease in sales tax revenue to the city. Vacant stores can lead to an increase in unemployment, crime, and blight.	This comment is repeated from the City's comment letter on the Draft EIS. Please refer to the Final EIS, Volume I, Response to Comment A4-01.
A3-2	Furthermore, the FEIS fails to provide any analysis of how the two proposed entertainment venues will impact Civic Auditorium. The report simply states that the types of shows that would be held at the proposed new venues would not be the type held at the Civic Auditorium; therefore, there would not be competition among the sites. This simplistic approach fails to recognize that the market for entertainment acts and shows is very limited based upon our population. The auditoriums proposed are nearly identical in size to the Civic Auditorium and would certainly accommodate the same types of events and acts. The Civic Auditorium has a long history of operating in a deficit, thereby depleting valuable financial resources from the City’s General Fund. It wasn’t until very recently that the Civic Auditorium became self-sufficient. Adding two new venues of similar size will certainly lead to competition between the venues and could cause the Civic Auditorium to once again become a burden on the City’s General Fund.	This comment is repeated from the City's comment letter on the Draft EIS. Please refer to the Final EIS, Volume I, Response to Comment A4-01.
A3-3	After detailed analysis (attached) and independent verification, the city has concluded that the Weekday AM and PM peak hours do not represent the peak hour activity. The City’s analysis has indicated that the Saturday Mid-Day peak hour (not analyzed in the TIS) represents the peak hour activity. The City’s independent analysis indicates that the Saturday Mid-Day peak hour is likely to generate 16.5% higher	Detailed responses to the issues raised in this comment are provided below under ROD Responses to Comments A3-10 through A3-17.

**TABLE 2**  
RESPONSE TO NEW COMMENTS ON FINAL EIS

Comment Letter	Comment	Response
	<p>traffic volumes than either the Friday or Saturday PM peak hours that were assumed as the peak hour activity, analyzed in the TIS and included in the FEIS. Although an increase in traffic volume of 16.5% may not seem significant, the addition of any traffic to roadway infrastructure that is currently operating at or near its capacity, can have significant impacts on operations and safety. Therefore, the FEIS must include an evaluation on the Saturday Mid-Day peak hour traffic condition and update all corresponding analyses and mitigations, accordingly, in order to accurately identify impacts and determine appropriate mitigation measures.</p> <p>Additionally, Section 4.8, Transportation/Circulation, of the FEIS (including the TIS as included as Appendix Q) fails to accurately evaluate either an Opening Year plus Project or a Cumulative and Cumulative plus Project scenario. These analyses are critical in determining whether the existing in-place and programmed future transportation infrastructure have the capacity to accommodate the traffic generated by the Project.</p> <p>Furthermore, the FEIS does not include an accurate representation of the current transportation infrastructure in the general vicinity of the Project. Therefore, the FEIS must accurately evaluate the omitted industry standard traffic analysis scenarios in order to accurately identify impacts and determine appropriate mitigation measures. Section 4.8, Transportation/Circulation, of the FEIS (including the TIS as included as Appendix Q) vehicle queuing and operations were not evaluated along the South Bonnyview Road corridor. Given the closely spaced intersections (roundabouts, signals, on/off ramps, driveways, etc.) a high-level, detailed analysis is required to estimate vehicular capacities, delays and queuing. The FEIS does not include such an analysis. Therefore, the FEIS must perform a high-level, detailed operational analysis of the South Bonnyview Road corridor in order to accurately identify impacts and determine appropriate mitigation measures.</p>	
A3-4	<p>The city contests the FEIS, as it failed to follow standard industry practices regarding Traffic Impact Studies by not considering the appropriate peak hour activity, using faulty assumptions in critical analysis scenarios (Opening Day plus Project as well as Cumulative and Cumulative plus Project) and inadequately evaluating vehicular operations along the South Bonnyview Road corridor. As a result, the impacts identified in the FEIS and assumption of a fair share contribution are not founded on the appropriate analyses. Therefore, the FEIS must adjust the analyses to include the highest peak hour activity, use appropriate assumptions in critical scenarios and perform a detailed analysis of the South Bonnyview Road corridor in order to accurately identify impacts and determine appropriate mitigation measures.</p>	<p>Detailed responses to the issues raised in this comment are provided below under ROD Responses to Comments A3-10 through A3-17.</p>
A3-5	<p>The assumption that electricity to serve the project under Alternative A will be provided by the City's Electric Utility (REU) is speculative since the subject property is located outside of the City Limits. Whether or not electricity is provided by REU to properties outside the City Limits is at the discretion of the Redding City Council. Therefore, the FEIS must also include an analysis of Alternative A without electricity provided by REU.</p>	<p>This comment is repeated from the City's comment letter on the Draft EIS. Please refer to the Final EIS, Volume I, Response to Comment A4-04. As noted therein, the Final EIS assessed the possibility that the project site may alternatively be served with electricity by PG&amp;E.</p>
A3-6	<p>As specified in Volume II Appendices, Appendix M, 3.4 Off-Site Option: City Provided Sewer Services, 3.4.1, City of Redding Wastewater Design Criteria, additional capacity is needed in the City's wastewater system just north of the Clear Creek Wastewater Treatment Plant. The project that will address this capacity issue is the Westside Interceptor Phase III pipeline project, which is currently in design and is anticipated for construction in 2025. The FEIS references the City's 2012 Wastewater Master Plan. There is a new 2022 Wastewater Master Plan available and shall be used for current and future analysis. Detailed analysis of the City's Sunnyhill Lift Station and adjacent upstream and downstream collection system is required at</p>	<p>According to the City of Redding Wastewater Utility Master Plan, July 2022, the Sunnyhill Lift Station is documented to have a firm capacity of 13.0 MGD. The projected design flows into the Sunnyhill Lift Station in 2027 and 2032 are 12.53 MGD and 12.57 MGD, respectively. There is no mention of the Proposed Project in the Master Plan, so it is assumed that the calculated peak flow from the Strawberry Fields Site of 0.501 MGD is not included. Adding the Alternative A peak flow of 0.501 MGD to the projected flows of 12.52 MGD and 12.57 MGD in 2027 and 2032 respectively gives a new calculated influent flow to the Sunnyhill Lift Station of 13.03 MGD and 13.07 MGD respectively. The Sunnyhill Sewer Lift Station may require capacity upgrades before Alternative A is fully developed to provide the minor</p>

**TABLE 2**  
RESPONSE TO NEW COMMENTS ON FINAL EIS

Comment Letter	Comment	Response
	<p>final design stages for actual capacity and future needs.</p> <p>5.1 Onsite Wastewater Management, 5.1.1, includes a reference to “dewatered solids for proper landfill disposal.” Per AB 341, landfills will no longer accept wastewater biosolids by 2025. A similar reference was found in section 5.1.5.</p> <p>Whether or not wastewater service is provided to properties outside the City Limits is at the discretion of the Redding City Council.</p>	<p>additional firm capacity. Alternatively, it may be possible to calculate a slightly increased firm capacity by altering operating setpoints or other user adjustable parameters. Also, it is likely that emergency bypass connections may be desired at the lift station so that the rail mounted submersible pumps can be bypassed in case of mechanical or electrical failure. Should the City allow the Proposed Project to connect to the City's wastewater infrastructure as evaluated under Wastewater Treatment Option 1 (Off-site Wastewater Treatment and Disposal), the Tribe shall coordinate with the City to ensure adequate capacity is available prior to operation. Potential impacts associated with upgrades to Sunnyhill Lift Station will be similar to those described in the Final EIS, Volume II, Section 4.14.2 Indirect Effects from Utility/Infrastructure Connections.</p> <p>The Westside Interceptor currently exceeds its capacity during storm events and does not have additional existing capacity to accept flow from Alternative A during peak flow events. According to the City of Redding Wastewater Utility Master Plan, July 2022, the Westside Interceptor Phase III project is a planned sewer expansion project that includes a 3,200-foot of 48-inch diameter sewer pipe in parallel with the existing interceptor. This expansion will provide a total interceptor capacity of 32.5 MGD, based on the Westside Sewer Interceptor Project Development Report. The parallel pipe will be installed along Girvan Road and then continue south for a short run until it reaches the Clear Creek WWTP. This will provide sufficient conveyance capacity during all flow events for the wastewater generated from the casino. The percentage of flow from the Proposed Project to West Site Interceptor Capacity is 1.54%.</p> <p>The Westside Interceptor Phase III project was initially programmed to be designed in 2015-16 and constructed in 2016-2018. The city anticipates having the interceptor go to construction in 2027. With this schedule, the Westside interceptor improvements may not be complete before the Proposed Project is open. Should the City allow the Proposed Project to connect to the City's wastewater infrastructure as evaluated under Wastewater Treatment Option 1 (Off-site Wastewater Treatment and Disposal), the Tribe shall coordinate with the City to ensure adequate capacity is available prior to operation.</p> <p>The 2022 Master Plan states that the treatment capacity of the Clear Creek WWTP continues to be 9.4 MGD average dry weather design flow and 40 MGD peak hour wet weather flow, as was stated in Final EIS, Volume II, Section 4.10.1. The Master Plan indicates that in 2022 the average dry weather flow (ADWF) was approximately 8.0 MGD, resulting in an available capacity of 1.4 MGD ADWF. The estimated ADWF of the Proposed Project is 0.2 MGD (Final EIS, Volume II, Section 4.10.1), approximately 14% of the available capacity; therefore, the Clear Creek WWTP has the capacity to treat flows from the Proposed Project.</p> <p>AB 341, codified in 2011, set forth the requirements of the statewide mandatory commercial recycling program, but does not contain language restricting the disposal of wastewater biosolids at landfills. SB 1383, codified in 2016, expanded on AB 341 to require every jurisdiction in California to provide organic waste collection services to all residents and businesses, with the goal to reduce organic waste disposal by 75% by 2025 and rescue surplus edible food for those in need. Additionally, SB 1383 added Section 18983.1 to Title 14 of the California Code of Regulations that regulates the disposal of organic waste, including biosolids. 14 CCR Section 18983.1 does not prohibit the disposal of organic waste, including biosolids, from being disposed of in landfills, rather it characterizes such disposal as a "landfill disposal" that would not count towards the required diversion of organics away from landfills. 14 CCR Section 18983.1(b) provides several disposal options that "shall be deemed to constitute a reduction of landfill disposal", including composting facilities; biomass conversion facilities; use as a soil amendment for erosion control, revegetation, slope stabilization, or landscaping at a landfill; and land application. If the onsite wastewater treatment option is implemented, the resulting biosolids will be disposed of pursuant to applicable State regulations.</p>



**TABLE 2**  
RESPONSE TO NEW COMMENTS ON FINAL EIS

Comment Letter	Comment	Response
		<p>The Final EIS acknowledges that the provision of wastewater services is at the discretion of the City of Redding (see Final EIS, Volume II, Table 1-1). The Final EIS includes an analysis of Wastewater Option 2 - On-Site Treatment and Disposal (See Final EIS, Volume II, Section 2.3.2) that could be implemented if, for any reason, the city does not provide wastewater treatment services to the project.</p>
A3-7	<p>We do not concur with the conclusion that the proposed development would not be out of character with typical roadside development adjacent to I-5 and would not impede views of scenic resources. Within the City, existing, approved, and proposed developments adjacent to I-5 differ substantially from the character of the proposed project with respect to building mass and height. The proposed nine-story hotel is substantially taller than any other existing, approved, or proposed building adjacent to I-5 within the city. Although the proposed height of the parking structure is not specified, it appears to be four stories; there are no existing, approved, or proposed parking structures within the city adjacent to I-5. As illustrated in Exhibit 4.13-2, the proposed hotel and parking structure would substantially impede the visibility of the mountains which are currently visible along the west side of I-5 at the City's southern gateway.</p> <p>The proposed sign plan must be more clearly described; it is not clear if the five large panels depicted along the front of the parking structure are proposed signs and, if so, what type of signs are proposed. If these panels are proposed signs, then the project's signage would be substantially out of character with existing, approved, and proposed signage adjacent to I-5 within the city. This issue would be further exacerbated if these signs are electronic message board signs, which are prohibited within the City.</p>	<p>This comment is repeated from the City's comment letter on the Draft EIS. Please refer to the Final EIS, Volume I, Response to Comment A4-07.</p>
A3-8	<p>Cultural pedestrian surveys were conducted on a large area that includes the Alternative "A" development site, the utility corridor, and the northern and southern access routes. However, Extended Phase I or Phase II subsurface testing was not performed within the proposed water and wastewater utility corridors. As discussed in the FEIS, CA-SHA-4413 lies immediately south of the proposed utility corridor. While the studies concludes that CA-SHA-4413 is not eligible for listing in the National Register and development of Alternative "A" (Strawberry Fields Site) would not result in direct adverse effects to known historic properties, the FEIS also indicates that unknown aspects of CA-SHA-4413 may be uncovered during construction, which would change the evaluation of the site's National Register of Historic Places (NRHP) eligibility.</p> <p>If the City were to consider a utility agreement with the Redding Rancheria, additional studies and information regarding potential cultural impacts would be required. Extended Phase I, and possibly Phase II, studies will be required to determine if CA-SHA-4413 extends into the utility corridor and if any newly discovered resources would change the evaluation of the site's NRHP eligibility. The FEIS mitigation measures were updated to include preparation of an Unanticipated Discovery Plan to address the treatment of any newly discovered resources. While this type of plan is always beneficial, it does not negate the need to perform all necessary technical studies required to evaluate the project's impact on the environment. The city has determined that the cultural studies are incomplete, as testing was not performed in a proposed area of direct impact (utility corridor) that is immediately adjacent to a known cultural site.</p>	<p>The potential indirect impacts to cultural resources from off-site utility connections are discussed in the Final EIS, Volume II, Section 4.14.2. The area of the proposed water and wastewater utility corridor located within the Strawberry Fields Site was part of the Phase II testing program. Further testing of CA-SHA-4413 in the area of the off-site northern water and wastewater utility line is unwarranted based on the results of Phase II Testing and Evaluation Report (AES, 2016b and 2019b) which assisted in defining the known northern boundary of CA-SHA-4413. It is unlikely that CA-SHA-4413 extends to the off-site northern water and wastewater utility line area as testing to the north of the currently defined boundary of CA-SHA-4413 on the Strawberry Fields Site was negative for cultural resources. For purposes of NEPA and the National Historic Preservation Act (NHPA) the potential for impacts to cultural resources has been adequately evaluated. City requirements or submittals related to a future potential utility agreement are outside of the scope of NEPA. However, it is acknowledged that the City may require additional environmental review associated with off-site improvements as needed to fulfill state and local environmental requirements, including compliance with the California Environmental Quality Act.</p>
A3-9	<p>Pursuant to Section 21001.1 of the California Environmental Quality Act (CEQA) Guidelines, it is the policy of the State of California, that projects to be carried out by public agencies be subject to the same level of review and consideration as that of private projects required to be approved by public agencies.</p>	<p>Comment noted. The Final EIS included an analysis of the potential effects of off-site infrastructure improvements. Please refer to the Final EIS, Volume II, Sections 4.14.1 and 4.14.2.</p>

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	Accordingly, any agreements or projects involving City infrastructure would be subject to environmental review under CEQA.	
A3-10	Technical Memorandum, Prepared by GHD for City of Redding. Dated April 1, 2024. Subject: <i>Review of the Transportation/Circulation Sections of the Final EIS for the Redding Rancheria Fee-to-Trust and Casino Project (Casino Project).</i>	The traffic-related comments raised in the City's letter (PDF pages 9/10) summarize the points presented in the GHD memorandum attached to the City's letter. Specific responses to the issues raised in the GHD memorandum are provided below as ROD Responses to Comments A3-11 through A3-17.
A3-11	<p>1. An industry standard Weekday AM Peak Hour analysis was not performed. GHD concludes that the Weekday AM Peak Hour is not a controlling condition and therefore, omitting the standard analysis does not create issues for the City. No additional work related to the Weekday AM Peak Hour condition is required for the City to have the information needed to determine impacts and mitigation measures for the Casino Project.</p>	As described in Appendix Q of the Final EIS, "Based on existing traffic volume information and expected trip generation from the Proposed Project, it was determined that the Friday and Saturday PM peak periods between 5:00 and 7:00 PM represent the worst-case periods to evaluate in this traffic impact study. It is during these periods that the combination of background traffic and casino traffic are anticipated to be at the highest levels." This comment validates the approach taken in Appendix Q as it relates to consideration of the weekday AM peak hour, concluding "No additional work related to the Weekday AM Peak Hour condition is required for the City to have the information needed to determine impacts and mitigation measures for the Casino Project."
A3-12	<p>2. An industry standard Weekday PM Peak Hour analysis was not performed.</p> <p>The industry standard is to analyze the Weekday PM Peak Hour, which is the one hour with the highest traffic volume between 4:00 PM and 6:00 PM, on a typical weekday (Tuesday, Wednesday, or Thursday). This analysis period was requested in the City's May 22, 2019, written comments on the Draft EIS.</p> <p>The FEIS asserts that the Friday PM Peak Hour, in the Plus Casino Project condition, is a controlling condition as opposed to the industry standard Tuesday, Wednesday, or Thursday. GHD used available traffic data, and collected new traffic data, to assess the impact of analyzing the Friday PM Peak Hour vs the standard Weekday PM Peak Hour. Based on GHD's analysis, the Weekday PM Peak Hour in Opening Year (2025) Plus Casino Project conditions are approximately equivalent to the Friday PM Peak Hour in Opening Year (2025) Plus Casino Project conditions. GHD concludes that the Weekday PM Peak Hour conditions are not expected to result in new impacts that have not already been identified under the Friday PM Peak Hour. No additional work related to the Weekday PM Peak Hour condition is required for the City to have the information needed to determine impacts and mitigation measures for the Casino Project.</p>	This comment provides data validating the methodology in the TIS provided as Appendix Q to the Final EIS with respect to consideration of Friday PM peak hour in lieu of Weekday PM peak hour. As noted in the comment, GHD collected new data, and reviewed other available data, and concluded "Weekday PM Peak Hour conditions are not expected to result in new impacts that have not already been identified under the Friday PM Peak Hour. No additional work related to the Weekday PM Peak Hour condition is required for the City to have the information needed to determine impacts and mitigation measures for the Casino Project."
A3-13	<p>3. An industry standard Saturday Mid-Day Peak Hour analysis was not performed.</p> <p>The industry standard is to analyze the Saturday Mid-Day Peak Hour, in the Plus Casino Project condition, which is the one hour with the highest traffic volumes between 11:00 AM and 3:00 PM, on a typical Saturday. This analysis period was requested in the City's May 22, 2019, written comments on the Draft EIS.</p> <p>GHD used available traffic data, and collected new traffic data, to assess the impact of analyzing the Saturday PM Peak Hour vs the standard Saturday Mid-Day Peak Hour. Based on GHD's analysis, Saturday Mid-Day Peak Hour in Opening Year (2025) Plus Casino Project conditions are estimated to have 16.5% higher traffic volumes than the Saturday PM Peak Hour in Opening Year (2025) Plus Casino Project conditions.</p>	Please see Final EIS, Volume I, Response to Comments A4-02, A4-09, and A4-10. Ample supporting data and justification has been provided to support the TIS' consideration of Friday and Saturday PM peak-hours to adequately capture the operations resulting from the "peak-hour of generator" conditions anticipated to result from the addition of the project. The commenter is encouraged to review TIS Appendix F for additional data pertaining to this topic.

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	<p>The FEIS incorrectly asserts that the Saturday PM Peak Hour is a controlling condition. As such, the FEIS significantly underestimates the controlling Saturday Peak Hour traffic conditions and thus does not provide the information needed to determine impacts and mitigation measures for the Casino Project.</p>	
A3-14	<p>4. An Existing (or Opening/Baseline Year) Plus Casino Project impact analysis is required.</p> <p>This scenario is needed to determine the impacts and transportation solutions necessary if the Casino Project proceeds as proposed (occupancy in year 2025 as stated in the FEIS) and no other roadway improvements are in place for the greater freeway interchange area. This is a critical analysis scenario since the City currently does not have funding for major freeway interchange upgrades to accommodate City, County, and Casino Project traffic.</p> <p>The FEIS did not include an accurate representation of the baseline conditions as it pertains to the roadway infrastructure. In November 2022, major freeway ramp improvements and the construction of the Bechelli Lane multi-lane roundabout were substantially completed and open to traffic. An analysis that models the interplay of the closely spaced intersections along the South Bonnyview Road corridor was not performed for the FEIS. As such, the FEIS does not provide the information that the City needs to determine impacts and mitigation measures for the Opening Year (2025) Plus Casino Project conditions.</p>	<p>Please see the Final EIS, Volume I, Response to Comment A4-02, and ROD Response to Comment T2-15. The TIS and Updated TIS model Opening Year (2025) plus Proposed Project Conditions are the most comprehensive snapshot of realistic conditions anticipated to be realized upon opening of the project. Unlike "Existing plus Proposed Project" conditions, the use of "Opening Year" allows for comprehensive consideration of background traffic growth, traffic from known development activity, and the full effect of the Proposed Project. As noted in the Introduction section to the TIS, because the River Crossing Marketplace traffic study specifically states that the Redding Rancheria Project was included, it's recently constructed improvements (including the South Bonnyview Road/Bechelli Lane roundabout) are understood to provide adequate mitigation under both Opening Year and Cumulative Conditions. The analysis techniques in the River Crossing Marketplace traffic study are assumed to have included adequate means by which to model the "interplay of the closely spaced intersections along the South Bonnyview Road corridor." Please see the Final EIS, Volume I, Response to Comment A4-02 for additional details.</p>
A3-15	<p>5. A Cumulative and a Cumulative Plus Casino Project analysis is required for the in-place roadway infrastructure in the greater freeway interchange area.</p> <p>This scenario is needed to determine the impacts and transportation solutions necessary if the Casino proceeds as proposed and no other roadway infrastructure improvements are in place for the greater freeway interchange area. The FEIS does not include analysis of the in-place roadway infrastructure nor the impact of the Casino Project on the current in-place roadway infrastructure. An analysis that models the interplay of the closely spaced intersections along the South Bonnyview Road corridor was not performed. As such, GHD concludes that the FEIS does not provide the information that the City needs to determine impacts and mitigation measures for the Cumulative Year Plus Casino Project conditions.</p>	<p>Please see the Final EIS, Volume I, Response to Comment A4-02, and ROD Response to Comment A3-14. All relevant infrastructure has been carefully considered in the evaluation of potential traffic impacts and mitigation, including, where appropriate, by reviewing analyses prepared by the City. The scope of the TIS includes both the "freeway interchange area" and the "South Bonnyview Road" area referenced in the comment. Furthermore, as noted in the TIS, "existing roadway geometry/traffic control" were used to evaluate Cumulative (2040) and Cumulative (2040) plus Proposed Project (Redding Rancheria) Conditions. Accordingly, the study was completed in a manner that allows for isolation of the effects of the addition of the project.</p>
A3-16	<p>6. The FEIS does not provide the required traffic modeling to determine vehicle queues.</p> <p>In the freeway interchange area, the closely spaced intersections along the South Bonnyview Road corridor present unique interplay between intersections. The combination of closely spaced roundabouts and traffic signals requires the highest-level traffic modeling to estimate vehicular capacities, delays, and queuing. The FEIS does not provide this analysis. As such, the FEIS does not provide the information that the City needs to determine impacts and mitigation measures for the Opening Year (2025) Plus Casino Project conditions or for the Cumulative Plus Project conditions.</p>	<p>Please see ROD Response to Comment T2-15. The TIS Appendix L provides information related to average and maximum queues under Cumulative (2040) plus Proposed Project Mitigated Conditions.</p>
A3-17	<p>7. The mitigations proposed in the FEIS are incomplete.</p> <p>As stated above: The Saturday Mid-Day Peak Hour conditions need to be analyzed to determine impacts and mitigation measures. An analysis of the Casino Project traffic on the actual in-place roadway conditions was not performed. Traffic modelling that addresses capacities, delays, and queuing, in the context of closely spaced roundabouts and traffic signals, has not been performed.</p> <p>The future Cumulative condition freeway interchange improvements, shown in the October 30, 2017, Project Study Report are very conceptual in nature when considering the cumulative impact of the Casino</p>	<p>Please see ROD Responses to Comments A3-13, A3-14, and A3-15. As noted in the TIS, the diverging diamond interchange at the I-5 northbound and southbound ramps is only discussed as a mitigation and was not relied upon for future baseline conditions. Furthermore, because the conditions under which the project has offsite mitigations are Cumulative (2040), it is only responsible for its fair share contribution toward the improvements that are ultimately identified (by the City and Caltrans) for the subject locations. The Tribe has worked with the City and Caltrans towards diverging diamond funding.</p>

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	<p>Project. Additionally, these same conceptual improvements are presented in the year 2020 River Crossing Marketplace Specific Plan Final Environmental Impact Report (EIR) associated with approval of the Costco project. The conceptual improvements (along with the development of the Casino Project) were presented with the EIR but were considered speculative. Said conceptual improvements will require significant vetting with additional traffic analysis and preliminary designs to determine viability.</p> <p>A funding mechanism for the Diverging Diamond Interchange and second roundabout is not in place. Pursuant to Anderson First Coalition vs. City of Anderson (June 30, 2005), the environmental document should not count on "...speculative traffic mitigation measures..." that are not reasonably funded/programmed. Put another way, an approving agency should not assume a future road improvement will be in place unless the assertion can be supported by actual funding mechanisms and plans. With the very significant traffic impacts anticipated from the Casino Project, mitigation measures that require the construction of the improvements, as opposed to simply a "fair-share" payment, are required. The details of reimbursements and cost sharing can be deferred beyond the approval of the environmental document, but the fact that the mitigation improvements need to be constructed cannot be overlooked.</p>	
T2-1	<p>Biological Resources - Inadequate</p> <p>The Final EIS, the NMFS Biological Assessment (July 2018), and the subsequent NMFS Letter of Concurrence (May 2019) do not address the impact of permanent proposed light features of the casino complex and the potential to influence predation rates of juvenile salmonids in the adjacent Sacramento River. The only mention of lighting effects is in reference to impacts to birds in final EIR (page 4.5.5): "With the incorporation of design features in Section 2.3.2, including the use of non-reflective glass and downcast lighting, potential adverse effects to migratory birds and other birds of prey would be less than significant." However, these incorporated design features do not address issues with lighting on the river side of the casino, nor how lighting can influence predation of listed fish resulting in potential impacts that need to be minimized or mitigated for.</p> <p>The analysis in both the Final EIS and NMFS biological assessment are inadequate in regard to lighting impacts to state and federal listed fish species, primarily juvenile steelhead, and winter run and spring-run Chinook salmon. Many recent studies have demonstrated the enhanced susceptibility of juvenile salmonids to predation due to artificial lighting sources during nighttime. Two recent publications from NMFS biologists examine this impact in California: <a href="https://repository.library.noaa.gov/view/noaa/47838">https://repository.library.noaa.gov/view/noaa/47838</a> and <a href="https://afspubs.onlinelibrary.wiley.com/doi/full/10.1002/tafs.10286">https://afspubs.onlinelibrary.wiley.com/doi/full/10.1002/tafs.10286</a></p> <p>Operation of the casino on a year-round basis, would generate light and noise which would be likely to increase the effectiveness of predators (including striped bass and Sacramento pikeminnow) in the Sacramento River at preying upon juvenile salmonids. A desktop analysis that includes a summary of recent studies examining the influence of artificial light on predation should be included in the impact analysis. In addition, specific mitigation measures should be included to minimize these impacts, such as minimizing lights on the river side of the casino, altering the orientation of lighting, or introducing shade elements (e.g. trees) to specifically block artificial light from reaching the river.</p>	<p>Lighting design characteristics were described in Section 2 of the Draft EIS and the Final EIS, Volume II, Section 2. As described within these sections, illumination would consist of minimal lighting designed in accordance with Unified Facilities Criteria (UFC) 3-530-01 such that light or glare would not be cast off-site. This would be accomplished through the use of design features such as cut off lenses. Artificial lighting of the Sacramento River would not occur. Therefore, an analysis regarding the effects of artificial lighting on the Sacramento River is not warranted. Further, the NMFS did not raise lighting as an issue of concern during consultation, and concurred with the BIA's recommendation that the project is not likely to adversely affect listed fish species or critical habitats based on available information for the action area including the inclusion of project avoidance and minimization measures. The NMFS concurrence letter was included as Appendix O-1 of the Final EIS, Volume II.</p> <p>The conservation recommendations included in the NMFS concurrence letter are identified as discretionary agency activities and are therefore not required. The impact determination by NMFS of not likely to adversely affect is not contingent upon these measures. However, discretionary conservation recommendations identified by NMFS will be considered in the planning and construction phases in good faith and implemented where practicable.</p>

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	<p>It should be noted Conservation Recommendation 1 from the NOAA Concurrence Letter should be provided in the response and incorporated as part of the Project, as this measure was deemed necessary by NOAA and would further avoid potential Project impacts on federally protected salmonids and the associated aquatic habitat offered by the Sacramento River.</p> <p>Comments regarding potential seasonal impacts of onsite wells and wastewater disposal facilities on the Sacramento River's riparian ecology and listed species need to be addressed explicitly. A sub-watershed map should also be provided to ensure that hydrologic connection to off-site areas is adequately disclosed and analyzed</p>	
T2-2	<p><b>Flooding and Floodplain – Inadequate</b></p> <p>There are discrepancies between the text and figures in the Final EIS. Despite the assertion made in the Response to Comment T6-20 and General Response 3.11, Sections 2.3.2 and 4.3.3 do not explicitly state that the stormwater pond, outfall, and bank stabilization measures would be developed in the 100-year floodplain. These sections of the Final EIS should be revised to include this critical information.</p> <p>Furthermore, Response to Comment T6-20 indicates that the streambank stabilization measure would entail balanced removal and replacement of material within the floodplain. However, the proposed biotechnical bank stabilization measure, as described in Final EIS Appendix N, solely involves planting of willows along the bank toe and native trees at top of bank without any soil removal. This discrepancy should be addressed and clarified.</p> <p>Furthermore, as presented in General Response 3.11, and responses to comments T6- 29, T6-32 and T6-33, additional analyses should be performed to assess and evaluate the vulnerability of the streambank to ongoing erosion under normal and during high flow events.</p> <p>The responses should clarify why it is acceptable to place the pond within a 100-year floodplain. If the pond is designed to attenuate rare event flood flows and the vegetated swale leading to it is designed to convey a 100-year flow (FEIS Appendix N), then it is contradictory to place the pond within a 100-year floodplain. Contrary to Response to Comment T6-20, the potential impacts of developing the proposed stormwater pond (or wet pond) and streambank stabilization have not been fully analyzed or addressed in the Final EIS. While the stormwater pond does not appear to represent an obstruction to conveyance, the design as currently presented does not identify outlet appurtenances, such as a spillway to direct overflow or drainage back to the Sacramento River in a controlled manner.</p> <p>A detailed hydraulic analysis of the performance and potential effects of the outfall, stormwater pond and its outlet work should be performed to ensure that impacts to the Sacramento River and its floodplain have been adequately disclosed and analyzed. Further, a formal geotechnical assessment is necessary to verify the adequacy of the assumed 150-foot setback between the existing eastern top of bank and building footprint. Without a geotechnical evaluation, it is not known whether the setback distance is sufficient. This is necessary to confirm that the surcharge from proposed buildings will not exacerbate erosive conditions or result in bank failure and to minimize potential damage to new structures.</p> <p>Both the stormwater pond, outfall, and bank stabilization measures are proposed to be constructed within 100-year floodplain. However, no hydraulic analysis of the effects of these features on the Sacramento</p>	<p>Figure A1 of both Final EIS Appendix C and Appendix N, which are referenced in Final EIS, Volume II, Section 2.3.2, shows that the stormwater pond, storm drain outfall, and bank stabilization improvements are located within the FEMA 100-year floodplain. Potential impacts to the 100-year floodplain from the Proposed Project are addressed in the Final EIS, Volume II, Section 4.3.1 and Final EIS Appendix N.</p> <p>The first Grading &amp; Drainage Study dated April 10, 2017, included as Draft EIS Appendix C, proposed a different strategy for streambank stabilization, the Windrow Rock Slope Protection method, than the bio-technical stabilization method that was presented in the Final EIS. The Windrow Rock Slope Protection method involves removal of existing stream bank material above the ordinary high-water mark and placement of a wide row of appropriately sized rock (boulders) over the existing cobbly alluvium up to at least the flood water surface elevation of the river. This rock slope protection method would have utilized balanced removal and replacement of material within the floodplain. However, after further review and in response to comments received on the Draft EIS, including from the Paskenta Band of Nomlaki Indians, the bio-technical stabilization method was selected for the project. The sentence in Final EIS, Volume I, Response to Comment T6-20 referred to by the commenter related to the previously proposed Windrow Rock Slope Protection method.</p> <p>As described in Final EIS, Volume II, Section 3.3 and Final EIS Appendix C and Appendix N, the east bank of the Sacramento River in the vicinity of the Strawberry Fields Site is actively eroding during periods of very high flow. These are the existing conditions for which the vegetative streambank stabilization measures, described in Final EIS, Volume II, Section 2.3.2 and Final EIS Appendix N, have been designed and the analysis in Final EIS, Volume II, Section 4.3 is based. The bio-technical stabilization technique implemented shall be in accordance with the “Approaches to the Design of Biotechnical Streambank Stabilization” document prepared by the Indiana Department of Transportation and Purdue University or current industry Best Management Practices and is designed to slow the rate of erosion and reduce sedimentation compared to existing conditions. Additional analysis may be conducted during the detailed design phase to optimize planting locations within the parameters of the streambank stabilization method described in the Final EIS. Without the implementation of the proposed streambank stabilization measures, the streambank will continue to be vulnerable to ongoing erosion.</p> <p>As described in the Final EIS, Volume I, Response to Comment T6-20, the infiltration wet pond would be excavated from the upland portion of the floodplain and removing soil from the floodplain would not impact drainage patterns or increase flood risks because it would not displace flood waters. As described in the Final EIS, Volume I, General Response 3.11, the infiltration wet pond has not been designed to mitigate storm water volume of runoff but is rather an infiltration wet pond used to attenuate rare-event potential flood flows resulting from Churn Creek overtopping I-5 and to improve storm water quality. Although previous hydraulic modeling of Churn Creek in the 100-year Churn Creek flood event identified a potential for Churn Creek to overtop I-5 and cause shallow overflow across the Strawberry Fields Site, Caltrans has no record of I-5 overtopping in this area in the 50 years of I-5’s existence. As</p>

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	<p>River and floodplain is presented in the Final EIS. While the stormwater pond does not appear to represent an obstruction to conveyance, the design as currently presented does not identify outlet appurtenances, such as a spillway or energy dissipation structures that may be necessary to direct overflow or drainage back to the Sacramento River in a controlled manner. Likewise, the potential influence of the bank stabilization measure on water surfaces, velocity, and bed shear stress within the Sacramento River 100-year floodplain is unknown and requires further analysis. The grading and drainage study (Final EIS Appendix N) asserts that essentially no change to channel roughness would occur with the bank stabilization. A hydraulic analysis of the performance and potential effects of the stormwater pond and bank stabilization measures should be performed to ensure that impacts to the Sacramento River and its floodplain have been adequately disclosed and analyzed. Proposed streambank stabilization measures have not been adequately designed to incorporate hydraulic calculations and considerations for maintenance and feasibility. Appendix N fails to note whether irrigation would be required for the establishment of the willow plantings or what the performance criteria would be included to ensure that such measures succeed.</p> <p>As previously noted in submitted comments, a proposed streambank stabilization, only above the OHWM, is unusual and not likely to be structurally stable; alternative solutions to prevent ongoing erosion should be considered and evaluated to effectively demonstrate structural stability.</p>	<p>described in Final EIS, Volume I, Response to Comment A6-08, the base flood in the Sacramento River at the project location is entirely regulated by maximum regulatory release from Shasta Dam which is triggered by unusually high rainfall in the roughly 6,500 square mile tributary basin over the course of weeks or months during the wet season combined with high carryover storage from the previous dry season. No individual storm directly and independently affects flooding on the Sacramento River between Shasta Dam and Clear Creek. Stormwater runoff at the project site is produced by short duration (less than one hour) cloud bursts falling on the site itself. Flooding in Churn Creek results from high precipitation in the entire Churn Creek Basin, roughly 33 square miles, over the course of many hours, also referred to as a stationary convergence event. Therefore, due to the hydrology of the different water sheds, the peak flows in the Sacramento River and Churn Creek are highly unlikely to occur at the same time. Further, as described in the Final EIS, Volume I, Response to Comment A6-08, according to the “Churn Creek Bottom Flood Risk Reduction Reconnaissance Study, Shasta County” provided by Shasta County, flooding flows in Churn Creek generally occur at times of low flow in the Sacramento River (p.7). Therefore, the placement of the wet pond within the 100-year flood plain of Sacramento River is not contradictory to its intended use. A detailed design of the wet pond will be prepared at the construction phase. As discussed previously the wet pond is not intended to discharge into the river so outlet appurtenances, spillways, and drainage routes are not anticipated to be part of the final design.</p> <p>A discussion of the adequacy of the 150-foot setback is included in Final EIS, Volume I, General Response 11. In regard to surcharge from proposed buildings, the area below ground that is influenced by a building’s weight trends further below ground as you move away from the building. Conservatively assuming a 1:1 influence line, the soils that may be influenced by the proposed building’s weight 150 feet away from the building would be approximately 150 feet below the elevation of the river bank. Therefore, based on the conservative assumption of a 1:1 structural influence line, the surcharge from any buildings will not structurally influence the streambank or exacerbate erosion.</p> <p>As discussed in Final EIS Appendix N, Section 6.2.1, “The bio-technically stabilized bank would reduce erosion in the splash zone but would not increase the flow energy because the channel roughness coefficient and geometry would remain relatively the same. The ACOE Comprehensive Study stated that the HEC-RAS model in the upper Sacramento River “was not highly sensitive to changes in channel roughness”. The roughness coefficient used by both the ACOE study and FEMA in the channel was 0.035. The roughness coefficient values for willows on cobbly bank range from 0.035-0.055 in the overbank area.” Therefore, the channel roughness coefficient and channel geometry of the bio-technically stabilized bank would remain relatively the same as the non-stabilized bank. Maintenance considerations and potential need for irrigation will be developed in the detailed design phase.</p> <p>As described in Final EIS Appendix N, Section 6.2, the top 4’-8’ vertical loam bank is the portion of the bank that is experiencing erosion during high flows in the Sacramento River along the project frontage. The loam is underlain and supported by a sandy gravelly cobble with scattered boulders at approximately 2 horizontal to 1 vertical slope. The OHWM is located significantly below the vertical loam bank down the 2:1 sandy gravelly cobble slope. The bio-technical streambank stabilization between the OHWM and vertical loam bank, and within the 150-foot set back is intended to mimic the riparian vegetated condition that exists at the stabilized northern 200 feet of streambank along the project frontage. As described in Section 6.2 of the Final EIS, this northern “well-vegetated” section of streambank frontage has not appeared to experience erosion during the last 57 years. Therefore, the proposed approach to mimic the northern section of the streambank is viable and appropriate.</p>
T2-3	<p>Groundwater – Inadequate</p> <p>The Final EIS fails to adequately address comments regarding potential seasonal impacts of operating onsite wells such as potential drawdown effects on neighboring wells. In addition to chronic lowering of</p>	<p>A discussion of potential effects of the on-site water well on local wells and the Sacramento River was provided in Final EIS, Volume I, General Response 3.9 and Final EIS, Volume II, Section 4.3.1. If the Strawberry Field Site is taken into trust, the land will no longer be within the jurisdiction of the State and Executive Order N-7-22 would not apply.</p>

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	<p>groundwater levels indicating a significant and unreasonable depletion of supply, other undesirable effects could also occur due to wells being constructed and drawing water in close proximity to the Sacramento River. Significant and unreasonable use of water; reduction of groundwater storage; degradation of water quality and land subsidence are all possible consequences of failing to conduct this analysis. Furthermore, groundwater-related surface water depletions could have significant and unreasonable adverse impacts on beneficial uses of the Sacramento River groundwater dependent ecosystems, and riparian habitats. Further analysis must be conducted, and the results need to be disclosed in detail before a decision is made approving the proposed project.</p> <p>Note that if water supply for the proposed casino and other project components will require a new or altered groundwater well (if Alternative A, option 1 is selected), Executive Order N-7-22 would be in effect. In response to extreme and expanding drought conditions in California, the Governor issued Executive Order N-7-22 in March of 2022. Among other water resource considerations, EO-N-7-22 prohibits counties, cities, and other public agencies from approving permits for either the construction of new groundwater wells or the alteration of existing wells that are within a Sustainable Groundwater Management Act-regulated medium or high-priority groundwater basin unless (1) the Groundwater Sustainability Agency managing the basin verifies in writing that the proposed groundwater extractions: (i) would be consistent with any applicable Groundwater Sustainability Plan, and (ii) would not decrease the likelihood of achieving a sustainability goal for the basin; and (2) the well-permitting agency determines that extraction of groundwater from the proposed or modified well is not likely to (a) interfere with the production and functioning of existing nearby wells, and (b) cause subsidence that would adversely impact or damage nearby infrastructure.</p>	
T2-4	<p>Wastewater – Inadequate</p> <p>Final EIS Alternative A (option 1) relies on sewer capacity information from the 2012 City of Redding Wastewater Master Plan. Note the City’s Wastewater Master Plan was updated in 2022; therefore, the Final EIS should be updated to reflect current Sunnyhill Lift Station capacities, conveyance pipelines, and Clear Creek Wastewater Treatment Plant capacities with respect to current and projected peak demand along with the estimated (0.2 MGD) demand from the Project. Although the response to comment T6-82 asserts that the Final EIS wastewater capacity data reflects this update, the so-called updated wastewater management feasibility study (Final EIS Appendix M, Section 3.4.1 page 13) in fact refers to the 2012 City of Redding Utility Master Plan capacity data. Response to DEIS Comment T6-82 states that with the Sunnyhill Lift Station would be “approximately at firm capacity” once the Project becomes operational (or with inclusion of wastewater flows from the Project).</p> <p>The response also fails to mention that, as demonstrated in Table 6.1 of the 2022 Wastewater Master Plan, the Sunnyhill Lift Station does not currently have an emergency bypass system in place. If the Final EIS is to rely on use of the Sunnyhill Lift Station to move flows upgradient near the Sacramento River, it is recommended that an emergency bypass system or alternate emergency protections be installed. This is necessary to ensure that the Project’s wastewater does not overwhelm the lift station, spill raw sewage, and contribute to water quality violations.</p>	Please refer to ROD Response to Comment A3-6.
T2-5	Final EIS General Response 3.6.3 concedes that on a net basis the estimated increase in customers under Alternative A is expected to result in an approximately 52 percent increase above the baseline level of calls for law enforcement services at the existing casino. The general response also notes that if the IGO is terminated and another agreement cannot be reached, another option involving operation of a public	The commenter is correct that under the Onsite Services Option 2, the Redding Rancheria Law Enforcement Department would not have jurisdiction over criminal activities occurring off of the trust property. As described more fully in Final EIS Volume II, Sections 4.7 and 4.10, and ROD Response to Comment I21-12 below, the majority of law enforcement impacts from the project alternatives would occur on the project site. It is the case that a proportion of

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	<p>safety building on the Project site would occur (to be paid for by the Tribe) to mitigate potential increased law enforcement demand at the Strawberry Fields Site. It is unclear how such a facility (under Alternative A, Option 2) would have jurisdiction and capability to respond to casino-related off-site impacts, such as a proliferation of crime in the region.</p> <p>Furthermore, the siting for the proposed Option 2 locates a public safety facility at the southeastern part of Strawberry Fields Site, which would logically rely on the south off-site access route for ingress and egress. However, it is unclear how this option would work if 1) the south access route proves to be infeasible and no ROW is granted for Casino public safety egress and/or 2) traffic is generated to the extent that emergency response is limited in other parts of the site or to the north.</p> <p>The fact is that the validity of agreement between Shasta County and the Redding Rancheria pertaining to public safety services is the subject of pending litigation. Submitted herewith as Exhibit B is a copy of the complaint. Thus, the foundational premise for public safety services for Project Alternative A is in jeopardy. By failing to properly address this fundamental problem, the Final EIS's analysis of public safety services is wholly inadequate</p>	<p>crimes related to Alternative A would occur off-site, where the Redding Rancheria Law Enforcement Department may not have jurisdiction. However, as described in Final EIS, Volume II, Section 1.5.1:</p> <p><i>“In March 2023 Tribe and the state of California entered into a new Tribal-State Gaming Compact (Compact)...Pursuant to Section 11 of the Compact, the Tribe has agreed to establish an Impact Mitigation Fund for purposes of providing assistance to non-tribal law enforcement, emergency services, and service agencies with demonstrated impacts from operation of gaming facilities. The Tribe will withhold one percent (1%) of Net Win for deposit into the Impact Mitigation Fund and distribute those funds to neighboring jurisdictions to mitigate impacts...”</i></p> <p>Payments to the Impact Mitigation Fund would occur, even in the absence of the Intergovernmental Agreement (IGA).</p> <p>Also, as described in Final EIS, Volume II, Section 2.3.2, under Onsite Services Option 2 the Tribe may contract with one or more qualified third-parties to provide services. These third-parties could include the Shasta County Sheriff Office (SCSO) and the Redding Police Department (RPD).</p> <p>The commenter’s statement that the Strawberry Fields Public Safety Building (under Onsite Services Option 2) would connect to the off-site road network exclusively via access to the south is incorrect. As shown in Final EIS, Volume II, Figure 2.8-1, the Public Safety Building would be integrated into the roadways on the Strawberry Fields Site, and there would be ingress/egress to the surrounding road network via the North Access Road and the South Access Road, should it be constructed.</p> <p>As stated in Final EIS, Volume II, Sections 2.3.2, 4.7, and 4.10, Onsite Services Option 2, combined with other measures (including BMPs) would reduce Alternative A impacts to law enforcement to less than significant levels. In addition, as described in Final EIS Mitigation Measure 5.10.3, a new agreement could be reached if the existing IGA is terminated.</p>
T2-6	<p>Traffic Mitigation for South Access to Project Alternative A is Unworkable Because Redding Rancheria Lacks Requisite Land Ownership:</p> <p>Attached hereto as Exhibit D is July 31, 2023 Guarantee of Title Issued By First American Title Insurance Company (Guarantee No. 5026900-0007374e), The title at issue is “title to the estate or interest in land vested in A. A. Emmerson, as Trustee of the Survivor’s Trust established under the A. A. and Ida Emmerson Revocable Trust of 1990, dated December 19, 1990, as to an undivided one-half interest” and “Redding Rancheria, California, a Federally recognized Tribal Entity, as to an undivided 1/2 interest,” together with attached property description at pages 9 (narrative) and 15 (map).</p> <p>The legal description of the land that is the subject of the Guarantee of Title at page 9 (narrative) and page 15 (map) shows that Redding Rancheria owns only 50% of the parcel at issue. The other 50% is owned by the referenced Trustee, A. A. Emerson. As such, the Redding Rancheria does not have control of the use of the land at issue. The Redding Rancheria nevertheless has claimed the opportunity for traffic mitigation to the south, which would not be possible because the Rancheria does not own the land necessary to implement any such traffic mitigation.</p>	<p>The Final EIS evaluates multiple options for access to the Strawberry Fields Site, including Site Access Option 1, North Access Only, that does not involve an access road to the south across the parcel jointly owned by the Tribe described in this comment letter. Therefore, the EIS has evaluated potential effects under a scenario in which the Tribe is not able to gain access to their property from the south.</p>
T2-7	<p>North Access: Widening Constraints</p> <p>Under Alternatives A, B, C and D, off-site northern access improvements would be necessary for vehicle access to the Strawberry Fields site. The right-of-way for the northern access improvement would require</p>	<p>Comment noted. It is acknowledged that some widening of Bechelli Lane, north of the Strawberry Fields site, may be needed, and that approvals from the City of Redding may be required (refer to the Final EIS, Volume II, Table 1-1). Please note that, as documented in TIS Tables 33 and 35, Bechelli Lane operates acceptably as a 2-lane facility and is not required to be widened significantly to provide adequate access. The engineering feasibility of constructing</p>



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	<p>a width of at least 62 feet (four 12-foot lanes, 4-foot shoulders in both directions, and a 6-foot sidewalk on one side).</p> <p>Redding Rancheria's easement is not wide enough to provide sufficient access due to I-5 and private property (Daniell) over which the Rancheria has no control.</p> <p>There is limited space between Caltrans facilities (Interstate 5 southbound on-ramp and the existing Sunnyhill Lift Station at 5100 Bechelli Lane) to accommodate a minimum 62-foot right-of-way. The EIS should disclose the needed setbacks from both Caltrans facilities and the Sunnyhill Lift Station for the proposed right-of-way to confirm that the right-of-way can be accommodated without relocation of the Sunnyhill Lift station and associated sewer line connections.</p>	<p>Bechelli Lane improvements has been confirmed and is documented in the Redding Rancheria Draft Access Alternative Concepts Memorandum (Kimley-Horn, July 7, 2017).</p>
T2-8	<p>To comply with Section 106, the BIA is required to establish the Area of Potential Effects (APE) which is defined as:</p> <p><i>the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking [36 CFR 800.16(a)].</i></p> <p>The BIA does not appear to have contacted the California State Historic Preservation Office (SHPO) regarding a change in the size of the APE. The impact of this oversight has a ripple effect across the rest of the BIA's Section 106 process in the letter from the California SHPO to the BIA dated May 9, 2023, the SHPO inferred that:</p> <p><i>Per the 15 April 2020 letter written for the previous SHPO review, on behalf of the Redding Rancheria BIA proposed the transfer of a 232-acre parcel located near the city of Redding and known as Strawberry Fields from fee to trust status. BIA had determined that the undertaking would be for the transfer of land only albeit the Rancheria had proposed the future development of a casino on a 37-acre construction site located within the larger parcel. BIA determined the APE to be the 232-acre parcel.</i></p> <p>The BIA does not disclose its letter dated 15 April 2020 nor an additional letter provided to SHPO dated 24 February 2023 to verify the SHPO's inferences or what information was provided to the SHPO. These correspondences are essential to understanding how the agency made its determinations and findings under Section 106 of the NHPA as well as NEPA.</p> <p>As of May 9, 2023, as far as the SHPO was aware, the BIA had determined that the APE would only lie within the 232-acre parcel to be transferred. Subsequent to that correspondence, however, the Final EIS describes a much larger APE that included additional Project components. In section 3.6.3 of the Final EIS under the heading of "Strawberry Fields Site," the BIA discloses that:</p> <p><i>The APE for the Strawberry Fields Site is defined as the footprint of the proposed development, including the casino, a 250-room hotel, conference and event centers, restaurants, retail facilities, parking, and other supporting facilities water, wastewater, storm water, and access road facilities and depicted on DEIS Figure 2-8.1. It is presumed</i></p>	<p>The EIS and Section 106 consultation both use the term Area of Potential Effect (APE). However, the APE as defined within the EIS for NEPA purposes differs from the APE established for NHPA Section 106 purposes.</p> <p>The APE for purposes of Section 106 of the NHPA was refined in coordination with and at the suggestion of the SHPO to be limited to the 232-acre Strawberry Fields Site. The BIA discussed in its letter to SHPO on March 4, 2020 that the Section 106 APE consists of the 232-acre Strawberry Fields Site and that off-site improvement areas were no longer part of the Section 106 APE as "BIA has neither jurisdictional authority nor a federal action connected with the funding or approval of off-site improvements." In response, SHPO reviewed the APE as defined by BIA and confirmed in its letter on April 15, 2020 that it had no objection to the APE as defined by BIA.</p> <p>The EIS defines the physical extent of the South Access Improvement Area, North Access Improvement Area and Traffic Improvement Areas and discloses the potential for indirect environmental impacts to off-site areas as required by NEPA in Final EIS, Volume II, Sections 4.6 and Section 4.14. While evaluated in the EIS, these off-site improvement areas, as discussed above, are not part of the Section 106 APE.</p> <p>Cultural resources studies prepared for the Project Site did not identify historic off-site resources which would be visually affected by the Proposed Action nor does the comment identify resources that are listed or eligible for listing on the National Register of Historic Places (NRHP) that would be visually impacted by the Proposed Action. Thus, no expansion of the APE is warranted.</p>

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	<p><i>that construction and staging may occur anywhere within the Strawberry Fields Site and that no construction will continue more than 8 feet below ground surface.</i></p> <p>The Final EIS also discusses additional areas that were surveyed for cultural resources including the South Access Improvement Area, North Access Improvement Area, and Traffic Improvement Area that included six intersections where improvements may be needed. While these areas are discussed in the FEIS as now located in the APE, there is nothing within the record of the FEIS that indicates that these expansions in the APE were discussed with or reviewed by the SHPO consistent with 36 CFR 800.4(a).</p> <p>The EIS also identifies that the APE for cultural resources should have been increased due to the visual effects from the proposed project. The proposed hotel, for instance, is described as being in excess of 190 feet in height. In its assessment of visual impacts to visually sensitive resources in FEIS section 3.13.1, for instance, the BIA acknowledges that the types of properties visually affected by the Project may include “an historic building that is a rare example of its period, style, or design, or that has special architectural features and details of importance” but notably absent from consideration is a place of importance to Indian Tribes who ascribe importance to a place’s visual character and/or natural setting that also includes views of important rivers and/or mountains. The BIA acknowledges that there would be substantial effects from the Project upon the visual environment by noting that Alternative A would considerably increase the level of human-made elements on the existing landscape of the Strawberry Fields Site, which currently has no buildings or development. The proposed development would substantially alter the visual character of the northern portion of the site by transforming it from rural, undeveloped greenspace along the Sacramento River to commercial development.</p> <p>Despite the acknowledgement that Alternative A “would substantially alter the visual character” of the property, the BIA did not take these visual effects into account when establishing the APE as these visual effects would extend far outside the area where Project construction effects would occur.</p> <p>The concerns about the APE are not new (See BIA Response to Comments, Final EIS, Volume 1, T6-56; T4-01). The PBNI and the Wintu Tribe of Northern California (WTNC) both expressed concerns about the initial vagueness of the Project APE in the Draft EIS. While the Final EIS expands the definition of the APE, it does not disclose the full physical extent of the APE for the access improvements or the transportation area improvements. Given the discrepancies noted above and the lack of specificity, these concerns persist, leaving potentially significant impacts to cultural and historic resources unaddressed.</p>	
T2-9	<p>Pursuant to 36 CFR 800.2(c), the BIA is required to identify the participants in the Section 106 process. The regulations require that the agency consult with the SHPO, Indian Tribes, representatives of local governments, applicants for Federal assistance, permits, licenses, and other approvals, as well as certain organizations with a demonstrated interest in the undertaking.</p> <p>While the FEIS discusses the BIA’s consultation with the California SHPO through 2023 and some of the communications with the Redding Rancheria, there is minimal record that the BIA consulted with the PBNI, the WTNC, and the City of Redding. The FEIS for instance, only includes a now outdated consultation letter from the California SHPO that dates from May 9, 2023. While the SHPO letter discusses two letters from the BIA to the California SHPO (dated February 24, 2023, and April 15, 2023), those letters are not contained in Appendix E of the Draft EIS (Cultural Resources Consultation) or Appendix P (Additional Cultural Resources Consultation) of the Final EIS. No other letters from the California SHPO to the BIA are</p>	<p>The comment references the requirements of the NHPA, which involves a separate but concurrent process with NEPA. The NHPA does not require disclosure or inclusion of specific information within a Proposed Action’s NEPA document. In fact, SHPO consultation often involves confidential information that is not released into the public record.</p> <p>Native American coordination is summarized in Final EIS, Volume II, Section 3.6.4 and describes coordination with both the Wintu Tribe of Northern California (Wintu) and Paskenta Band of Nomlaki Indians (PBNI). The list of tribes contacted in 2016 was based on the Native American Contact List for Shasta County provided by the Native American Heritage Commission (NAHC) on February 19, 2016 (Appendix B of AES, 2019a). The list did not contain the Paskenta Band of Nomlaki Indians who describe themselves as having “lived in Northern California for generations, in what is now called Tehama and Glenn counties” (Paskenta Band of Nomlaki Indians, 2024). The BIA invited the Paskenta Band to participate in the consultation process on January 15, 2020 (Final EIS Appendix P) and did not receive a response prior to receiving SHPO concurrence on the finding of no historic properties affected on May 9, 2023 (Final EIS</p>

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	<p>included in the EIS’s appendices. From the single letter from the SHPO, it is unclear whether the BIA’s decision to expand the APE, evaluate resources such as site CA-SHA-266 and its related burials, or the Anderson-Cottonwood Irrigation District Canal (due to its location within the APE of the North Access Improvement Area, Final EIS p. 3.6-8) were ever discussed with the SHPO.</p> <p>There is also nothing in the public record that indicates the BIA passed along the information provided by the PBNI or the WTNC to the SHPO concerning their assertions regarding the NRHP eligibility of site CA-SHA-4413 and the associated Wintu Cultural Landscape under Criterion A and D. It is also unclear whether the BIA conveyed the Project’s adverse effects to these three resources to the SHPO.</p> <p>At a more fundamental level, the existing public record did not include the PBNI in the BIA’s list of tribes to consult with when the Draft EIS was released (See DEIS Appendix E). At the time the Draft EIS was published in April 2019; the BIA provided a list of tribes that were called in 2016. The PBNI is not on that list. Three separate calls to the WTNC are contained in Appendix E. The WTNC requested the opportunity to monitor the archaeological investigations, but the BIA responded it was too late for them to participate as they had already been conducted. The WTNC also requested several documents from the BIA, but Appendix E does not confirm whether this information was ever shared with the Tribe. In all three calls with the WTNC, the Tribe expressed concerns including that the Project area was “culturally significant.” It is not clear from the public record whether these sentiments were shared with the SHPO.</p> <p>In response to the Draft EIS, on June 17, 2019, the PBNI and WTNC provided extensive comments and its information pertaining to cultural resources, and the BIA’s Section 106 consultation process to date. It was not until January 15, 2020, that the BIA formally invited the PBNI to consult on the BIA’s undertaking, but the WTNC were not invited to consult. This remains the only BIA invitation to consultation letter in the Project’s Section 106 record as it is not clear whether the agency formally invited the Redding Rancheria to be a Section 106 consulting party. In the letter, the BIA acknowledges that the PBNI “expressed concern over cultural resources that may be impacted as a result of this federal undertaking. We will take these comments into consideration as we initiate the Section 106 process with the State Historic Preservation Office (SHPO).” The BIA stated further that “if your tribe has additional knowledge of, or concerns about historic properties with which you ascribe religious or cultural importance in relation to the federal undertaking, we would like to include such comments in our correspondence with the SHPO.” Despite the fact that the PBNI and the WTNC provided information about a historic property within the Strawberry Fields APE, no publicly accessible records, either in the EIS or the Section 106 consultation record, confirm that this information was ever shared with the SHPO. In response to the PBNI and WTNC comments on the Draft EIS, the BIA responded in the Final EIS by arguing that the site can only be evaluated under criterion “D” and failed to consider the assertions in the Theodoratus &amp; McBride Report (2019) in their comment responses and in the text of the FEIS.1 Again the publicly accessible administrative record does not indicate this determination of eligibility for the Wintu Cultural Landscape was disclosed to the SHPO.</p> <p>Lastly, in the BIA’s response to comments, the agency noted that “Project consultation is under the purview of the BIA; the BIA is in receipt of the Wintu Tribe’s [WTNC] comments regarding the Proposed Project’s need for consultation, however the BIA only consults with federally recognized tribes when fulfilling the requirements of NHPA” (BIA Response to Comments, Final EIS, Volume 1, T4-03). This response is at odds with 36 CFR 800.3(c)(5). The WTNC repeatedly expressed concerns to the BIA about the undertaking’s effects on historic properties important to the Tribe. Regardless of their federal status as</p>	<p>Appendix P). The BIA was contacted via phone and email in August 2023 by Paskenta regarding being a consulting party after SHPO concurrence was received. As discussed in Final EIS, Volume I, Response to Comment T4-03, the Wintu Tribe was not invited to consult under the NHPA as consultation is under the purview of the BIA and the BIA only formally consults with federally recognized tribes when fulfilling the requirements of NHPA. As discussed in the Advisory Council on Historic Preservation’s (ACHP’s) Guide to Working with Non-Federally Recognized Tribes in the Section 106 Process “the inclusion of non-recognized tribes is completely discretionary and is not done on a government-to-government basis” (ACHP, 2018).</p> <p>Cultural resources information from varying sources, including the City of Redding (a Cooperating Agency), the Wintu Tribe, and the Paskenta Band of Nomlaki Indians, was received during the NEPA and NHPA Section 106 processes. Final EIS, Volume I, Response to Comment T-4 specifically addressed the village sites mentioned in the Theodoratus and McBride report (2019) and the potential for effects. In light of the information received, there is no new information which would change the BIA’s determination that CA-SHA-4413 is not eligible for the National Register and that there would be no historic properties affected. As discussed in Final EIS, Volume II, Section 3.6.3, all four criteria, including criterion A, were considered.</p> <p>Regarding whether SHPO was aware of the potential for culturally significant historic properties on the Strawberry Fields site, the SHPO noted in their letter on April 15, 2020, that they were aware of the Wintu Tribe’s claims that the Strawberry Fields Site contained a tribal village with artifacts and human burials of their heritage. As discussed in ROD Response to Comment T2-8, the APE for purposes of NHPA Section 106 was not expanded to include off-site areas and is defined as the 232-acre Strawberry Fields Site.</p>

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	<p>an Indian Tribe, the WTNC are clearly a group “with a demonstrated interest in the undertaking” and “may participate as consulting parties due to...[their] concern with the undertaking’s effects on historic properties.” As such, the BIA is required to engage in consultation with the WTNC. The BIA, however, does not appear to have granted the WTNC consulting party status consistent with 36 CFR 800.3(c)(5).</p>	
T2-10	<p>Under 36 CFR 800.4 “Identification of historic properties,” the BIA is required to “determine scope of identification efforts” in consultation with the SHPO/THPO. Additionally, it is required to “Seek information, as appropriate from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area...”</p> <p>Prior to the commencement of field investigations, the BIA’s Final EIS record of consultation does not discuss whether or not the BIA ever consulted with the SHPO, Tribes, or the consulting parties regarding the methods the agency was going to take in order to identify historic properties until after the field investigations were completed. Further, the record shows that the BIA granted the Redding Rancheria the opportunity to serve as tribal monitors during the investigations but did not offer a similar opportunity for other consulting parties including the WTNC. This was significant because the Redding Rancheria provided its opinion regarding the eligibility of site CA-SHA-4133 during the field investigations. The BIA notes that the on-site Redding Rancheria representatives said the site “does not possess values that make it eligible for listing in the NRHP” (Final EIS Section 3.6-6). The assertions of the Theodoratus &amp; McBride Report (2019) and the opinions of the PBNI and the WTNC are not disclosed in this section and thus it is difficult to understand how the agency weighed the eligibility conclusions of one Tribe versus the opinions of other Tribes.</p> <p>Furthermore, as a part of its identification of cultural resources, in 2016, the BIA consulted with the California Native American Heritage Commission’s Sacred Lands file (NAHC; Final EIS Section 3.6.4). The BIA does not appear to have updated the search when it re-initiated the NEPA or NHPA consultation processes. As a result, the BIA does not discuss the NAHC Sacred Lands filings made by the PBNI and WTNC prior to the release of the Final EIS. Without this critical information, the BIA did not have sufficient information to make an informed decision regarding the NRHP eligibility of the Wintu Cultural Landscape or its sacred character.</p> <p>Additionally, under NEPA (40 CFR 1508.8) and as noted in the CEQ guidance<sup>2</sup> “the term cultural resources covers a wider range of resources than historic properties such as sacred sites, archaeological sites not eligible for the NRHP, and archaeological collections.” However, the BIA’s analysis in the Final EIS (Section 3.6.3) does not disclose how the proposed Project will affect resources that are not eligible for the NRHP and/or are considered sacred by Tribes. Given the lack of a recent NAHC Sacred Lands search, the agency does not appear to have adequately disclosed how the Project would affect Sacred Lands that have been identified by the PBNI and WTNC to the NAHC. The lack of clarity in how the agency considered visual effects suggests the agency did not assess whether the Project would visually impact the settings of historic properties located surrounding the property. It does not appear as if the investigations considered whether the Project could affect resources outside of the Project’s construction footprint. Under 36 CFR 800.5(a)(2)(v), federal agencies must consider whether the “introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features” would adversely affect the historic property. Despite the acknowledgement that Alternative A “would substantially alter the visual character” of the property, the BIA did not seek to identify historic properties situated outside of the</p>	<p>As discussed in ROD Response to Comment T2-9, Native American outreach was conducted prior to Phase II testing in April 2016. The SHPO noted in their letter on April 15, 2020, that they were aware of the Wintu Tribe’s claims that the Strawberry Fields Site contained a tribal village with artifacts and human burials of their heritage. Further, pursuant to 36 CFR Part 800.4(b)(1) the SHPO stated in its letter on April 15, 2020, that they had no objection to the “Level of Effort” identifying historic properties in the APE but should continue consultation with the Wintu Tribe. No additional information has been received which would expand the area of research or change the methodology used in the study.</p> <p>The potential for a new Sacred Lands filing is noted; however, it would only identify that certain Tribes need to be contacted and the Wintu Tribe and Paskenta Band of Nomlaki Indians have already been contacted about the potential for cultural resources on the Strawberry Fields Site. The opinions of multiple Tribes were solicited and considered throughout the process. Both AES (2019b) and the BIA made an independent evaluation that CA-SHA-4133 was not eligible for the NRHP. As discussed in Final EIS, Volume II, Section 3.6.3, the features and artifacts found during the Phase II investigation did not offer new information that would add to, change, or significantly alter what is already known about regional prehistory. See also Final EIS, Volume I, Response to Comments T4-01 and T4-02 regarding the Theodoratus and McBride Report (2019) and evaluation of CA-SHA-4133. Regarding the larger connection between multiple sites, the Final EIS acknowledges the larger Shasta Complex. The Shasta Complex is known to SHPO and no requirement has been made on projects to date to evaluate it as a historic district.</p> <p>The potential for visual effects to off-site historic properties was reviewed based on a records search conducted for the Strawberry Fields Site in 2016 which extended ½ mile and also reviewed the following sources:</p> <ul style="list-style-type: none"> <li>• National Register of Historic Places;</li> <li>• California Register of Historical Resources;</li> <li>• California Historical Landmarks;</li> <li>• California Points of Historical Interest;</li> <li>• California Inventory of Historic Resources;</li> <li>• Directory of Properties in the Historic Property Data Files for Shasta County;</li> <li>• Historic Spots in California; and</li> <li>• Historic maps.</li> </ul> <p>No historic properties were identified as part of the records search which would be visually affected by the Proposed Action.</p> <p>The history of the area, including violent conflicts between settlers and the Wintu, is documented in background reports prepared for the Strawberry Fields Site (Appendix A of AES, 2019a) as well as comments received during the EIS process. Archaeological testing was conducted onsite (AES, 2019a and AES 2019b); however, no burials or remains were discovered which would provide a connection to a historic massacre.</p> <p>The reference to the ACHP Policy Statement on Indigenous Knowledge and Historic Preservation from March 21, 2024 is noted. This policy statement was released after the completion of the Section 106 process.</p> <p>Regarding the Traffic Improvement Areas, these areas are not within the Section 106 APE.</p>

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	<p>Project construction footprint and in the areas that would be visually affected by the Project.</p> <p>The Final EIS does not take into account several recent updates to guidelines and procedures involving the evaluation of cultural properties. As noted in the Theodoratus &amp; McBride Report (2019) and summarized in the Band’s related DEIS comments of June 17, 2019, “throughout history, the Band’s Nomlaki ancestors migrated to Strawberry Fields to engage in salmon fishing and related economic relations with the Wintu people, the indigenous occupants of Strawberry Fields, from time immemorial, and these Nomlaki ancestors likely perished alongside Wintu in one of the largest massacres of Native people: that carried out by John Fremont and his forces in 1846.”</p> <p>Additionally, the Band’s DEIS comments note that “The Wintu therefore have a significant and unique historical connection to the Strawberry Fields Site. The site and immediately adjacent lands is the location of six Wintu villages bordered by the Sacramento River to the west and Churn Creek to the east. These villages were in existence and occupied well into the 1800’s. Between 760 and 950 Wintu resided within about 190 Wintu homes in these villages. These Wintu residents relied upon the salmon runs on the Sacramento River for their subsistence” (Theodoratus and McBride, 4-23). Perhaps most importantly, the Theodoratus and McBride Report (2019), after discussing the string of Wintu villages along the bluff overlooking the Sacramento River, concludes that “these documented Wintu villages” should be assessed for their “eligibility for inclusion in the National Register under both criterion A and criterion D as a Wintu Cultural Landscape.” The report continues that “the estimate length of occupancy, the seasonal, inter-tribal activities carried out in a unique river configuration exceptionally suited to the salmon harvest, and the shared history of assault and attempted annihilation of the entire community contribute to the historical significance of this cluster of villages on the Sacramento River. It is a shared indigenous history of the Wintu and their nearest neighbors to the south, the Nomlaki, and embodies their shared heritage values” (Theodoratus and McBride, 4). The analysis by Theodoratus &amp; McBride is consistent with recent guidance and policy statements released by the National Park Service (concerning the application of Criterion A) and the ACHP (concerning the “special expertise” of Indian Tribes) and supports the assertions of the PBNI and WTNC that a historic property of cultural significance is located on the Strawberry Fields property.</p> <p>As noted in the National Park Service’s recent white paper concerning the application of NRHP Criterion A clarified that it can be applied to a broader range of cultural resources:</p> <p><i>In National Register practice, culture is understood as “a pattern of events” or “repeated activities” significant under Criterion A, and the Criteria Bulletin provides as examples a building used by an important local social organization and a site where precontact Native Americans annually gathered for seasonally available resources and for social interaction.</i></p> <p>As noted in NPS’s guidance, Criterion A is well suited to the historical connections between the Strawberry Fields site and the PBNI and WTNC as established in the preceding paragraphs. Further, it does not appear that the BIA offered deference to the “special expertise” of the PBNI and the WTNC consistent with 36 CFR 800.4(c)(1). The Section 106 regulations require federal agencies to acknowledge the special expertise of Indian Tribes and NHOs in identifying and assessing the eligibility of historic properties that may be of religious and cultural significance to them. As noted recently by the ACHP, “Acknowledgement in this context means to recognize and defer to Tribal or NHO interpretation of the property’s significance and</p>	

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	<p>integrity. Members of the preservation community are not the experts on what constitutes Indigenous Knowledge or how it should be utilized to identify or evaluate the eligibility of a property that may be of religious and cultural significance to an Indian Tribe or NHO, including, but not limited to, ancestral materials recorded and documented as ‘archaeological.’” (Advisory Council on Historic Preservation Policy Statement on Indigenous Knowledge and Historic Preservation, March 21, 2024. Policy Principles 3(b) and 3(d)).</p> <p>The BIA’s response to comments (Volume I Final EIS) as well as the analysis in Section 3.6.3, does not defer to the PBNI or WTNC’s knowledge about the site and as a consequence did not discuss the possibility of a Wintu Cultural Landscape despite acknowledging the presence of ethnographically identified villages, accounts in historical records, as well as archaeological sites and burials (such as sites CA-SHA-266, CA-SHA-268, and CA-SHA-4133) within the APE. It elects to rely on the recommendations of the Redding Rancheria concerning the eligibility of CA-SHA-4133 but does not explain why the expertise of one Tribe is selected over another. It should be noted, that the parcel is one of the last intact parcels in the area where the Wintu villages were located and features distant views of Mt. Lassen and Mt. Shasta, as well as views of the Sacramento River – key landscape features within the larger Wintu Cultural Landscape. When taken collectively, the material culture, landscape components, and documentary research demonstrate that there is a significant concentration, linkage, and continuity of sites united historically and aesthetically by physical development and should be evaluated as a district and not as individual sites that lack distinction. The Final EIS consultation record does not discuss whether the BIA considered the possibility that these resources could form a district. In further support of the Strawberry Fields property as a property of cultural significance, the PBNI and WTNC are developing a National Register nomination for review by the California SHPO, California Historical Resources Commission, as well as the Keeper of the National Register of Historic Places.</p> <p>Lastly, the BIA acknowledges that it did not complete its survey of the APE. As noted on page 3.6-9 of the Final EIS, the “southern half of the footprint [of the Traffic Improvement Areas] has not been surveyed. Without a completed survey of the APE, it is unclear whether the BIA has adequately taken into account how its proposed undertaking will affect historic properties consistent with 36 CFR Part 800. If the agency wishes to defer investigations, then it would be required to prepare a memorandum of agreement or a programmatic agreement consistent with 36 CFR 800.4(b)(2).</p>	
T2-11	<p>From the FEIS consultation records (FEIS Appendices E and P), it does not appear that the BIA ever consulted with the California SHPO regarding a determination of eligibility or finding of effect for site CA-SHA-266. This represents an important oversight as the Final EIS states that “portions of CA-SHA-266 could be adversely affected by the widening of Bechelli Lane, and the development of appurtenant structures” related to the North Access to Strawberry Fields Site. The FEIS continues that “burials have been recovered from CA-SHA-266 and it remains possible that additional burials or other cultural expressions are represented within the site.” The FEIS, however, fails to disclose that the burials that were previously encountered during recent non-Project related cultural resource investigations and have since been reinterred within the established footprint of the Project APE and would likely be re-impacted by the proposed project (Final EIS p. 4.6-2). Despite the presence of these known burials, which are culturally significant to the PBNI and WTNC, the BIA has not considered these internments adequately in the effects analysis much less as a larger part of a Wintu Cultural Landscape. When an adverse effect is determined by a federal agency, the agency must “consult further to resolve the adverse effect pursuant to 36 CFR 800.6” (see 36 CFR 800.5(d)(2)). To date, there is nothing in the FEIS record of consultation that the BIA has</p>	<p>As discussed in ROD Response to Comment T2-8, the APE for purposes of NHPA Section 106 is defined as the 232-acre Strawberry Fields Site and was not expanded to include off-site areas. CA-SHA-266 and the referenced reinterred burials are not located within the Section 106 APE (the Strawberry Fields Site) and thus are not part of the SHPO consultation.</p> <p>The confidential cultural resources report prepared for off-site access improvements (AES, 2017) discusses that during construction of the Hilton Garden Inn Hotel in 2002, burials were discovered, and an area was created for reinterment of remains. The access options under consideration are detailed in the Access Alternatives Concepts memorandum (Kimley-Horn, 2017). The options would avoid the location of the reinterred burials which are within the known boundaries of CA-SHA-266.</p> <p>The BIA determined that no historic properties would be affected, with which SHPO concurred (Final EIS Appendix P). As no adverse effects were identified, no additional steps pursuant to 36 CFR 800.6 are required. No information is presented within the comment which would warrant re-initiating consultation.</p>

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	<p>followed through on any additional steps to address adverse effects required by 36 CFR 800.6 including (but not limited to):</p> <ol style="list-style-type: none"> <li>1. A continuance of consultation with the SHPO and other consulting parties (800.6(a)).</li> <li>2. Notification of the ACHP that there would be an adverse effect (800.6(a)(1)).</li> <li>3. Provide documentation to all consulting parties the information required under 800.11(c).</li> <li>4. Consult with the SHPO and other consulting parties to seek ways to avoid, minimize, or mitigate the adverse effects (800.6(b)).</li> <li>5. Development of a memorandum of agreement or a programmatic agreement (800.6(c) and 800.14(b)).</li> </ol> <p>The Final EIS fails to indicate when the BIA will complete these regulatory steps prior to making a final agency decision on the Project. Although there is no record of additional consultation with the California SHPO concerning these regulatory requirements, the BIA’s Final EIS identifies several measures that the BIA will undertake to “mitigate” effects to cultural resources. This includes the preparation of an Unanticipated Discoveries Plan (Mitigation Measure 5.6(A)), surveying of areas not previously surveyed, new Northeast Information Center (NEIC) record searches (Mitigation Measure 5.6(B)), archaeological and tribal monitoring (Mitigation Measure 5.6(C)), and inadvertent discoveries procedures for cultural resources and human remains (Mitigation Measures 5.6(D)) and 5.6(F and G). It does not appear that any of these mitigation measures adequately resolve adverse impacts from the Project or that they were discussed as a part of Section 106 consultation with the SHPO, Tribes, or the consulting parties.</p> <p>Additionally, several of these measures are at odds with 36 CFR Part 800. Despite the SHPO reminding the BIA that “consultation with my office on the potential of any inadvertent discovery encountered during project implementation” (Final EIS Appendix P, May 9, 2023, SHPO to BIA), the BIA’s Mitigation Measure 5.6(D) that addresses inadvertent discoveries only stipulates that “BIA and Tribe shall be notified” in the event of a discovery (Final EIS, p. ES-18).</p> <p>In addition to not notifying the SHPO, which is contrary to 36 CFR 800.13, the mitigation measure, as written, does not require the notification of the Indian Tribes that ascribe significance to the Project site that include the PBNI and WTNC. Also, as a part of the mitigation measure that discusses the agency’s compliance with the Native American Graves and Protection and Repatriation Act (NAGPRA; Mitigation Measure 5.6(F)), the agency has not completed a NAGPRA Plan of Action nor does the existing measure suggest that affiliated tribes (such as the PBNI and WTNC) will be contacted if the remains are found on lands taken into trust. In light of all of this and the unaddressed significant impacts to the Band’s historic and cultural resources, the Band requests the following here (and will do so by separate formal letters):</p> <ul style="list-style-type: none"> <li>• government-to-government consultation with the BIA to discuss the Project and its effects upon properties of cultural importance to the respective tribes.</li> <li>• a Section 106 consultation meeting to discuss the substantive regulatory issues contained in these comments.</li> <li>• that the BIA re-initiate consultation with the SHPO and consulting parties due to changes in the APE, identification of additional cultural resources, evaluation of additional properties, assessment of additional effects, and determinations the agency has made concerning mitigation without consultation with the SHPO and other consulting parties that the ACHP enter consultation pursuant to 36 CFR Part 800.</li> </ul>	<p>The mitigation requires at a minimum that the Tribe and BIA be notified and does not exclude the notification of SHPO. Cultural resources mitigation specifically references that 36 CFR 800.13 for “Post Review Discoveries” and the Native American Graves and Protection and Repatriation Act shall be complied with, which would require the notification of other parties, such as SHPO depending on the circumstances.</p>

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	<ul style="list-style-type: none"> <li>• a more comprehensive record of consultation that documents how the agency complied with the consultation requirements of Section 106, the determinations and findings it made under that statute and how it will resolve adverse effects. (The BIA’s NEPA Handbook requires that the agency collect a record of “Agency determinations made pursuant to law (e.g. ESA, NHPA, etc.)” (BIA NEPA Handbook, p. 44). It also requires that “To the extent possible, these other compliance actions [i.e. NHPA] should be completed by the end of the NEPA process (FONSI or ROD)” (BIA NEPA Handbook, p. 7).</li> <li>• that the BIA hold in abeyance its decision on the Project until a National Register nomination for the property of cultural importance by the PBNI and WTNC can be reviewed by the California SHPO, State Historical Resources Commission, and the Keeper of the National Register.</li> <li>• That the BIA afford the Band adequate time to prepare a supplemental NRHP evaluation of the Wintu Cultural Landscape for submittal to the Keeper of the National Register.</li> </ul>	
T2-12	<p>As set forth in the Band’s DEIS Comments, Project Alternative A on I-5 will reduce the Band’s earnings before interest, taxes, depreciation, and amortization from its gaming facility, south of the Project on I-5, at the Rolling Hills Casino between 35 and 38 percent. See Global Market Advisors, Evaluation of the Impact of the Redding Rancheria Fee-to-Trust and Casino Project on the Rolling Hills Casino (May 2019), attached as Exhibit A to the Band’s DEIS, at 3, 43-45.</p> <p>At page 3-12 in section 3.6.1 of the FEIS Response to Comments, the BIA states: GMA Advisor’s EBITDA estimate is not corroborated by Pro Forma Advisors. As described in Final EIS Appendix L, Pro Forma Advisors estimates that Alternative A would reduce the Rolling Hills Casino EBITDA by approximately 7.7 percent during the first full year of Alternative A’s operations. As described in Final EIS Appendix L (see Paskenta T-6.1), GMA Advisor’s estimate of declining EBITDA at the Rolling Hills Casino is unrealistic because the model used by GMA underestimates the level of market growth at 0.8% despite other developments, resulting in an overestimate of substitution effects, and the use of an unrealistic assumption of how much of a decline in revenue would translate into EBITDA.</p> <p>Attached hereto as Exhibit E is GMA’s Report on the FEIS (May 2, 2024). As GMA points out, Alternative A will directly compete with the Rolling Hills Casino &amp; Resort because it will be of the same or more expansive quality and scope. As such, having a new competitor located directly on the same highway of equal to or superior quality, with a larger hotel and enhanced non-gaming amenities, will significantly impact the revenues of Rolling Hills Casino... [A] long-term impact on revenue of over 34% is very reasonable. The Pro Forma Advisors estimate of 7.7 % is not. With regards to the impact on EBITDA, this is simply an analysis of fixed versus variable expenses. With a new quality competitor going after the same market, Rolling Hills will be forced to spend more on marketing and player reinvestment to retain their players. Furthermore, while Rolling Hills would be able to reduce some of its other operating expenses, it is far from a linear analysis. Through decades of experience of evaluating casino operations, GMA is confident in discussing how EBITDA diminishes at a far greater rate than revenue. The inverse is the same whereas revenues increase, EBITDA is expected to increase at a far greater rate. Economic impacts flow in both directions. The notion of only a 7% reduction as proposed by ProForma Advisors is not grounded in any reasonable analysis or even commonsense, given the clear competition that Alternative A poses to the Rolling Hills Casino.</p>	<p>Potential substitution effects to competing gaming facilities were thoroughly analyzed in Draft EIS and Final EIS Section 4.7. As stated in Final EIS, Volume II, Table 4.7-3 and Appendices A and L the revenue substitution effect of Alternative A to the Paskenta Band of Nomlaki Indians (Paskenta Band) Rolling Hills Casino was estimated at 5.8 percent during the first full year of operations, with effects declining in subsequent years. Substitution effects on Rolling Hills earnings before interest, taxes, depreciation and amortization (EBITDA) were estimated at 7.4 percent, assuming the GMA Report assumptions regarding operating margins were correct. EIS Appendices A and L were prepared by Pro Forma Advisors LLC (Pro Forma Advisors), a recognized financial advisory firm with expertise in the gaming and entertainment industries. The commenter claims that the Pro Forma Advisors estimate is understated and cites the Evaluation of the Impact of the Redding Rancheria Fee-to-Trust and Casino Project on The Rolling Hills Casino, dated May 2019 (GMA Report), which was prepared by Global Market Advisors. This document was attached as Exhibit A to the Paskenta Band’s June 17, 2019, comment letter (Final EIS, Volume II, Comment T6-97, which was summarized in Comment T6-01). The GMA Report estimated that during the first full year of stabilized operations, Alternative A would have a 23.2 percent substitution effect on Rolling Hills Casino gaming revenue and a 35 to 38 percent effect on EBITDA.</p> <p>As described in Final EIS, Volume II Appendix L and Final EIS, Volume I, General Response 3.6.1, Pro Forma Advisors analyzed the GMA Report and was unable to verify basic assumptions in the GMA Report or replicate its findings. In response to ROD Comment T2-12, Pro Forma Advisors prepared a new response (Exhibit 2). As described therein, the GMA Report does not state its estimate of Alternative A gaming revenue. Another step in a substitution analysis is quantifying revenues from individual sources, which would be customers who currently patronize competitors, plus new customers. The GMA Report only states its estimate of the effect on the Rolling Hills Casino. It is also difficult to assess the reasonableness of the GMA’s estimated effects to the Rolling Hills Casino, because individual revenue sources are not quantified.</p> <p>As a point of comparison, Pro Forma Advisors recently estimated the substitution effects of the recent expansion and renovation of the Rollins Hills Casino upon the existing Win-River Casino (Exhibit 2). Pro Forma analyzed this case because the Rolling Hills Casino expansion, which includes a 40 percent increase in its gaming floor, shares many similarities with Alternative A. Pro Forma Advisors found that the actual substitution effects on Win-River Casino were consistent with its estimate of Alternative A substitution effects on the Rolling Hills Casino (i.e., substitution effects were not substantial). This finding contradicts the GMA Report estimates of substantial Alternative A substitution effects on the Rolling Hills Casino.</p> <p>For these reasons, the substitution effects estimated by Pro Forma Advisors in its EIS economic analysis (EIS Appendix</p>



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		A) and Final EIS, Volume II, Appendix L remain valid. In addition, as described in Final EIS, Volume II, Section 4.7, substitution effects to competing gaming facility revenues are not expected to significantly impact these facilities, or to cause their closure. It is anticipated that competing tribal casinos would continue to operate. No physical environmental effects would occur.
T2-13	<p>As set forth in the Band’s DEIS Comments, Project Alternative A is not economically viable. See Global Market Advisors, Economic Return Evaluation of the Redding Rancheria Draft Environmental Impact Statement Alternatives: Review of Methodology, Reasonableness of Conclusions, and Analysis of a Modified “Alternative F” (May 2019) (“GMA’s Economic Return Report”), attached as Exhibit J to the Band’s DEIS Comments, at 3-5.</p> <p>The FEIS fails to adequately address this economic reality. As GMA’s Report on the FEIS states: GMA’s Economic Return Evaluation favors the modified F scenario even more so today. Over the past 2 decades, GMA has witnessed numerous Tribes (and commercial developers) invest bad money expecting increased net income to its stakeholders and that appears to be the situation with Alternative A, the FEIS preferred alternative. While the revenues associated with the expansion scenarios are much greater than at the existing Win River Casino, Alternative A would result in an incremental loss to Redding Rancheria when taking into account the net income, which is after debt service, capital maintenance expenditures, etc. Since the Pandemic, construction prices across the United States have skyrocketed. The project costs estimated in 2019 have now increased by about 50% for the same scope. The cost of capital (interest charge on projects) has increased substantially as well. In May 2019, LIBOR was approximately 2.6%. Today, that number has more than doubled to 5.7%. For a greenfield project of this nature, lending rates would be extraordinary, assuming the money was even available. Given these factors, GMA continues to believe that it is unlikely that the construction of the development as proposed by Redding Rancheria on the Strawberry Fields site would increase net income to the Tribe. If Redding Rancheria truly wants to increase revenue for its government expenditures, following a more prudent investment at its existing facility would have a greater benefit for its members</p>	<p>GMA’s comment was previously and thoroughly addressed in Final EIS Volume I, General Response 3.5.4. As described therein, GMA’s Modified Alternative F is simply a larger version of EIS Alternative F. As stated in Final EIS Volume I, General Response 3.5.4:</p> <p>“This option is a variation on Alternative F, but it does not present a materially different set of environmental considerations, impacts, or conclusions. To the extent this variant differs from Alternative F, it is in the commenter’s assessment of financial viability. As noted above, this disagreement appears to stem from a difference of opinion regarding the importance of proximity to I-5. Pro Forma Advisors found that projected annual revenue at the Strawberry Fields site was more than twenty times projected annual revenue of Alternative F.”</p> <p>The commenter’s statements regarding the financial viability of EIS Alternative A are not correct. The Tribe is aware of changes in construction costs and the financing markets and is in a position to render appropriate decisions regarding the project alternatives. As an experienced operator of the existing Win-River Casino, the Tribe is in a position to gauge the evolution of the gaming marketplace, recent changes in its operating expenses and the financing markets. As described in Exhibit 2, neither Pro Forma Advisors nor the commenter has accurate insight regarding the Tribe’s cost of capital for each project alternative. Also, as discussed in ROD Response to Comment T2-12 above, the recent Rolling Hills Casino expansion project shares many similarities with Alternative A.</p>
T2-14	<p>The Updated Traffic Impact Study is deficient because it does not include a Vehicle Miles Traveled (VMT) analysis in accordance with the requirements of state law. On September 27, 2013, Governor Jerry Brown signed Senate Bill 743 (SB 743). SB 743 created a process to change the way analysis of transportation impacts under the California Environmental Quality Act (CEQA) is conducted. The Governor’s office of planning and research (OPR) OPR concluded that the use of Vehicle Miles Traveled (VMT), with thresholds linked to GHG reduction targets, would adequately analyze a project’s transportation impacts while supporting all three statutory goals. OPR transmitted the final proposed revisions to the CEQA Guidelines and the current draft of the Technical Advisory to the California Natural Resources Agency (the body responsible for certifying, adopting, and amending the CEQA Guidelines) in November 2017. Beginning in January 2018, the California Natural Resources Agency initiated the formal rulemaking process to adopt the proposed revisions, including the new Section 15064.3 which specifies VMT as the metric for transportation analysis. On December 28, 2018, the California Office of Administrative Law filed the revised CEQA Guidelines with the Secretary of the State on behalf of the Natural Resources Agency, thereby formally implementing vehicle miles traveled as the metric for transportation analysis under CEQA. Pursuant to the adopted Section 15064.3, a lead agency may elect to implement the new criteria for analyzing transportation impacts immediately. As of July 1, 2020, the criteria was mandated for application state wide</p>	<p>Please see Final EIS, Volume I, Response to Comment T6-66. After further review no additional action is warranted.</p>

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T2-15	<p>The majority of the traffic counts utilized in the Updated Traffic Impact Study are inadequate because they are approximately eight (8) years old (Year 2016), and the retail and commercial areas north of Bonnyview Road on both sides of Interchange 5 (I 5) are now significantly buildout, including a new Costco Wholesale Center. Without new traffic counts, the Projects full impacts cannot be properly understood and are most likely significantly underestimated. Thus, new traffic counts should be conducted to capture all the new trips from the retail and commercial land uses as well as growth in traffic over the past eight (8) years</p>	<p>It is acknowledged that the adjacent roadway network has changed since the scoping and completion of the TIS. However, due to the study's volume sources and analysis approach, after careful review, it was determined that these changes would not impact the overall findings of the TIS. Consider that the TIS contemplates the effect of the project under Opening Year and Cumulative Conditions. Traffic volumes for the immediate study facilities for both of these analysis scenarios were taken directly from the River Crossing Marketplace Specific Plan Traffic Impact Analysis Report to ensure consistency between the projects' analyses. While the studies have different base years, the Opening Year and Cumulative Conditions volumes are consistent. Furthermore, as noted in the Introduction to the TIS, "Since the time of preparation of the original TIS, the City proceeded with a concurrent transportation impact study and Final Environmental Impact Report (EIR) for a nearby development known as the River Crossing Marketplace, and certain offsite traffic mitigations recommended in the River Crossing Marketplace Specific Plan Traffic Impact Analysis Report have been constructed. The city provided the associated improvement plans for the construction of South Bonnyview Road improvements at Bechelli Lane and the I-5 interchange ramps. These improvements have been fully constructed and the facilities were opened to traffic in November 2022. This Updated TIS incorporates these changes to the Opening Year and Cumulative conditions and adjusts the proposed project's mitigation responsibilities accordingly." As a result, the technical analyses documented in the TIS are considered to be appropriate and comprehensive to consider the effects of the project. No additional action is warranted.</p>
T2-16	<p>The Updated Traffic Impact Study assumes a Project Opening Year of 2025. A Project Opening Year of 2025 is unrealistic. Thus, the Updated Traffic Impact Study should be updated accordingly</p>	<p>Please see ROD Response to Comment T2-15. As noted in the Introduction to the TIS, "Although the projected Opening Year for the project has been delayed, the continued use of year 2025 to approximate the Opening Year volume conditions is considered to be appropriate based on published travel trends...it is reasonable to continue to use the previously established Opening Year 2025 conditions to assess the effect of the addition of the project on the near-term transportation network." Furthermore, the effect of the project is documented in the TIS to have been appropriately incorporated in the analyses and resultant mitigations associated with the River Crossing Marketplace study. No additional action is warranted.</p>
T2-17	<p>The analyses should be updated to include the roundabout (instead of the signalized intersection) at Bechelli Lane at S Bonnyview Road since it has been constructed and will provide direct access to the Project</p>	<p>Please see ROD Responses to Comments T2-15 and T2-16. No additional action is warranted.</p>
T2-18	<p>The comment below was included in LLG June 2019 and hasn't been addressed since new counts have not been conducted for the Updated Traffic Impact Study.</p> <p>It is generally accepted that a traffic impact analysis for a large project that is the busiest on a weekend would assess typical weekday AM and PM peak periods in addition to the anticipated peak times for the project itself. Additionally, weekday traffic counts for the analysis would normally be taken on a Tuesday, Wednesday or Thursday when schools are in session, unless there are extraordinary circumstances.</p> <p>The Updated Traffic Impact Study collected intersection turning movement counts during the Friday and Saturday PM Peak Period (5:00 PM 7:00 PM). In addition, the counts were collected in July 2016, which is non typical considering schools were not in session. Additional counts were collected in September 2016 and the TIA states that adjustments were applied to the July 2016 turning movement counts to proportionally increase volumes to reflect observed seasonal variation but did not document these adjustments. According to City of Redding Guidelines, turning movement counts for the weekday morning and evening peak hours shall be collected from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m., respectively, at 15-minute intervals, on a Tuesday, Wednesday or Thursday. Saturday mid-day counts shall be conducted from 11:00 a.m. to 1:00 p.m. at minute intervals. Additional traffic counts for other time periods are required if the peak hour trips for the Project fall outside these time ranges.</p>	<p>Please see Final EIS, Volume I, Response to Comment T6-101.2, and ROD Response to Comments T2-15 and T2-16. After further review no additional action is warranted.</p>

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	<p>It is recommended that new traffic counts be collected when schools are in session to provide a conservative analysis and to be consistent with the City of Redding guidelines. The new traffic counts should be collected during a weekday AM Peak Period (7:00 AM 9:00 AM) and PM Peak Period (4:00 PM 6:00 PM), as well as a Saturday Midday Peak Period (11:00 AM :00 PM). In addition, Saturday PM Peak Period (4:00 PM 7:00 PM) traffic counts should be collected to validate that the Saturday PM Peak Hour volumes evaluated in the TIA fall within the 5:00 PM 7:00 PM Period, since several locations have peak hours starting at 5:00 PM and the peak hour could potentially be earlier The City of Redding Traffic Impact Analysis Guidelines state:</p> <p>“Traffic Counts Turning movement counts for the weekday morning and evening peak hours shall be collected from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m., respectively, at 15-minute intervals. Saturday mid-day counts shall be conducted from 11:00 a.m. to 1:00 p.m. at 15-minute intervals. Traffic counts for other time periods will be required if the peak hour trips for the project fall outside these time ranges, for example, schools, theaters, and churches.”</p> <p>“Weekday average vehicle counts should be conducted on Tuesdays, Wednesdays, and Thursdays in dry weather conditions.”</p> <p>“Data shall not be collected during holidays, days immediately before or after holidays, or during the last two weeks in December. Data should not be collected at times when spring break or summer break could significantly alter the data.”</p> <p>“Historical traffic counts may not be used if more than two years old.”</p>	
T2-19	<p>The comment below was also included in LLG June 2019 and has not been addressed. Review of the intersection count sheets provided in Appendix A indicate that truck classification counts weren’t accounted for in order to determine existing truck percentage. Furthermore, review of the Synchro worksheets show that the HCM default of 2% Heavy vehicles was used. According to the City of Redding Traffic Impact Analysis Guidelines actual existing percent heavy vehicles should be utilized on State facilities, otherwise 2% can be assumed. It is recommended that the existing truck percentage be utilized in the intersection level of service calculations, since most intersections fall within the SR 273 corridor and are freeway ramp intersections.</p>	<p>Please see Final EIS, Volume I, Response to Comment T6-101.3, and ROD Response to Comments T2-15 and T2-16. After further review no additional action is warranted.</p>
T2-20	<p>The point below was also included in LLG June 2019 and hasn’t been addressed since Weekday AM Peak Hour analyses have not been conducted for the Updated Traffic Impact Study.</p> <p>The casino, hotel, event/convention center retail center and ancillary uses will have office components with employees commuting during the AM Peak Hour for work. The Updated Traffic Impact Study does not account for any of the Projects impacts during this time period and therefore does not adequately assess impacts.</p> <p>The Updated Traffic Impact Study does not include Weekday AM Peak Hour analyses per the City of Redding Traffic Impact Analysis Guidelines Analyses are needed for the Weekday AM Peak Hour using counts conducted on either Tuesday, Wednesday or Thursday in dry weather conditions during the peak hours between 7:00 AM to 9:00 AM, at 15 minute intervals, as stated in the City of Redding Traffic Impact Analysis Guidelines.</p>	<p>Please see Final EIS, Volume I, Response to Comment T6-101.4. Further, as noted in the City’s comment letter on the FEIS, the City’s consultant concluded that “the Weekday AM Peak Hour is not a controlling condition and therefore, omitting the standard analysis does not create issues for the City. No additional work related to the Weekday AM Peak Hour condition is required for the City to have the information needed to determine impacts and mitigation measures for the Casino Project,” (see ROD Comment A3-11). After further review no additional action is warranted.</p>

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T2-21	<p>The point below was also included in LLG June 2019 and hasn't been addressed since Weekday PM Peak Hour analyses have not been updated for the Updated Traffic Impact Study.</p> <p>The Weekday PM Peak Hour analyses in The Updated Traffic Impact Study are inconsistent per the City of Redding Traffic Impact Analysis Guidelines, since all the traffic counts and analyses were conducted for a Friday. It is Analyses are needed for the Weekday PM Peak Hour using counts conducted on either Tuesday, Wednesday or Thursday in dry weather conditions during the peak hours between 4:00 PM to 6:00 PM, at 15-minute intervals, as stated in the City of Redding Traffic Impact Analysis Guidelines.</p>	Please see Final EIS, Volume I, Response to Comment T6-101.5. After further review no additional action is warranted,
T2-22	<p>The point below was also included in LLG June 2019 and hasn't been addressed since Saturday Midday Peak Hour analyses have not been updated for the Updated Traffic Impact Study.</p> <p>The Saturday Midday Peak Hour analyses in The Updated Traffic Impact Study weren't conducted per the City of Redding Traffic Impact Analysis Guidelines since all the traffic counts and analyses were conducted for a Saturday PM Peak hour. Analyses are needed for the Saturday Midday Peak Hour using counts in dry weather conditions during the peak hours between 11:00 AM to 1:00 PM, at 15-minute intervals, as stated in the City of Redding Traffic Impact Analysis Guidelines.</p>	Please see Final EIS, Volume I, Response to Comment T6-101.6. After further review no additional action is warranted.
T2-23	<p>The point below was also included in LLG June 2019 and hasn't been addressed since Saturday Midday Peak Hour analyses have not been updated for the Updated Traffic Impact Study.</p> <p>LLG June 2019, stated that best practices warranted LOS calculations using at the time most current Highway Capacity Manual 6 h Edition (2016) The Updated Traffic Impact Study used Highway Capacity Manual 2010 (2010). Since it has been almost five (5) years since the last review, LOS calculations using the most current Highway Capacity Manual 7 h Edition (2022) should be used Further, at the time the Notice of Intent for the Redding Rancheria was published in the Federal Register (November 29, 2016), the Highway Capacity Manual 6 h Edition was available.</p>	Please see Final EIS, Volume I, Response to Comment T6-101.7. After further review no additional action is warranted.
T2-24	<p>The point below was also included in LLG June 2019 and hasn't been addressed since Weekday PM Peak Hour analyses have not been updated for the Updated Traffic Impact Study.</p> <p>According to the Updated Traffic Impact Study, the Opening (Year 2025) traffic volumes for a portion of the study intersections were developed based on linearly interpolating between existing and Year 2040 traffic volumes from information contained in the River Crossing Marketplace Specific Plan Traffic Impact Analysis Report prepared by Omni Means, A GHD Company, 2017. Generally, interpolation has lower volumes and is less conservative than manually developing Year 2025 volumes from ambient growth and assignment of cumulative projects in the area. There is no list of cumulative projects that were used representative of the Year 2025 volumes, nor any Year 2040 Model Post Processing model plots and worksheets to validate the Year 2040 volumes utilized. Furthermore, it is unclear how the Year 2040 Saturday volumes were developed. Proper impact evaluation should involve manually developing Opening Year volumes using recent counts, ambient growth and assignment of cumulative projects in the area, to provide more conservative analyses using as realistic Project opening year as previously also stated in above comments.</p>	Please see Final EIS, Volume I, Response to Comment T6-101.8. After further review no additional action is warranted.
T2-25	The comment below was also included in LLG June 2019 hasn't been fully addressed since only three (3) of the ten (10) locations were included in the Updated Traffic Impact Study.	Please see Final EIS, Volume I, Response to Comment T6-101.11. After further review no additional action is warranted.

**TABLE 2**  
RESPONSE TO NEW COMMENTS ON FINAL EIS

Comment Letter	Comment	Response
	<p>The three (3) locations included in the Updated Traffic Impact Study are shown as struck out. It is also noted that three (3) new intersections have been added along Smith Road (24 Smith Road/Proposed Project South Driveway, 25 Smith Road/I 5 SB Ramps and 26 Smith Road/I 5 NB Ramps) and analyses are included in the Updated Traffic Impact Study.</p> <p>Based on preliminary review of the Project Trip Generation and Assignment, it appears that there would be some locations beyond what was analyzed that exceed 50 trips, in some cases these locations have close to 200 peak hour Projects trips. It is recommended that the potential for significant traffic impacts at these following ten (10) additional locations should be evaluated:</p> <ol style="list-style-type: none"> <li>1. Market Street (SR 273) at Kenyon Drive</li> <li>2. Market Street (SR 273) at Breslauer Way</li> <li>3. Market Street (SR 273) at Buenaventura Boulevard</li> <li>7. Market Street (SR 273) at Briggs Street</li> <li>8. Market Street (SR 273) at 3rd Street</li> <li>9. Market Street (SR 273) at Ox Yoke Road</li> <li>10. Market Street (SR 273) at Spring Gulch Road</li> </ol>	
T2-26	<p>The comment below was also included in LLG June 2019 and hasn't been addressed.</p> <p>"It is unclear whether actual percent trucks were utilized for the Roadway Segment and Freeway Analyses. If default values were utilized, it is recommended that the actual percent trucks from the counts be utilized instead, per City and Caltrans Guidelines."</p>	<p>Please see Final EIS, Volume I, Response to Comment T6-101.13. After further review no additional action is warranted.</p>
T2-27	<p>The Project Trip Generation tables provided in the Kimley Horn study need to show the trip generation rates, as the notes are unclear how the rates were derived. The following provides further general comments on the Project Trip Generation:</p> <p>It appears that the trip forecast for the Conference Center was modeled similar to the Event Center. However, the trip characteristics for an Event Center is not adequately representative of a Conference Center use. Based on review of the Project description for the "Strawberry Fields site" in the FEIS it appears that a 1,500 seat Outdoor Amphitheater was excluded from this study. There is no justification as to why the Outdoor Amphitheater was excluded from the Project Trip Generation. It is unclear how the Event Center trip generation was derived. The description that "most of the patrons visiting the event are already onsite at the casino and only 30 percent of the patrons represent new trips" likely overestimate the trip reduction from the event center. A proper impact assessment requires further explanation of the Event Center trip rates. If it assumed that the 70 percent of patrons already onsite were from the Hotel, this alone would exceed the 250-room occupancy.</p>	<p>The trip generation methodology contained in the TIS clearly describes and differentiates between the methodologies used to approximate both the Conference Center and Event Center project components' trip generation characteristics. Please view the TIS, page 62, Table 16 footnotes 5 and 6 for the exact calculations and assumptions. No additional action is warranted.</p> <p>Please see Final EIS, Volume I, Response to Comment A8-04 regarding the outdoor amphitheater and additional commentary regarding the Event Center's trip generation characteristics. As noted therein, the outdoor amphitheater is no longer proposed.</p>
T2-28	<p>Included in June 2019 and haven't been adequately addressed: Page 8, Paragraph 1 For accurate impact assessment, the latest Highway Capacity Manual 7th Edition (2022) should be utilized or at the minimum the Highway Capacity Manual 6th Edition (2016) should be utilized which was available in November 2016, at the time the Notice of Intent to Prepare an Environmental Impact Statement for the Project was released.</p>	<p>Please see Final EIS, Volume I, Response to Comment T6-101.7. After further review no additional action is warranted.</p>

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Comment Letter	Comment	Response
T2-29	Included in June 2019 and haven't been adequately addressed: Page 20, Paragraph 2 a) It is noted that the Updated Traffic Impact Study only analyze the Friday PM and Saturday PM Peak Period, from 5:00 PM to 7:00 PM. Consistent with Redding TIA Guidelines, for an accurate impact assessment, a typical Weekday AM (7:00 AM 9:00 AM) and PM (4:00 PM 6:00 PM) Peak Periods, as well as Saturday Midday (11:00 AM 1:00 PM) Peak Period should be analyzed b)Truck classification counts should be conducted and Passenger Car Equivalent (PCE) factors utilized to accurately assess impacts There are truck uses within the vicinity of the Project site.	Please see Final EIS, Volume I, Responses to Comments T6-101.4-6, and 101.13. After further review no additional action is warranted.
T2-30	Included in June 2019 and haven't been adequately addressed: Page Table 8 Market Street has been identified as SR 275, (should be SR 273) This is repeated multiple times throughout the report	Comment noted. This numerical difference is isolated and immaterial to the findings of the analyses. No additional action is warranted.
T2-31	Included in June 2019 and haven't been adequately addressed: Page 36, Baseline Conditions A Project Opening Year of 2025 is not realistic. Thus, the Updated Traffic Impact Study needs to be updated accordingly	See ROD Response to Comment T2-16.
T2-32	Included in June 2019 and haven't been adequately addressed: The point below was also included in LLG June 2019 and hasn't been addressed. Please also see comment 1. Page 54, Paragraph 2 There is no documentation that supports the identification that Friday and Saturday PM peak periods represent the worst-case periods.	Please see Final EIS, Volume I, Response to Comment T6-101.2. After further review no additional action is warranted.
T2-33	<p>Included in June 2019 and haven't been adequately addressed: The point below was also included in LLG June 2019 and hasn't been fully addressed since only three (3) of the ten (10) locations were included in the Updated Traffic Impact Study. The three (3) locations included in the Updated Traffic Impact Study are shown as struck out.</p> <p>Figure 17 Based on preliminary review of the Project Trip Generation and Assignment, it appears that there would be some locations beyond what was analyzed that exceed 50 trips, in some cases these locations have close to 200 peak hour Projects trips. The potentially significant traffic impacts at these following ten (10) additional locations need to be analyzed.</p> <ol style="list-style-type: none"> <li>1. Market Street (SR 273) at Kenyon Drive</li> <li>2. Market Street (SR 273) at Breslauer Way</li> <li>3. Market Street (SR 273) at Buenaventura Boulevard</li> <li>7. Market Street (SR 273) at Briggs Street</li> <li>8. Market Street (SR 273) at 3rd Street</li> <li>9. Market Street (SR 273) at Ox Yoke Road</li> <li>10. Market Street (SR 273) at Spring Gulch Road</li> </ol>	Please see Final EIS, Volume I, Response to Comment T6-101.11. After further review no additional action is warranted.
T2-34	Main points raised in Section 3 of the report, as summarized in the executive summary.	<p>Please see Final EIS, Volume I, Response to Comment T6-101.11 as pertains to the study facilities included in the TIS. After further review no additional action is warranted.</p> <p>Please see Final EIS, Volume I, Response to Comment A4-02 regarding the project's use of Opening Year plus Proposed Project Conditions (instead of Existing plus Proposed Project) as the most comprehensive snapshot of realistic conditions anticipated to be realized upon opening of the Project. Regarding the change of roadway conditions in the study area, please see ROD Response to Comment T2-17.</p> <p>Regarding the summary of operations results under Existing, 2025, and 2040 analysis conditions, the commenter notes "additional impacts" beyond those documented in the TIS. The commenter's "additional impacts" are understood to refer to impacts different from those revealed in the TIS. The following is a summary of the commenter's "additional or new impacts":</p>

**TABLE 2**  
RESPONSE TO NEW COMMENTS ON FINAL EIS

Comment Letter	Comment	Response
		<ul style="list-style-type: none"> <li>- All Existing plus Project impacts are "new impacts" as the scenario was not considered in the TIS. Please see ROD Response to Comment A3-14. No further action is required.</li> <li>- All Opening Year (2025) plus Project "new impacts" are for the Knighton Road/I-5 interchange during Weekday AM peak-hour conditions. Please see Final EIS, Volume I, Response to Comment T6-101.2. No further action is required.</li> <li>- All Cumulative (2040) plus Project "new impacts" are for the Knighton Road/I-5 interchange during Weekday AM and Weekday PM peak-hour conditions. As the Weekday AM scenario was not considered in the TIS, no action is required. As noted elsewhere in this Response to Comments, the Weekday PM "new impacts" are difficult to compare because of the commenter's use of a different analysis platform, Highway Capacity Manual (HCM) 7th edition, and heavy-vehicle percentages, all of which result in a significantly different analysis. The analysis techniques, HCM 2010 edition, and other analysis parameters used in the TIS were current with the methodology at the time and consistent with the City's requirements. As a result, it is reasonable to anticipate that the practitioner would obtain different results. Because of these significant differences, it is difficult to truly assess the direct comparison of the two analyses' findings. No further action is required. Please also note that the City of Redding, through their independent peer review of the TIS, supported the study's exclusion of weekday AM and PM peak-hour (see Final EIS Comments A3-11 and A3-12). No further action is warranted.</li> </ul> <p>Please see Final EIS, Volume I, Response to Comment T6-101.2 as pertains to the day-of-week and time-of-day parameters used to identify the peak-hours analyzed as part of the TIS. It is important to note that the commenter's use of different count data, analysis platform, HCM edition, and heavy-vehicle percentages result in a significantly different analysis. As a result, it is reasonable to anticipate that the practitioner would obtain different results. Because of these significant differences, it is difficult to truly assess the direct comparison of the two analyses' findings.</p> <p>As pertains to the commenter's assertion that the TIS should have used LOS C instead of LOS D at the South Bonnyview Road intersections with East Bonnyview Road, Bechelli Lane, and Churn Creek Road (intersections #2, #3, and #6), the TIS was conducted in a manner that was consistent with the City's traffic study for the River Crossing Marketplace, which used an LOS D threshold at these locations and described these facilities as "...within the state highway system and interchanges and river-crossing street corridors whose capacity is affected by adjacent intersections". Please also note that the Knighton Road intersection with Churn Creek Road was analyzed using a LOS C threshold as suggested by the commenter. No further action is required.</p> <p>As pertains to the commenter's description of the year 2040 volume development approach and inconsistency with the methodology documented in the TIS, we have prepared the following summary table.</p>

**TABLE 2**  
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Comment Letter	Comment	Response															
		<p><b>Cumulative (2040) plus Rancheria Option A1 Volume Comparison</b></p> <table border="1"> <thead> <tr> <th data-bbox="1578 310 1659 391">ID</th> <th data-bbox="1659 310 2172 391">Intersection</th> <th data-bbox="2172 310 2467 391">KH (Saturday PM) vs LLG (Saturday PM)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1578 391 1659 431">3</td> <td data-bbox="1659 391 2172 431">Bechelli Lane at S Bonnyview Road</td> <td data-bbox="2172 391 2467 431">106.6%</td> </tr> <tr> <td data-bbox="1578 431 1659 471">4</td> <td data-bbox="1659 431 2172 471">I-5 SB Ramps at S Bonnyview Road</td> <td data-bbox="2172 431 2467 471">96.7%</td> </tr> <tr> <td data-bbox="1578 471 1659 512">5</td> <td data-bbox="1659 471 2172 512">I-5 NB Ramps at S Bonnyview Road</td> <td data-bbox="2172 471 2467 512">97.9%</td> </tr> <tr> <td data-bbox="1578 512 1659 552">6</td> <td data-bbox="1659 512 2172 552">Churn Creek Road at S Bonnyview Road</td> <td data-bbox="2172 512 2467 552">108.2%</td> </tr> </tbody> </table> <p>Note: Percent comparisons provided as KH/LLG</p> <p>This table demonstrates that the 2040 volumes used in the TIS are consistent with and even noticeably higher than those presented by the commenter. With this finding and recognizing that the TIS' 2040 volumes are largely consistent with those used in the River Crossing Marketplace traffic study, all three studies are generally consistent in their year 2040 baseline traffic conditions. As a result, any operations difference can be associated with the analysis techniques. The commenter's use of a different analysis platform, HCM edition, and heavy-vehicle percentages result in a significantly different analysis. As a result, it is reasonable to anticipate that the practitioner would obtain different results. Because of these significant differences, it is difficult to truly assess the direct comparison of the two analyses' findings.</p>	ID	Intersection	KH (Saturday PM) vs LLG (Saturday PM)	3	Bechelli Lane at S Bonnyview Road	106.6%	4	I-5 SB Ramps at S Bonnyview Road	96.7%	5	I-5 NB Ramps at S Bonnyview Road	97.9%	6	Churn Creek Road at S Bonnyview Road	108.2%
ID	Intersection	KH (Saturday PM) vs LLG (Saturday PM)															
3	Bechelli Lane at S Bonnyview Road	106.6%															
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5	I-5 NB Ramps at S Bonnyview Road	97.9%															
6	Churn Creek Road at S Bonnyview Road	108.2%															
I16-1	Cultural Resources – has not been adequately addressed. There have been reports of a large terrible Indian massacre at the Strawberry Field site. Several Indian villages were on that site as reported and the people inhabiting the villages were driven into the Sacramento River and many were killed. This terrible event should be addressed in the Final EIS and we believe a monument to those who passed should be constructed. Please review the history of the site and indicate what mitigation efforts will be made to honor those who passed.	The history of the general area, including violent conflicts between settlers and the Wintu, is documented in background reports prepared for the Strawberry Fields Site (Appendix A of AES, 2019a) as well as comments received during the EIS process. Archaeological testing was conducted onsite (AES, 2019a and AES 2019b); however, no burials or remains were discovered which would provide a connection to a historic massacre. The BIA determined that there are no eligible historic properties on the Strawberry Fields Site and SHPO has concurred with this finding (Final EIS Appendix P).															
I16-2	Intergovernmental Agreement-currently there is a lawsuit filed against the County for entering into the Intergovernmental Agreement without adequately addressing the future costs for providing services.	The commenter is correct that a lawsuit has been filed regarding the adequacy of the IGA. See ROD Response to Comments I21-1 through I21-4 below. The IGA remains in effect. The Tribe has stated that it will make funds available to address relevant impacts regardless of the lawsuit's outcome.															
I21-1	<p>The stated goal of the Intergovernmental Agreement (the "Agreement"), included as Appendix R to the FEIS, is to offset the impacts of the project's operation on Shasta County's resources for fire, emergency, and law enforcement services. But the payments made under the Agreement are far too low to actually do that. As detailed in the complaint filed in the matter of California Land Stewardship Council, LLC v. County of Shasta and its Board of Supervisors, Case No. 204273, Shasta County Superior Court, Shasta County's board of supervisors in July 2023 approved the Agreement between Shasta County and Redding Rancheria, under which Shasta County would provide law enforcement, fire, and emergency services to the proposed casino in exchange for certain one-time and recurring payments. A true and correct copy of this complaint is attached hereto as Exhibit B. According to the credible allegations in the complaint and in light of the FEIS's own conclusions, the payments that the Redding Rancheria will make in exchange for these services are entirely inadequate to offset the cost of providing these services.</p> <p>The Fire Chief and the Sheriff were both explicit about the fact that the inadequacy of the payments under the Agreement would strain and diminish their ability to provide services to Shasta County residents. As demonstrated by the quotation in the complaint, Shasta County's Sheriff made this clear before the Board of Supervisors. The Sheriff is quoted in the complaint as saying: "I am charged with looking out for the</p>	<p>The commenter is correct that Alternative A would increase annual law enforcement calls for service to the Win-River Casino by an estimated 52 percent (Final EIS Volume II, Appendix L, Table 3). However, it is important to note that this is the increase relative to the current level of calls for service (CFS) to the existing Win-River Casino. This percentage does not represent the increase in CFS for the SCSO as a whole. As described in Final EIS Volume II, Appendix L, operation of Alternative A is estimated to result in an additional 152 SCSO CFS annually. During 2019, the SCSO performed 42,148 CFS. Thus, Alternative A would result in an estimated 0.3 percent increase (152 divided by 42,148) in annual SCSO CFS. This percentage increase is much lower than 52 percent.</p> <p>Crime, fiscal impacts and public services were thoroughly analyzed in Final EIS, Volume II, Sections 4.7 and 4.10, as well as in Final EIS Volume I, General Responses 3.6.3, 3.6.4 and 3.7.1. The commenter states that mitigation payments would be insufficient to fund fiscal expenditures for law enforcement, public safety, fire and emergency medical services (EMS). This statement is not correct. The following financial analysis provides further support to the conclusions stated in the Final EIS:</p> <p><i>Estimated Fiscal Impacts under Alternative A</i></p>															



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	<p>public safety of this County, and that’s why I am up here urging you and pleading with you that you defer your decision on this Agreement and give us a chance to go back to the table and negotiate with the Tribe and hopefully come up with a more equitable agreement.” Similarly, the complaint quotes the Fire Chief as saying that, “just like the Sheriff, I am proposing to you to make sure that all the information that you guys have is accurate in a timely manner and you have all the fact[s] behind what, how that’s going to impact, not only my shop but the Sheriff’s shop and everybody else....And I obviously don’t have the tools right now as your fire chief in order to mitigate a significant event at that casino.” In particular, the Fire Chief stated that his department did not have a ladder truck capable of reaching the upper floors of the 9-story building included in the project, and the department would therefore need to purchase this additional equipment in order to serve the project. The \$1 million non-recurring payment for fire services falls well below the \$2 to \$3 million necessary to purchase such equipment.</p> <p>If this agreement stands, it will therefore place a tremendous burden—both in terms of finances and in terms of demand for services—on Shasta County’s law enforcement, emergency, and fire response systems that will not be offset by the meager payments included therein. This means that ordinary taxpayers in Shasta County will either receive reduced law enforcement, fire, and emergency response services as a result of the project, pay more for these services in taxes, or both. This is due in part to the fact that the agreement simply doesn’t provide for adequate contributions by the Redding Rancheria to cover the services that will be provided by Shasta County on the project site itself. It is also due in part to the fact that the Agreement makes no provision to mitigate the knock-on effects of increased law enforcement, fire, and emergency services requirements that the project will create in the surrounding areas. The FEIS notes that “Direct spending by local governments on public services (including police, fire, medical, and other emergency services), can be expected to increase under Option 1 because of the added visitation.” (FEIS Vol. 2, p. 4.7-7.) The “net effects to the fiscal finances of local governments could potentially be significant under Option 1, when taking ‘direct’ costs of law enforcement and fire protection services into account.” (FEIS Vol. 2, p. 4.7-8.) The FEIS then suggests that the mitigation measures proposed therein would reduce the above effects to “less than significant” levels. Id. But this would clearly not be the case where the amount expended significantly exceeds the amount contributed, whether directly through the minimal payments made under the Intergovernmental Agreement or indirectly through the minimal increase in offsite tax revenue, as is true here. Appendix L to FEIS Vol. 3, p. 7, shows direct fiscal costs of more than \$400,000 per year to Redding and Shasta County under the preferred alternative. The Agreement, on the other hand, only provides for two one-time payments of \$1,000,000 each for law enforcement and fire and emergency services. Setting aside the fact that the relevant departments would be required to use some or all of these funds to purchase the equipment necessary to provide services to the project—i.e., assuming arguendo that a \$0 investment in additional equipment were required—these payments would still leave these departments in the red within just five years.</p>	<p>Fiscal impacts to public services were estimated by Pro Forma Advisors LLC in Final EIS, Volume II, Appendix L. As described therein and in Final EIS, Volume II, Table 4.7-5a, the fiscal impacts to law enforcement and public safety under Alternative A were estimated at \$300,700 during the first full year of operations. As described in Final EIS, Volume II, page 4.7-7, this estimate is based on a calculation of average cost per CFS, which in turn assumes that only costs caused by law enforcement CFS that originate in unincorporated Shasta County (i.e., are stimulated by SCSO CFS) are included in the calculation. To the extent that County departments address offences that occur within Shasta County cities, the \$300,700 estimate will be overstated. An example of such an item would be if the County Jail housed a person who was arrested by the RPD.</p> <p>Total direct fiscal impacts to law enforcement, public safety, fire, EMS and forgone property taxes were estimated at \$368,900 during the first year (Final EIS, Appendix L).</p> <p><i>Estimated Mitigation Payments under Alternative A</i></p> <p>As described above in ROD Response to Comment T2-5, the Tribe will withhold one percent (1%) of Net Win for deposit into the Impact Mitigation Fund. Under any reasonable set of assumptions regarding Net Win, annual payments to the Impact Mitigation Fund under the Compact would be substantial.</p> <p>Pursuant to the IGA (Final EIS, Volume II, Appendix R), the Tribe agreed to make non-recurring and recurring payments to the County. At least a portion of these payments would be “in addition to that provided for in the Compact through the establishment of the Impact Mitigation Fund” (IGA Recitals Section) which is described above.</p> <p>Non-recurring payments include:</p> <ul style="list-style-type: none"> <li>• Three installments totaling \$1,600,000 in lieu of property taxes, permit fees and other impact fees (Section 2.A.).</li> <li>• \$1,000,000 to help fund initial law enforcement costs (Section 2.B.).</li> <li>• \$1,000,000 to help fund costs associated with fire and emergency services (Section 2.C.).</li> <li>• Fair share payments to address potential impacts on roads (Section 2.D.).</li> </ul> <p>Recurring payments under the IGA include:</p> <ul style="list-style-type: none"> <li>• \$1,000 per call for law enforcement service, to be increased annually by the CPI adjustment (Section 3.A.).</li> <li>• \$10,000 per call for fire and emergency services, to be increased annually by the CPI adjustment (Section 3.B.). <ul style="list-style-type: none"> <li>• Tribal transient occupancy tax, calculated in the same manner and at the same rate as the County transient occupancy tax (Section 3.C.).</li> </ul> </li> <li>• \$50,000 recurring payment to maintain the County’s roads and traffic controls (Section 3.D.).</li> </ul> <p>In addition, the IGA has a renegotiation provision (Section 8), that stipulates that the agreement provisions can be renegotiated if unforeseen circumstances cause changes in the underlying assumptions.</p> <p><i>Fiscal Impacts, Net of Mitigation Payments</i></p> <p>Regarding non-recurring items, payments for law enforcement and public safety are expected to equal or exceed related costs, as Alternative A should not stimulate a need to construct new SCSO facilities. Significant start-up costs could be incurred for the provision of fire and EMS services if the County determines that a new ladder truck is necessary to mitigate the risk of a fire in the hotel tower. The City of Redding Fire Department currently operates a</p>

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		<p>ladder truck that was recently purchased for \$1.3 million that can reach to 107 feet. If the County decides a new ladder truck is warranted, the expenditure may exceed the \$1,000,000 payment under IGA Section 2.C. However, such ladder truck would address incidents that occur at locations in addition to the Strawberry Fields Site.</p> <p>Regarding recurring items, local agencies would receive mitigation payments pursuant to both the IGA and the Compact. The amounts of recurring payments under the IGA that are based on a per CFS formula are not equal to cost estimates listed in Final EIS, Volume II, Appendix L for each category of services, but total annual payments for law enforcement, fire and EMS under Sections 3.A. and 3.B. would be similar. Payments pursuant to IGA Section 3.C. (Tribal transient occupancy tax) would provide additional funds to mitigate impacts. Under all reasonably foreseeable circumstances, the collective recurring mitigation payments for public services would equal or exceed the costs of providing services under Onsite Services Option 1.</p> <p>The commenter also references the complaint filed in the matter of California Land Stewardship Council, LLC v. County of Shasta and its Board of Supervisors, which it attached as Exhibit B, Items 6 and 30. In the complaint is a comparison of mitigation payments under the IGA versus certain other casino related local agreements. The complaint states that the IGA mitigation payments are much less than payments under local agreements for similar casinos. The comparison is not meaningful for a number of reasons, including:</p> <ul style="list-style-type: none"> <li>▪ Agreements with local agencies often use different methods to calculate payments. For example, in the case of the Graton Rancheria agreements, recurring payments are lump sums by category. However, the overwhelming majority of recurring IGA payments are calculated based on actual law enforcement/fire/EMS CFS and hotel stays. Under any reasonable set of assumptions regarding law enforcement, fire and EMS activity, annual CFS-based payments under the IGA would at least be hundreds of thousands of dollars. Complaint items 6. and 30. list total IGA recurring payments of only \$50,000.</li> <li>▪ Some local agreements have provisions for a Tribal transient fee or tax (TOT), in lieu of a hotel occupancy transient tax, and some do not. The IGA has such a feature, and payments under this mechanism would be substantial. The Shasta County transient occupancy tax rate is 10 percent of hotel room rent. As described in Final EIS, Volume II, Section 2.3.2, the Alternative A hotel tower includes 250 rooms. Under any reasonable set of assumptions, annual payments under the IGA TOT provision would be hundreds of thousands of dollars. As described above, complaint items 6. and 30. list total IGA recurring payments of only \$50,000.</li> <li>▪ Costs incurred by local agencies for providing public services can vary substantially from one jurisdiction to another.</li> <li>▪ The incidence rate of law enforcement, fire and EMS CFS can vary substantially from one casino to another, due to a variety of factors.</li> <li>▪ Although the purpose of local agreements is in part to provide for mitigation payments, such payments may or may not accurately represent fiscal impacts. For example, one local agreement may provide for mitigation payments that equal fiscal impacts, while payments under a second agreement may equal 1.5 times fiscal impacts.</li> </ul>
I21-2	<p>Further, as mentioned above, the Agreement entirely fails to capture another category of costs: those created off-site by the project. The increased traffic to and activity around the project will require additional law enforcement activities in the vicinity of the project and will also trigger greater fire and emergency services burdens.</p> <p>Aside from the one-time payments, which, as discussed above, are patently inadequate, the Agreement makes no attempt to provide for these costs. While the Agreement does include a per-call payment</p>	<p>Please see ROD Response to Comments T2-5 and I21-1 regarding how the combination of payments under the Compact and the IGA would mitigate fiscal impacts related to incidents that would occur both on-site and off-site.</p>

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	<p>structure for fire, emergency, and law enforcement services, these payments will only be triggered when law enforcement, fire, or emergency responders are required to go to the site itself. This means that there is no way to capture the impacts of increased off-site demand on law enforcement or emergency services, and the County will have to bear these costs on its own.</p>	
I21-3	<p>What happens when the Sheriff is stretched thin because of the additional demands of traffic enforcement in the light of increased traffic to the project, especially when additional services are required in nearby neighborhoods as a result of the project? Shasta County residents will receive inferior services. Similarly, if the fire department and emergency responders are required to spend millions of dollars on new equipment, in addition to being required to address increased traffic accidents as a result of the project, who will bear the brunt of these impacts? SUSA members and other Shasta County residents. Because it failed to take this into account at all, the EIS failed to adequately analyze this issue, which will almost certainly cause significant impacts for SUSA members and other residents of Shasta County, and which will require additional mitigation measures.</p>	<p>As described in ROD Response to Comment I21-1, local law enforcement, public safety, fire and EMS providers would not be stretched thin because of the operation of Alternative A. Rather, mitigation payments would equal or exceed costs incurred by local agencies for services provided.</p>
I21-4	<p>If this agreement is reformed or renegotiated as a result of the aforementioned lawsuit, on the one hand, the FEIS will not have analyzed this new agreement or its impacts. There is no guarantee that any such negotiation would yield better results for SUSA members or Shasta County residents than the current egregiously inadequate Agreement, especially as the “Renegotiation Events” at paragraph 8(A) of the Agreement significantly favor the Redding Rancheria. If this agreement is invalidated and a new agreement cannot be reached, on the other hand, the project may proceed with Option 2 for the provision of these services: construction of a “Public Safety Building.” The Public Safety Building option was not seriously analyzed anywhere in the EIS review process. This means that how this Public Safety Building would address the law enforcement, fire, and emergency response issues on the project site is not clear.</p> <p>With regard to law enforcement, the EIS only mentions that, in the event of Option 2, Redding Rancheria would have 5 full-time law enforcement officials on site. (FEIS Vol. 2 p. 4.10-6.) It does not discuss the kind of equipment they would have, nor does it deal with the fact Shasta County Sheriff’s personnel would be needed for arrests or other participation in cases where the Tribe does not have or does not wish to exercise jurisdiction or where additional assistance is necessary because of the scope of a given event. Further, the FEIS is up-front about the fact that the Redding Rancheria Law Enforcement Department is at this point hypothetical. “The Redding Rancheria Law Enforcement Department is not currently active but could be funded and staffed in order to provide law enforcement services under Option 2.” (FEIS, Vol. 2, p. 2-19 (emphasis added).) Additionally, the proposed location for the Public Safety Building relies on the southern off-site access route for ingress and egress, but the FEIS makes no provision for the possibility that this route may end up being infeasible because no right of way is granted, nor does it account for the impacts that this location may have on the provision of emergency services to other portions of the site. The FEIS’s failure to analyze whether these levels of staffing are adequate, especially in light of the fact that the Redding Rancheria law enforcement department has no operational history that demonstrates the department’s capacity to undertake these responsibilities, and its failure to address the proposed location of the Public Safety Building mean that the FEIS did not adequately analyze this option. These are significant failures of the FEIS, especially in light of the likelihood that the Agreement will be nullified as a result of the California Land Stewardship Council case discussed above.</p> <p>These inadequacies in Option 2 will either mean that, on the one hand, services are siphoned off from other Shasta County residents to be provided on the project site, or, on the other hand, that the fire, law enforcement, and emergency response situations that transpire on the project site will grow to impact</p>	<p>Please see ROD Response to Comment T2-5 regarding impacts in the event the current IGA is terminated.</p> <p>The commenter’s statement that the renegotiation provision (Section 8) of the IGA favors the Tribe is not correct. Both the County and the Tribe have the ability to request that the other party renegotiate the agreement. It is the case that the list of events that could cause the Tribe to seek renegotiation is more specific, because the Tribe’s ability to make mitigation payments depends on the viable operation of Alternative A.</p> <p>The commenter’s statement that the Tribe would be unable to adequately address public safety under Public Safety Option 2 is not correct. The Tribe would activate its Redding Rancheria Law Enforcement Department, which would operate from the Public Safety Building and provide specialized law enforcement services to the Strawberry Fields Site (Final EIS Volume II, Section 4.10). The department would leverage the experience of the existing Redding Rancheria Security Department. Regarding the adequacy of staffing and funding, the law enforcement element would be staffed by 5 full-time personnel (Final EIS Volume II, Section 4.10). Regarding fire and EMS, the Tribe would staff 2 full-time professionals on-site, including 1 Fire Chief and 1 emergency medical technician, plus volunteers. The Tribe would likely hire one or more administrative staff to support the efforts of law enforcement, fire and EMS personnel. Thus, law enforcement, fire and EMS would be staffed by at least 7 to 8 full-time personnel under Public Safety Option 2. As a comparison, as described in ROD Response to Comment T2-5, fiscal impacts under Public Safety Option 1 are estimated at \$368,900 during the first year. Wages alone under Public Safety Option 2 would exceed this level, assuming typical compensation levels for the 7+ full-time personnel (\$368,900 divided by 7 persons equals approximately \$53,000). This suggests that the staffing level of Public Safety Option 2 would be more than adequate.</p> <p>Furthermore, as stated above in ROD Response to Comment T2-5 and in Final EIS, Volume II, Section 2.3.2, under Onsite Services Option 2 the Tribe may also contract with one or more qualified third-parties to provide services. These third-parties could include the SCSO and the RPD.</p> <p>Please see ROD Response to Comment T2-5 regarding access to the Public Safety Building under Onsite Services Option 2.</p>

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	<p>area residents. In the same vein, the FEIS only states, with regard to fire and emergency services under Option 2, that the Redding Rancheria will have one Fire Chief and one EMT and will establish a team of volunteer firefighters of unspecified size. (FEIS Vol. 2, p. 4.10- 7.) There is no mention of requirements in the EIS for fire-fighting equipment or personnel or emergency response equipment or personnel, other than the bare minimum of individuals. There is nothing about their qualifications or ensuring that the staffing levels are adequate to meet the needs of the project without recourse to services from Shasta County. The staffing levels specified in the EIS are, in fact, likely to be wholly inadequate and require frequent assistance from Shasta County personnel, which, under Option 2, would not be compensated. This option would therefore consume Shasta County's fire and emergency services resources, reducing the quality and level of service for other residents of Shasta County significantly. Thus, this option was inadequately reviewed in the EIS and is likely to present significant negative impacts to Shasta County and its residents which will not be mitigated by the proposed mitigation measures.</p>	
I21-5	<p>A major flaw of both the initial and updated TIS is that they only analyze a narrow window of the average week and do not address traffic impacts when they matter most to residents of Redding and Shasta County: at the typical rush hour. The TIS was conducted only during the evening peak period, between 5:00 and 7:00 p.m., and only on Friday and Saturday. These days are among the lightest traffic days in the week, and the numbers contained in the TIS therefore fail to account for the experience of the average working resident of Redding or Shasta County. As Kile McClure said, "[m]ore traffic in this area would result in a greater disaster. The people that travel through that general area in the mornings and evenings have a hard enough time, as do the people going in and out of the Costco shopping center." The TIS ignored just such people who travel this area in the mornings and on a daily basis, and instead focused, in essence, on the traffic impacts for attendees of the casino.</p>	<p>Please see Final EIS, Volume I, Response to Comment A4-02. Appendix F to the TIS was provided to further substantiate the study's focus on Friday and Saturday evenings. The City of Redding's comments further support the study's exclusion of weekday AM and PM peak-hour (see ROD Comments A3-11 and A3-12 in this table). No further action is warranted.</p>
I21-6	<p>Additionally, the data for the TIS were collected in July and September of 2016. The September numbers were higher. (FEIS, Vol. 3, Appendix R, p. 20.) The TIS recognized this seasonal variation, which suggests that some portion of the traffic was related to school traffic, as schools are out of session in July. School-related traffic will be higher for 9-10 months out of the year. An even weighting between the two periods therefore undercounts the actual average amount of traffic during this timeframe, and, as the TIS fails to address morning or mid-afternoon traffic, completely ignores the fact that many Redding and Shasta County residents could feel the bulk of the impact from the casino earlier, during school pick-up and drop-off times.</p>	<p>As per the TIS, the July 2016 traffic counts were blanketly increased by 7% (not averaged or "weighted" as the commenter seems to suggest) to accurately reflect the fact that the September 2016 were higher, presumably because area schools were in session. Accordingly, the TIS adequately captures the conditions that persist the majority of the year. Furthermore, please see ROD Response to Comment I21-5.</p> <p>As a result of these findings, no further action is warranted.</p>
I21-7	<p>Additionally, the events at the conference center are anticipated to begin between 7:00 and 8:00 a.m. However, because the only time covered in the traffic study was during peak p.m. hours, the morning traffic impacts that will result from events at the conference and event center were not accounted for in the TIS. Thus, even though the morning rush hour time period, when ordinary residents of Redding and Shasta County are taking their kids to school or going to work, is likely to be significantly impacted by large-capacity events at the conference center, these impacts are not considered anywhere in the FEIS or the component analyses. Similarly, because much of the casino development will contain office and office-type work, many new cars will be on the road to bring these employees to and from the casino. These impacts are not taken into account in the TIS, or, by extension, the FEIS.</p>	<p>Please see ROD Response to Comment I21-5. Please also see the detailed conference center trip generation explanation provided in the "Project Trip Generation" section of the TIS. Please consider that the TIS details that one quarter (25%) of the conference center attendees are conservatively assumed to stay on-site at the project's hotel, further reducing the number of conference center trips during the weekday AM peak-hour. All other project-generated trips during the weekday AM peak-hour are anticipated to be minimal and, therefore, allowed for the study's focus on the anticipated peak project trip generator periods (Friday and Saturday PM peak-hours).</p>
I21-8	<p>The TIS also fails to adequately consider the impacts of the project on other modes of transportation. For example, there is currently a class II bike path on South Bonnyview Road between SR-273 and I-5, as well as other class II facilities on East Bonnyview Road, Bechelli Lane, and Victor Avenue. (FEIS section 3.8.4, p. 3.8-17).</p>	<p>Please see Final EIS, Volume I, Response to Comment I63-04. The project-constructed facilities will connect the project site to the recently completed improvements at the South Bonnyview Road intersection with Bechelli Lane at which sidewalks and Class II bike-lanes were included. Although the commenter seems to suggest that Class II bike lanes are "unsafe", please consider that they are roadway features that are specified by the City of Redding and other agencies'</p>

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	<p>Impacts to these bike lanes, and/or the safety thereof in light of the increased traffic and potential mitigation measures, are not addressed in the FEIS. The TIS merely states that these bike paths do not border the site. But increased traffic levels and new traffic patterns resulting from the project have the potential to create negative interactions between bicycles and motor vehicles in the area surrounding the project. Because class II facilities involve only a stripe separating the bike lane from motor vehicle lanes of traffic, rather than a physical separation, the potential for accidents causing serious injury or death to cyclists as a result of increased traffic is very real.</p>	<p>roadway standards. When designed and constructed per standard, these facilities provide meaningful access for non-motorized transportation facility users. No further action is warranted.</p>
I21-9	<p>While the EIS does contain recommended improvements to mitigate these issues, there is reason to doubt the efficacy of these measures in light of the substantial changes that have already taken place to the transportation infrastructure and conditions in this area, none of which were analyzed in the update TIS or in the FEIS. There is also reason to doubt whether some of the mitigation measures can actually be implemented. It is not clear whether the Redding Rancheria will actually be able to widen the access to the north, as the access is bounded by I-5 on one side and private property on the other. And to the south, the easement providing access to the property is owned in common with Redding Rancheria and another private party, and Redding Rancheria will likely be unable to unreasonably burden that easement.</p> <p>Furthermore, these mitigation measures would only be paid for by the Redding Rancheria proportionally. (FEIS Vol. 2, section 5.10). This method of contribution elides the fact that these mitigation measures would not be necessary but for the presence of the project, and the city of Redding and/or Shasta County are therefore undertaking these mitigation projects where they would not otherwise be necessary. The mitigation measure for the intersection of South Bonnyville Road and Churn Creek Road, for example (FEIS, Vol. 2, p. 5-11), has a “fair share” calculation of 4%. However, this mitigation measure— and others like it—would not be necessary to maintain an adequate level of service if it were not for the project. Thus, the other entities involved will now have to pay for 96% of an improvement occasioned by the project, where without the project they would have been able to spend these funds on other projects benefitting SUSA members and other Shasta County residents.</p>	<p>Please see ROD Response to Comments A2-02 and T2-7. Regarding the project's fair share responsibility for offsite intersection improvements, please note that the particular example (South Bonnyville Road/Churn Creek Road) fails under Cumulative (2040) conditions without the addition of the project. Accordingly, in a manner consistent with the City's Traffic Impact Analysis Guidelines, the project is only responsible for its fair share as it is reasonable to anticipate that numerous projects will contribute traffic growth to this intersection over the next 16 years. As required by the City's Guidelines, all fair share mitigations identified for Opening Year (2025) and Cumulative (2040) Conditions were calculated based on the methodology as provided in Caltrans' Guide for the Preparation of Traffic Impact Studies (Caltrans, December 2002). No further action is warranted.</p>
I21-10	<p>The updated TIS therefore failed to consider whether the mitigation measures implemented for the River Crossing Marketplace had actually ameliorated the traffic conditions they were intended to address, or whether the impacts of the Costco were commensurate with what was anticipated. This is despite the fact that the TIS explicitly relies on the River Crossing Marketplace's analysis and mitigation measures. The FEIS states that the improvements constructed at South Bonnyview Road and Bechelli Lane in relation to the River Crossing Marketplace Project, namely the roundabout, already account for the increases in traffic due to the Redding Rancheria project. (FEIS, Vol. 2, p. 4.8-12.) This assertion, however, dates from before the Costco opened near that location, not to mention the remainder of the development. It is therefore unclear how these impacts could be analyzed in conjunction with the impacts from the Redding Rancheria project, when they also predate other significant contributors to traffic and congestion in the area. Indeed, there is significant reason to believe that the roundabout has actually worsened traffic in the area.</p>	<p>Please see ROD Response to Comment T2-15. The River Crossing Marketplace Specific Plan EIR (in which all phases of development are included) was previously certified by the City of Redding and its offsite mitigations agreed upon by the City and Caltrans. As noted in the Introduction section to the TIS, because the River Crossing Marketplace traffic study specifically states that the Redding Rancheria Project was included, it's recently constructed improvements (including the South Bonnyview Road/Bechelli Lane roundabout) are understood to provide adequate mitigation under both Opening Year and Cumulative Conditions.</p>
I21-11	<p>The concern is that the operation of a casino will attract more homeless individuals to the area, as has been the case with the existing casino. The report prepared by ProForma and attached as Appendix L to the FEIS offers no further substantive response to SUSA's or other commenter's concerns about this issue (though it does recognize that homelessness is a current problem at the Redding Rancheria's current gaming operation) except to baldly assert that any development of the site would carry such effects. (FEIS, Vol. 3, Appendix L, p. 9.) There is no reason to believe this however, and the report accordingly points to</p>	<p>This comment was raised in connection with the Draft EIS, and was addressed in Final EIS Volume II, Appendix L and in Final EIS Volume I, General Response 3.6.3. As described therein, there is nothing unique about the parcels that comprise the project alternatives that would make them more or less attractive to homeless persons. Development of the parcels would, if anything, render such parcels less attractive to transient persons desiring to establish tents and sleeping spaces. Pro Forma Advisors revisited this topic, in light of the recent development of the River Crossing Marketplace. Its findings are consistent with those expressed in the Final EIS. Please see Exhibit 2 for details.</p>

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	<p>none. Even if it were true, it does not follow that the project would not have greater impacts in this regard than some other kinds of development.</p>	
I21-12	<p>Thus, even by the FEIS’s own assessment, there is likely to be an increase in crime in the area of the project, and the FEIS does not adequately address this issue. Indeed, the report prepared by ProForma and included as Appendix L to the FEIS actually acknowledges that at least one study links casinos and crime but tries to insinuate that the study is not applicable here because of the presence of the Win-River Casino. (FEIS, Vol. 3, Appendix L, p. 2.) However, the Win-River casino is approximately two miles away from the current site and is a smaller operation than the proposed project. Merely moving the casino to the Strawberry Fields site will put the casino in proximity with new neighborhoods, thereby bringing new levels of crime. The FEIS does not adequately consider this issue, and accordingly fails to propose mitigation measures that will address it.</p> <p>Fundamentally, despite attempts to dismiss residents’ legitimate fears as being based on anecdotal rather than empirical evidence, it is undeniable that the current Win- River Casino is already the site of significant criminal activity in the community. Speak Up Shasta requested and received the logs of emergency calls made from Win-River Casino from January 1, 2021, to December 31, 2022. These logs, attached hereto as Exhibit D, show more than 600 emergency calls within that timeframe, including dozens of calls using police codes related to violent crimes. Even without these call logs, however, it is clear to the community that the Win-River casino is a locus of crime in Shasta County; violent and erratic criminal behavior at the Win-River casino is not uncommon and is a distressing fixture of SUSA members’ and other Shasta County residents’ news feeds. Not only do the emergency calls discussed above demonstrate that substantial levels of criminal activity already taking place in the current, smaller casino, they also show the extent to which these events siphon off resources from Shasta County’s emergency response services. Even smaller offenses like petty thefts—of which there were more than 100—can cost the Sheriff’s Department thousands of dollars to investigate and prosecute. Investigating and prosecuting a violent crime, however, for which there were dozens of calls, can cost more than \$100,000 per crime. The proposed project will not only move this crime into a new area, it will expand it by expanding the size of the casino operation, with all the attendant societal and fiscal costs that this entails. This will have a significant impact on Shasta County residents that was not adequately assessed in the FEIS.</p>	<p>Potential impacts from crime were thoroughly analyzed in Final EIS Volume II, Section 4.7 and Final EIS, Section I, General Response 3.6.3. As described therein, the volume of crime would be expected to increase under Alternative A, similar to any large-scale development. However, a review of studies does not demonstrate any additional increase in crime because of the existence of a casino. See Exhibit 2 and ROD Response to Comment I16-2, which describes how under the Compact and the IGA the Tribe would make mitigation payments to compensate local agencies for the increased cost of law enforcement services. Please see ROD Response to Comment T2-5 regarding impacts in the event the current IGA is terminated.</p>
I21-13	<p>SUSA members and other residents who live near the proposed project site are justifiably concerned about the prospect that the project—which threatens to reduce public services while increasing traffic, noise, crime, and homelessness—will reduce their property values. While the FEIS considered this concern, it ultimately determined that no mitigation measures were necessary to address the potential for decline in regional property values. (FEIS, Vol. 2, ES-21.) This ignores the FEIS’s own statements about the likelihood of impacts.</p> <p>The FEIS states that “there is no anticipated impact on residential home values because of the existing operation of the Win-River Casino in the larger market area, the location of the Strawberry Fields Site near Interstate 5 (I-5) and other commercial areas. Consequently, it is reasonable to conclude that the development of Alternative A would have a less-than-significant impact on surrounding housing property values.” (FEIS, Vol. 2, p. 4.7-9.) This assessment fails to take into account the acute close-proximity impacts posed by the project. As the FEIS also notes, “Changes in property value can be affected by a number of factors, including the proximity of the casino to other properties in the vicinity, the mix of properties surrounding the casino, whether the casino stimulates additional development and whether or not the casino is located in an urban area. Impacts to surrounding commercial and industrial uses would probably</p>	<p>Potential impacts to property values under Alternative A were analyzed in Final EIS Volume II, page 4.7-9. As discussed therein, Alternative A is compatible with land uses of nearby commercial developments that benefit from proximity to I-5. The River Crossing Marketplace is a large-scale commercial development that was completed subsequent to the publication of the Draft EIS. Alternative A is also compatible with the River Crossing Marketplace land use. In addition, Pro Forma Advisors conducted a review of studies on the effects of casinos on local property values, which showed an inconclusive link between casino development and property values (see Exhibit 2).</p> <p>As an additional step in analyzing the potential effects of casino development on residential property values, a single case study was performed. The following criteria were used to identify a project similar to Alternative A: (a) a relatively recent development, (b) located in California and adjacent to a major highway or interstate, and (c) with surrounding land use patterns and density that are similar to the Strawberry Field’s Site. Based on these criteria, the Sky River Casino project was selected.</p> <p>In December of 2016 the BIA announced that the Wilton Rancheria casino was approved for development on the Elk Grove Mall Site, which was identified as Alternative F in the Wilton Rancheria EIS. The Sky River Casino was developed on the site and opened in August of 2022. The project is located in ZIP code 95757 in the City of Elk Grove, Sacramento</p>

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	<p>be neutral to positive because a casino development would bring increased economic activity and because such a project may stimulate additional commercial development in the vicinity of the site.”</p> <p>Thus, even according to the FEIS’s own reasoning, additional economic activity stimulated by the location of the casino could negatively impact nearby residential properties and their values. The foregoing review of the FEIS more generally demonstrates that increased traffic, and the increased incidence of crime and homelessness that is associated with casinos, will impact the area around the project, making harms to property values likely. Given the likely impacts of the project, as discussed above, Laure Jones rightly asks “Who is going to purchase my property knowing this is what they will be faced with?” SUSA members and other residents should not have to suffer a significant decrease in their property values so that another entity can use the space for commercial gain. They are owed, as part of this process, a realistic assessment of whether that is likely to happen if this project is completed as planned. The FEIS does not provide that analysis.</p>	<p>County. To analyze potential effects of this development on residential property values, changes in the estimated median house values within ZIP code 95757 were compared to changes in estimated house values within the larger surrounding areas, which are defined as the City of Elk Grove and the County of Sacramento. Changes in housing values were calculated from one year prior to the selection of the Elk Grove Mall Site. Results are summarized in the table below:</p> <p><b>WILTON RANCHERIA CASINO PROJECT – EFFECTS ON LOCAL HOUSING VALUES</b></p> <table border="1"> <thead> <tr> <th></th> <th>12/2015</th> <th>12/2017</th> <th>12/2019</th> <th>12/2021</th> <th>12/2023</th> </tr> </thead> <tbody> <tr> <td>ZIP Code 95757:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZHVI</td> <td>\$401,498</td> <td>\$465,385</td> <td>\$503,211</td> <td>\$693,981</td> <td>\$713,638</td> </tr> <tr> <td>Cumulative % change</td> <td>NA</td> <td>15.9%</td> <td>25.3%</td> <td>72.8%</td> <td>77.7%</td> </tr> <tr> <td>City of Elk Grove:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZHVI</td> <td>\$354,894</td> <td>\$419,513</td> <td>\$455,488</td> <td>\$620,735</td> <td>\$639,457</td> </tr> <tr> <td>Cumulative % change</td> <td>NA</td> <td>18.2%</td> <td>28.3%</td> <td>74.9%</td> <td>80.2%</td> </tr> <tr> <td>County of Sacramento:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZHVI</td> <td>\$300,160</td> <td>\$359,331</td> <td>\$394,836</td> <td>\$517,124</td> <td>\$528,604</td> </tr> <tr> <td>Cumulative % change</td> <td>NA</td> <td>19.7%</td> <td>31.5%</td> <td>72.3%</td> <td>76.1%</td> </tr> </tbody> </table> <p>Source: Zillow.com. Available online at: <a href="https://www.zillow.com/home-values/98412/elk-grove-ca-95757/">https://www.zillow.com/home-values/98412/elk-grove-ca-95757/</a>. Accessed May 11, 2024. “ZHVI” is an acronym for Zillow Home Values Index, which is an algorithmically estimated index of median house values.</p> <p>As shown above, recent changes in housing values within ZIP code 95757 are similar to those in the greater surrounding areas (i.e., the City of Elk Grove and the County of Sacramento).</p> <p>For the reasons described above, it is anticipated that development of Alternative A would have a less than significant effect on housing values within the vicinity of the Strawberry Fields Site.</p>		12/2015	12/2017	12/2019	12/2021	12/2023	ZIP Code 95757:						ZHVI	\$401,498	\$465,385	\$503,211	\$693,981	\$713,638	Cumulative % change	NA	15.9%	25.3%	72.8%	77.7%	City of Elk Grove:						ZHVI	\$354,894	\$419,513	\$455,488	\$620,735	\$639,457	Cumulative % change	NA	18.2%	28.3%	74.9%	80.2%	County of Sacramento:						ZHVI	\$300,160	\$359,331	\$394,836	\$517,124	\$528,604	Cumulative % change	NA	19.7%	31.5%	72.3%	76.1%
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I21-14	<p>In particular, SUSA’s letter expressed concern about the potential impact that the water and wastewater impacts of the project could have on the habitats in the Sacramento River, but these concerns were not addressed in the FEIS. The FEIS at Vol. 1, section 3.12.2, p. 3- 25, discusses only the fact that the wastewater leach field would remain open space, not whether the leach field could have other impacts on subterranean species or the Sacramento River. Nor are the potential impacts of groundwater usage on surface water or groundwater-dependent ecosystems analyzed. Also not analyzed are the potential impacts of construction activities or the potential impacts of vibration, noise, and light from the project on these habitats. In particular, the Draft EIS, section 4.11.1, p. 4.11-5, only analyzes the impact of vibration on human receptors, and does not take into account the impact of such vibration on wildlife. Without this analysis, it is unclear whether and to what extent these activities will negatively impact the habitats at and around the proposed project site.</p>	<p>The commenter expresses concern over the potential for water and wastewater impacts on the Sacramento River. Water would be sourced exclusively through groundwater resources, either through a municipal connection or through an on-site groundwater well. Although an on-site groundwater well would be in close proximity to the Sacramento River, according to the feasibility study provided in the Final EIS, Volume II, Appendix M, "a well drawing from a deeper confined aquifer should not affect the shallower local residential wells or Sacramento River recharge due to the confining layers which act as a barriers between the upper and lower water bearing strata." Therefore, the Sacramento River, other surface waters, and groundwater-dependent ecosystems would not be impacted as the on-site well would pull solely from confined, deep resources.</p> <p>Regarding wastewater, the Final EIS provided a description of wastewater treatment methodology and leech field design. As described in the Final EIS, Volume II, Section 2 and 4.3, wastewater would be treated to a tertiary level prior to discharge, with the leach field designed to meet both the County and State standards. In addition, responses to similar comments regarding wastewater treatment methods and impacts were provided in the Final EIS, Volume I, including General Responses 3.5.4 and 3.10 and Responses to Comments T6-34 and T6-35. Based on the quality of treated wastewater prior to discharge and the appropriate design of wastewater treatment and discharge systems, a threat to groundwater or surface water quality would not occur.</p>																																																												

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RESPONSE TO NEW COMMENTS ON FINAL EIS

Comment Letter	Comment	Response
		<p>The commenter further expresses concern on the impacts of vibration, noise, and light on the Sacramento River. As discussed in the FEIS, Volume II, Section 4.11.1, vibration production would be limited to temporary production during the construction phase, which would be further restricted to daytime hours. Given the development setback of 150 feet from the Sacramento River, appreciable vibrations within the river would not occur; therefore vibration-related impacts to the river would not occur. Construction noise would similarly be limited to a temporary timeframe with daily relief from noise due to the restriction of construction to daytime hours. Noise production would also be setback from the Sacramento River by a minimum distance of 150 feet. Construction noise was evaluated within the Final EIS, Volume II, Section 4.5.1 and found to be potentially impactful to nesting birds, and mitigation was presented for this impact. As discussed in ROD Response to Comment T2-1, artificial lighting of the Sacramento River would not occur; therefore, further analysis of artificial lighting impacts on the Sacramento River is not warranted.</p> <p>Further, consultation with NMFS has occurred to evaluate whether special-status fish species, including the habitat they rely upon, and Critical Habitat present within the Sacramento River, would be adversely affected. A concurrence letter was obtained that confirmed that adverse impacts to these resources would not occur. The concurrence letter was included in Appendix O of the Final EIS. Due to changes in the bank stabilization methodology and addition of the 150-foot setback, NMFS was contacted for an updated review. NMFS determined that the finding of not likely to adversely affect remained valid and that no further action was necessary for compliance with Section 7 of the Federal Endangered Species Act.</p>
I21-15	<p>Further, the areas of the Sacramento River immediately adjacent to the site do, in fact, contain many threatened and endangered species, including but not limited to anadromous species. The Environmental Assessment for the Upper Sacramento Anadromous Fish Habitat Restoration Program, performed in 2016 and attached hereto as Exhibit E, makes this clear.</p> <p>Because both the Draft EIS and the FEIS fail to consider the impact that the project will have on these species and others, the FEIS cannot support a record of decision approving this project. Neither the Draft EIS nor the FEIS, for example, contain any analysis of the impacts of increased lighting from the project on juvenile salmonids, the only analysis of lighting deals exclusively with birds. This is despite the fact that recent studies demonstrate that increased night-time lighting can have significant negative impacts on the predation of juvenile salmonids, including federally and state-listed species. Without an analysis of these risks, and/or potential mitigation measures, the FEIS does not adequately assess the biological impacts of the project as proposed.</p>	<p>It is understood that the Sacramento River supports threatened and endangered species. Several special-status fish species were identified as having the potential to occur within the Sacramento River in Table 3.5-2 of the Draft EIS, included also as Table 3.5-2 of the Final EIS, Volume II, in Section 3.5.2. Impacts to these species were analyzed in Section 4.5 of the Draft EIS and in the Final EIS, Volume II, Section 4.5. Consultation with NMFS occurred, and a concurrence letter was obtained that confirmed that adverse impacts to fisheries resources would not occur. The concurrence letter was included in the FIES, Volume II, Appendix O. Due to changes in the bank stabilization methodology and addition of the 150-foot setback, NMFS was contacted for an updated review. NMFS determined that the finding of not likely to adversely affect remained valid and that no further action was necessary for compliance with Section 7 of the Federal Endangered Species Act (NMFS, 2024).</p> <p>As discussed in ROD Response to Comment T2-1, artificial lighting of the Sacramento River would not occur; therefore, further analysis of artificial lighting impacts on the Sacramento River is not warranted.</p>
I21-16	<p>Failure to Consult with NMFS About the Revised Plan for the Stream Bank.</p> <p>The Draft EIS of April 2019 included a plan to stabilize the stream bank using the window rock slope protection (“RSP”) method, which involves installing boulders at the water’s edge. (Draft EIS, Vol. 1, p. 2-20.) As discussed in the FEIS Vol. 1 at section 3.11, p. 3-23, however, that plan has been abandoned. The Final EIS now contains a planned setback of 150 feet from the stream bank, in lieu of the boulders proposed in the Draft EIS. This new solution, however, has not been analyzed by the National Marine Fisheries Service (“NMFS”) pursuant to § 7 of the Endangered Species Act (“ESA”). While NMFS was consulted and did concur on the methods included in the Draft EIS as required by ESA § 7, that concurrence was based on the project as described in the Draft EIS, not its present incarnation (FEIS Vol. 1, p. 3-26.) Because the changes to this plan were not publicized until the publication of the FEIS, neither the public nor NMFS has had the opportunity to comment on or review this revised element of the FEIS or the</p>	<p>The method of bank stabilization was revised based upon concerns related to impacts to bank swallow habitat and overall concerns of impacts to the bank habitat. Use of vegetative reinforcement would represent a less impactful approach that would achieve the same outcome while providing additional riparian habitat value. No actions would occur outside of the area previously identified for bank stabilization. As the more intensive and impactful methodology presented in the Draft EIS was determined by NMFS not to result in an adverse effect, it follows that a less-impactful approach would similarly generate a less than significant effect. No comments were received from NMFS on the Final EIS.</p> <p>However, to be thorough, NMFS was contacted and provided details on the revised streambank stabilization methodology and 150-foot setback. An updated NMFS review was requested to determine what additional actions, if any, were necessary for compliance with Section 7 of the Endangered Species Act. NMFS determined that the revisions did not require additional consultation and that the finding of not likely to adversely affect remained valid. Therefore, no further action is necessary.</p>



**TABLE 2**  
RESPONSE TO NEW COMMENTS ON FINAL EIS

Comment Letter	Comment	Response
	<p>impacts it could have on the animals that live on the stream bank or in the channel.</p> <p>While the impacts from this change could be similar to the previous plan or neutral, without having done this review, it is impossible to say whether the NMFS would have reached the same conclusion about the project as currently proposed. In essence, because the project as currently contemplated is materially different with regard to the new proposals for the treatment of the stream bank than the project on which NMFS concurred, a consultation has not been completed for the purposes of § 7 of the ESA. Even though the new methods may sound acceptable on paper, the procedural requirements of environmental statutes, including the ESA and the National Environmental Policy Act, are intended to allow knowledgeable entities and agencies to weigh in on important issues before a project can move forward. The NMFS has not done so here, as the revised project is completely different from the one it signed off on. The FEIS is therefore deficient in this regard.</p>	
I21-17	<p>There is also significant ambiguity about the specifics of the proposal with regard to the stream bank. While the FEIS's Response to Comment T6-20 indicates that the streambank stabilization measure would entail balanced removal and replacement of material within the floodplain, the proposed biotechnical bank stabilization measure, as described in Appendix N of the FEIS, only contemplates planting willows along the bank and native trees at top of the bank, without any soil removal. These conflicting descriptions create ambiguity that makes it impossible to analyze the efficacy of the FEIS's proposed mitigation measures. The additional failure to explicitly address the fact that the streambank stabilization measures are within the 100-year floodplain further supports the conclusion that the FEIS does not form an adequate basis for a record of decision about this project.</p>	<p>It is correct that the Final EIS, Volume I, Response to Comment T6-20 states that the proposed streambank stabilization measures within the floodplain would involve balanced removal and replacement of material within the floodplain. This is in relation solely to soil disturbance and backfill during vegetation planting. No grading activities or mass earthmoving would occur. This is consistent with the descriptions provided in the Final EIS, Volume II, Response to Comments; the Final EIS, Volume II, Appendix N; and the project description provided in the Final EIS, Volume II, Section 2. Overall environmental impacts of this activity would be favorable and potential adverse impacts within the floodplain have been minimized.</p> <p>It is incorrect to say that the Final EIS did not discuss the floodplain. The clarification that the streambank stabilization measures would occur within the floodplain was included in the Final EIS and described in the Final EIS, Volume I, Response to Comment T6-20 of the Final EIS. These revisions were made in the Final EIS, Volume II, Sections 2.3.2, 4.3.1, and 4.3.3.</p>

# REFERENCES

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# LIST OF EXHIBITS

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Exhibit 1: Comment Letters  
Exhibit 2: ProForma Advisors Memo

## **Exhibit 1**

### **Comments Letters**

Note: An electronic version of Attachment 3, Exhibit 1 of the Record of Decision that is compliant with Section 508 of the Rehabilitation Act of 1973 is not yet available. When Exhibit 1 has been converted to 508 compliant, it will be uploaded here.

A full version of the Record of Decision, Attachments and Exhibits can be found at: <https://www.reddingeis.com/record-of-decision/>

**Exhibit 2**

**ProForma Advisors Memo**

To: **Randa Horton, Montrose Environmental**

From: **Pro Forma Advisors**

Date: **May 20, 2024**

re: **Comment Responses for Redding Rancheria Final EIS**

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### Comment T2-12

The commenter has questioned Pro Forma Advisors detailed analysis and provided alternative conclusions about performance and substitution of the gaming market with respect to the effects of Alternative A on the Rolling Hills Casino. However, the commentary does not provide critical details to support the analytical conclusions, lacking key projections such as gross gaming revenue (GGR), specific market shares impacts to the various listed competitors, and additional technical details on the methodology such as the model attraction factors, travel time calculations, and full details on the modeled market conditions. As such, it is impossible to review or replicate the findings of the commenter's study. These same issues were evident in the letter submitted by the commenter in response to the Draft EIS, as well as the report attached by the commenter's *Evaluation of the Impact of the Redding Rancheria Fee-to-Trust and Casino Project on The Rolling Hills Casino*, dated May 2019 (GMA Report). Pro Forma Advisors previously responded to these comments in Final EIS, Volume II, Appendix L (Pro Forma Appendix L), which were also summarized in Final EIS, Volume I, Response to Comment 3.6.1.

While the commenter dismisses the Pro Forma Advisors study as not "grounded in a reasonable analysis", Pro Forma Advisors reiterates that the substitution impact estimate under question was generated from a quantitative analysis using the industry gold standard Gravity Modeling to project revenue capture by specific region. This takes into account the complex market topographies with visitation from all directions and market share in competitive population centers. We continue to respond that the commenter's estimate of a 23 percent revenue and 34 percent EBITDA effects are not reasonable for the market situation under study. First and foremost, the two properties are distant enough to reduce "shared" primary market. Second, the Redding Project will have enhanced draw, but is within its same primary market as the existing Win-River facility that it would replace (approximately 2 miles east). It is not an additional facility in the market (as the existing Win-River Casino will close) nor is it located in the primary market of the Rolling Hills facility. In additional geo-location analysis conducted by Pro Forma Advisors, the overlapping primary market area is less than 20 percent.

As a pertinent supporting example, the of the Pro Forma Advisors gravity analysis, we compared the GMA Report estimates to the 2021 expansion of the Rolling Hills Casino property. According to press reports:

*"On Oct. 21, 2021 Rolling Hills Casino celebrated the completion of a major expansion project that began back on Nov. 2, 2019. Rolling Hills now has a new exterior and interior, a 40% larger gaming floor, new restaurants, upgraded hotel rooms and a larger conference center with a ballroom."*

The substitution effect generated by the Rolling Hills expansion upon the existing Win-River Casino should be roughly equivalent to the substitution effects of Alternative A on the Rolling Hills Casino. In reviewing geo-location data, the Rolling Hills expansion increased the primary market overlap by approximately 5%, as would be expected. Based on the GMA Report model, a major decrease in revenue should have been experienced at Win-River Casino after the opening of the new Rolling Hills expansion. When comparing current visitation impacts to 2019 (prior to expansion and COVID), the 2022 visitation at Win-River decreased 8%, and yet in 2023 recovered to 2019 levels. This data pattern refutes the GMA Report estimate of a 23% revenue

and 34% EBITDA substitution decrease and is consistent with Pro Forma Advisors quantitative analysis modeled estimates that were included in the EIS.

**Geo-location Visitation Estimates**

	2019	2022	2023
<b>Win-River Casino</b>	707,300	651,700	705,400
(Change from 2019)		92.1%	99.7%
<b>Rolling Hills Casino</b>	843,800	871,300	908,700
(Change from 2019)		103.3%	107.7%

**2018**

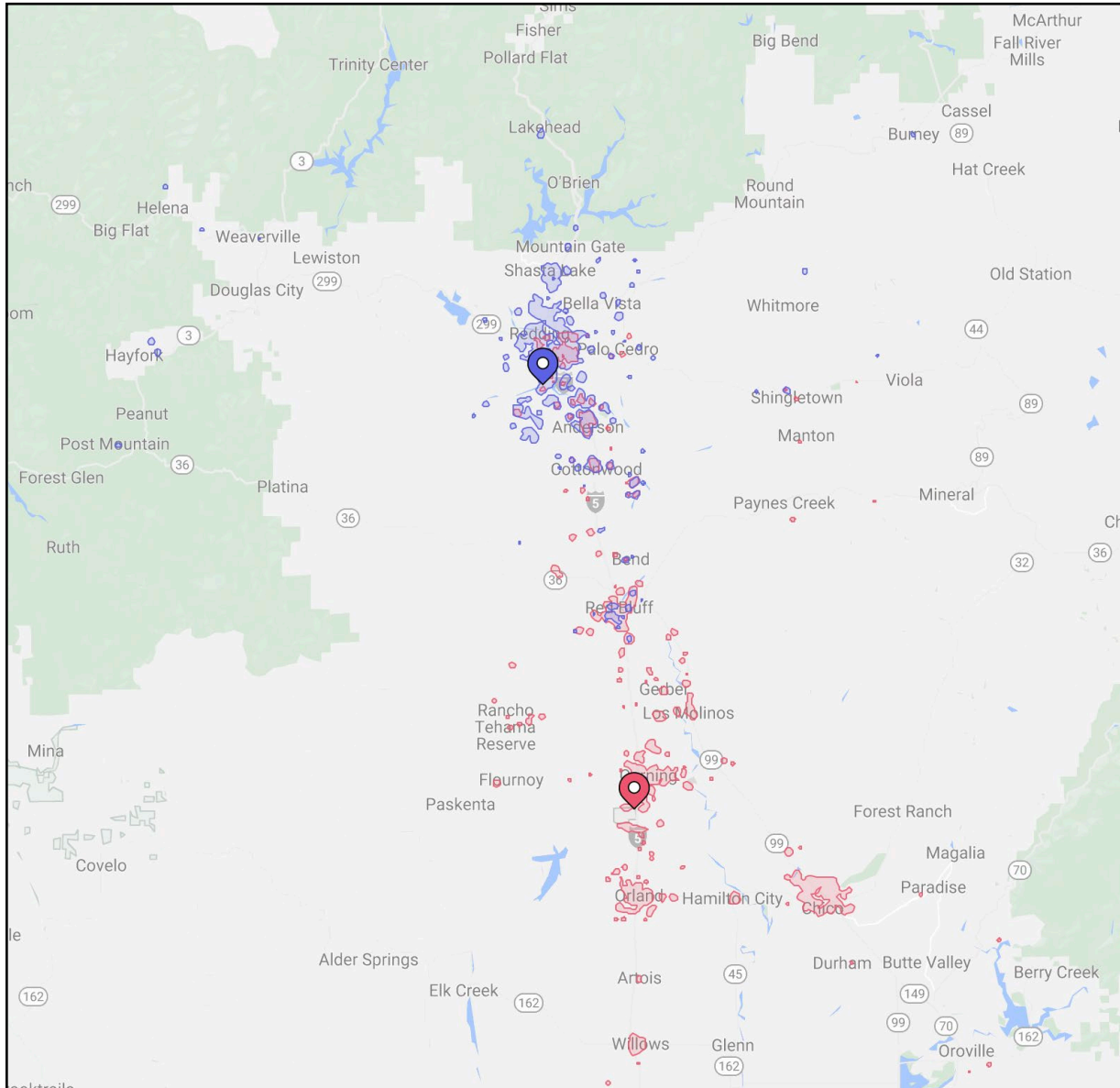


**2023**





### Primary Market Areas by Geo-location Data



With respect to the financial projections, the Pro Forma estimate of EBITDA impact takes into consideration the structure of fixed versus variable costs in casinos, but again notes that many fixed costs can be adjusted in the short term at the margin and fundamentally in the longer term. Pro Forma Advisors has observed casino facilities at all levels of revenue maintain similar EBITDA margins when properly managed. It appears that in translating its estimate of revenue substitution effects to EBITDA, the GMA Report assumed that the majority of Rolling Hills Casino operating expenses are fixed. This is inconsistent with Pro Forma's experience.

### **Comment T2-13**

Since Pro Forma Advisors completed its EIS impact analysis in 2016, the COVID pandemic has impacted general economic conditions. Inflation, to both costs and revenue/income has occurred. Conditions continue to change, for example, as construction costs have moderated somewhat with a slowdown of construction from higher interest rates.

However, it would be irresponsible to conclude that the “better” investment is simply the lowest cost option. The same economic conditions effect all options, potentially increasing costs as well as revenue to all project alternatives, including remodeling the existing facility (Alternative F). The original EIS analysis illustrated that new facilities on the Strawberry Fields Site and the Anderson Site had higher income potential relative to costs, despite higher absolute costs. It has not been proven quantitatively that this thesis has changed.

In addition, Alternative A may have opportunities to value engineer elements of the program, which would reduce the relative development costs while still attaining projected revenues, thereby enhancing its return on investment. Lastly, Pro Forma Advisor does not have a comment or response to the commenter’s “theoretical” interest rate argument, as a developers cost of capital is determined by a number of factors beyond the economics of the Project. Neither Pro Forma nor the commenter has accurate insight regarding the Tribe’s cost of capital for each project alternative or strategies the Tribe may use to minimize its cost of capital.

While Alternative A would result in a new facility, it is incorrect to classify such a project as a “greenfield” development, as: 1) the existing facility provides evidence of market performance (a greenfield would rely solely on theoretical projections), 2) the Tribe’s existing Win-River casino would provide cash flow to support financing during construction (a greenfield implies that operating cash flow would be unavailable until the newly built project opens) and 3) the Tribe’s successful management of its existing Win-River casino demonstrates that it has extensive in-market operational experience (a greenfield would bring in a new operations team).

### **Comment I21-11**

Speak Up Shasta expressed concern that the operation of a new casino will attract more homeless individuals to the area. This issue was previously raised by Shasta County in its comment on the Draft EIS and was addressed in Pro Forma Appendix L and Final EIS, Volume I, Response to Comment 3.6.3. In both instances, the concern stated was not that problem gaming would cause homelessness but rather the casino would attract homeless individuals. As previously noted, the Tribe’s Chief Executive Officer indicated that homeless populations have set up illegal campsites adjacent to the Rancheria. However, this issue is not unique to the Tribe or the casino. In fact, as reported in the Record Searchlight, weeks after purchasing the freeway frontage property prior to the development of the Costco Wholesale at the River Crossing Marketplace (just north of the Strawberry Fields Site) Costco installed a fence around the property to keep people from getting in to set up homeless camps. Redding Code Enforcement Supervisor Steve Willkomm noted, “They have been working with the police department to get rid of campers ... and our advice was to create a means to try to prevent that from occurring because we don’t know how long it’s going to take for the construction to start.” This statement supports the original contention that the impacts of a shifting homeless population is due to new developments and is not unique to the construction of the Proposed Project. As described in Pro Forma Appendix L, the homeless issues decline once construction is completed and a project becomes operational. Issues surrounding homelessness are concerning to all residents of the City of Redding and Shasta County. However, given there is no clear nexus between gambling and/or the casino and homelessness, it is unreasonable to suggest that the existing or future casino development would contribute to the existing problem.

### **Comment I21-12**

Speak Up Shasta stated that the Final EIS does not adequately address a potential increase in crime in the area due to the development of the Project. The commenter suggests that development of Alternative A on the Strawberry Fields site will place the casino in proximity with new neighborhoods, thereby bringing new levels of crime. Speak Up Shasta sites logs of more than 600 emergency calls made from the Win-River Casino from January 1, 2021, to December 31, 2022. These statistics were previously cited by Shasta County in its comments on the Draft EIS, in connection with its concerns regarding costs for law enforcement in the FEIS. Pro Forma Advisors analyzed calls for service (CFS) data from the Shasta County Sheriff's Office for the 2019/2020 fiscal year, and summarized its results in Appendix L. Given that the Stand Up Shasta CFS data is consistent with what was presented by the Shasta County Sheriff's Office, which was analyzed in Pro Forma Appendix L, there is no reason to assume that the impacts would differ from those previously analyzed. It should also be noted that Appendix R of the Final EIS is the intergovernmental agreement (County IGA) that outlines the non-recurring and recurring mitigation payments to be paid by the Tribe, based on actual CFS. As such, any fiscal costs incurred by local agencies will be offset by mitigation payments.

### **Comment I21-13**

Speak Up Shasta states that residents who live near the Strawberry Fields site are concerned about the prospect that Alternative A will reduce their property values. This concern was previously raised by Mr. Coulter and addressed in Pro Forma Appendix L and Final EIS, Volume II, Response to Comment 3.6.3. While Speak Up Shasta acknowledges that this was addressed in the Final EIS, it stated that the response failed to consider "the acute close-proximity impacts posed by the project." Specifically, the comment states that "residents should not have to suffer a significant decrease in their property values so that another entity can use the space for commercial gain." Numerous hedonic pricing models have been used to estimate the extent to which a specific factor, such as the presence of a casino, affects the market price of residential and commercial property. One useful analysis of this subject was a 2013 meta-analysis performed by the National Association of Realtors (NAR) Research Group, referred to as the "NAR Report" (NAR, 2013). The section of the NAR Report titled "The Impact of a Casino on Home prices in the Vicinity of the Casino is Generally Negative" examined eight previous studies on the topic of residential housing prices. Analyzed collectively, the results of the NAR Report and the studies it cites show an inconclusive link between casino development and property values. Most of the studies cited in the NAR Report indicate that the impact of casinos on surrounding property values is dependent upon the mix of neighboring properties and economic conditions that occur at each specific site. This conclusion is consistent with our previous analysis that stated that the externalities created from residential housing nuisances created by commercial development such as increased traffic, noise, crime, light, etc. already occur due to existing development, such as River Crossing Marketplace, located near Interstate 5 and the Project. As such, the development of Alternative A is not anticipated to cause a significant decline in local property values.