



FINAL ENVIRONMENTAL IMPACT STATEMENT

TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT

VOLUME I – RESPONSE TO COMMENTS

APRIL 2019

LEAD AGENCY:

U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Region Office
2800 Cottage Way # W2820
Sacramento, CA 95825



Estimated Total Costs Associated with
Developing and Producing this EIS - \$469,000

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2800 Cottage Way # W2820
Sacramento, CA 95825



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TABLE OF CONTENTS

TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT

VOLUME I – RESPONSE TO COMMENTS

1.0	Introduction	1-1
2.0	Comment Letters.....	2-1
3.0	Response to Comments.....	3-1
4.0	References.....	4-1

VOLUME II – FINAL EIS AND APPENDICES

ES	EXECUTIVE SUMMARY	I
1.0	INTRODUCTION	1-1
2.0	ALTERNATIVES	2-1
3.0	AFFECTED ENVIRONMENT	3.1-1
4.0	ENVIRONMENTAL CONSEQUENCES	4.1-1
5.0	MITIGATION MEASURES	5-1
6.0	CONSULTATION AND COORDINATION/LIST OF PREPARERS	6-1
7.0	ACRONYMS	7-1
8.0	REFERENCES	8-1

APPENDICES

Included as Appendices to the Final EIS:

Appendix N	Executive Summary Table
Appendix O	Supplemental Traffic Documents
Appendix P	Notice of Availability for Draft EIS
Appendix Q	Final Conformity Determination
Appendix R	Consultation Letters
Appendix S	Pavement Technical Memo

SECTION 1.0

INTRODUCTION

SECTION 1.0

INTRODUCTION

This Final Environmental Impact Statement / Tribal Environmental Impact Report, hereinafter referred to as an EIS, has been prepared for the proposed Tule River Tribe’s (Tribe) Fee-to-Trust and Eagle Mountain Casino Relocation Project (Proposed Project) pursuant to the requirements of the National Environmental Policy Act (NEPA) as well as the anticipated requirements of the Gaming Compact between the Tribe and the state of California (Tribal-State Gaming Compact).

The Final EIS is organized into two volumes:

- Volume I consists of this introduction chapter, all comments received on the Draft EIS (**Section 2.0**) and responses to substantive comments (**Section 3.0**). If any comment required revisions or clarifications to the Draft EIS text, corresponding text changes to the EIS are noted within the responses to comments.
- Volume II is composed of the revised text of the EIS and provides new and supplementary appendices that were not included in the Draft EIS.

The Notice of Availability (NOA) of the Draft EIS was published by the Bureau of Indian Affairs (BIA) and U.S. Environmental Protection Agency (USEPA) in the Federal Register on September 21, 2018. Additionally, in accordance with the Gaming Compact, the NOA was filed with the state clearinghouse for distribution to state agencies, was published in local papers, and was mailed to interested parties. The Draft EIS was made available for public comment for a 45-day period that concluded on November 5, 2018. On October 15 2018, a public hearing was held at the Veterans Memorial Building in Porterville, CA, during which verbal and written comments on the Draft EIS were received. Copies of the federal register NOA and newspaper publications are provided in the Final EIS, Volume II, Appendix P.

In total, 142 comment letters and 12 verbal public hearing comments were received during the comment period for the Draft EIS. This Final EIS has been prepared according to the requirements of NEPA, which state that the lead agency shall consider and respond to all “*substantive comments*” received on the Draft EIS (40 Code of Federal Regulations [CFR] § 1503.4).

The response to comments provided herein, along with the revised EIS text, will be considered by the BIA prior to issuing a decision on the Proposed Action. Following the 30-day waiting period for this Final EIS, the BIA may decide on the Proposed Action. At the time the BIA makes its decision, a concise public Record of Decision (ROD) will be prepared that states: what the decision is, identifies all the alternatives considered in reaching the decision, and discusses preferences among alternatives based on

relevant factors including economic and technical considerations and the BIA's statutory mission (40 C.F.R. § 1505.2). The ROD will also identify and discuss factors that were considered in making the decision and discuss whether practicable mitigation measures have been adopted to minimize environmental effects. If all practicable measures are not adopted, the BIA must state why such measures were not adopted. The Council of Environmental Quality (CEQ) requires that, "Mitigation and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency" (40 C.F.R. § 1505.3). Specific details of any adopted mitigation measures shall be included as appropriate conditions in the ROD by the lead agency.

Additionally, this EIS has been prepared to comply with the requirements of the Class III gaming compact with the State of California. Section 11 of the Tribal-State Compact requires the Tribe to prepare a Tribal Environmental Impact Report (TEIR) assessing the off-reservation environmental impacts of the Proposed Project. To reduce paperwork and eliminate redundancy, the EIS and the TEIR have been prepared in coordination, resulting in a joint EIS/TEIR.

This Final TEIR will be reviewed by the Tribe consistent with the requirements of the Tribal-State Gaming Compact. The Tribe will be responsible for certifying the Final TEIR in accordance with its Environmental Ordinance. Pursuant to the Compact, the Final TEIR shall be prepared, certified, and made available to the County, the State Clearinghouse, the State Gaming Agency, and the California Department of Justice, Office of the Attorney General, at least fifty-five (55) days before the completion of negotiations pursuant to Section 11.7 of the Compact.

SECTION 2.0

COMMENT LETTERS

SECTION 2.0

COMMENT LETTERS

This section provides all of the comments received by the U.S. Department of the Interior Bureau of Indian Affairs (BIA) on the Draft Environmental Impact Statement (EIS). The comments presented herein were submitted to the BIA by way of letter, email, written comment cards, and verbally at the public hearing held for the Draft EIS. All received comments are indexed in **Table 2-1** and presented in their entirety after the table. Comments are organized into five categories: those submitted in writing by public agencies and other governmental entities (A); those submitted in writing by organizations (O); those submitted in writing by individual private citizens, including comment cards received at the October 15, 2018, public hearing (I); those which are copies of the same letter submitted by multiple individuals, referred to as “form letters” (F); and those given orally during the public hearing as recorded on the official public hearing transcript (PH). In addition to category, each comment letter is assigned a unique number (e.g. A1), and then individual comments within the letters have been bracketed into specific substantive comments, which are then numbered (e.g., A1-1) for ease of reference. **Section 3.0** contains responses which correspond to these numbered comments.

TABLE 2-1
COMMENT INDEX

GOVERNMENT AGENCIES (A)			
Number	Agency	Name	Date
A1	Porterville Unified School District	Nate Nelson, Ed.D., Superintendent	10/8/2018
A2	California Assembly District 26	Devon J. Mathis, Assembly member	10/15/2018
A3	United States Environmental Protection Agency, District IX	Kathleen Martyn Goforth, Manager	11/1/2018
A4	Caltrans, District 6	Michael Navarro, Chief	11/5/2018
A5	Tulare County Counsel	Jeffrey L. Kuhn, Chief Deputy County Counsel	11/5/2018
A6	City of Porterville	Jennifer M. Byers, Community Development Director	11/5/2018
A7	SJVAPCD	Brian Clements, Program Manager	11/7/2018
A8	California Highway Patrol	S.P. Goddard, Lieutenant	10/30/2018
A9	Tulare County Administrative Office	Jason T. Britt, County Administration Officer	10/22/2018
A10	City of Porterville	John D. Lollis, City Manager	10/31/2018
ORGANIZATIONS/BUSINESSES (O)			
Number	Organization	Name	Date
O1	Stand Up for California	Cheryle Schmit, Director	10/11/2018
O2	Tulare Chamber of Commerce	Donnette Silva Carter, IOM	10/12/2018
O3	Porterville Chamber of Commerce	William Garfield, Chairman	10/15/2018

2.0 Comment Letters

O4	Green Power Bus	Brendan Riley, President	10/15/2018
O5	California Nations Indian Gaming Association	Steve Stallings	10/15/2018
O6	Association of Gaming Equipment Manufacturers (AGEM)	Marcus E. Prater	10/15/2018
O7	Native American Heritage Commission	Sharaya Souza	10/15/2018
INDIVIDUALS (I)			
Number	Name		Date
I1	Robert and Rebecca Ruckman		10/17/2018
I2	Jill Ruckman		10/17/2018
I3	R. Ryan Ruckman		10/17/2018
I4	Jaime C. Bay		10/18/2018
I5	Alec Garfield		10/15/2018
I6	Cindy Kelly		10/15/2018
I7	Donald and Rebecca Bay		10/23/2018
I8	Maria Tapia		10/15/2018
I9	Darla Bush		10/15/2018
I10	Yesica Magdaleno		10/15/2018
I11	Gary Santos		10/15/2018
I12	Adam Christman		10/15/2018
I13	Susan Willams		10/15/2018
I14	Lisandro Sandoval		10/15/2018
I15	Christina Jaquez		10/15/2018
I16	Michael Maldonado		10/15/2018
I17	Hmong Thao		10/15/2018
I18	Herman L. Ecobiza		10/15/2018
I19	Joe and Darla McCowan		10/25/2018
I20	Robert and Steela Buck		10/25/2018
I21	Robert and Rebecca Ruckman		10/25/2018
I22	Eric Sapien		10/25/2018
I23	Darren Bay		10/25/2018
I24	Darrell Goings		10/25/2018
I25	Hatti Shepard		10/29/2018
I26	Randy Goings		10/31/2018
I27	Rhonda Bakalian		11/1/2018
I28	Anthony Cota		11/3/2018
I29	Joseph Lindvall		11/4/2018
I30	Norma Goings		11/5/2018
I31	Frank Shepard		11/5/2018

2.0 Comment Letters

I32	Amy McDarment		11/5/2018
I33	John Focke		10/19/2018
I34	R. Ryan Ruckman (Petition)		11/5/2018
I35	Alexandra Maldonado		10/15/2018
I36	Brian Ridenour		10/15/2018
I37	Vincent Salinas		11/2/2018
I38	Daneil Valh		11/15/2018
I39	Susie Montijo Moore		11/15/2018
I40	Jose E. Gomez		11/15/2018
I41	Jesse Hulguin		11/15/2018
I42	Julia M. Flores		11/15/2018
I43	Glorianna Montijo		11/15/2018
I44	Jesse F. Montijo		11/15/2018
I45	Elaine Flores		11/15/2018
I46	Delmar Smith		10/22/2018
FORM LETTERS (F)			
Number	Organization	Name	Date
Form Letter 1			
F1-1	Interblock Luxury Gaming	Gregg Levine	10/15/2018
F1-2		Jeremiah Martinez	10/15/2018
F1-3	Aristocrat	Daniel Little	10/14/2018
F1-4	Diamond Casino Products	Thomas J Hardwick	10/4/2018
F1-5	Incredible Technologies	Shailendra Patel	9/28/2018
F1-6	MSC Gaming Inc.	Matt Campbell	10/15/2018
F1-7	Gary Platt	Mark Yurcisin	10/2/2018
F1-8	Premier Gaming Solutions, Inc	Matthew Young	10/15/2018
F1-9	Avalon Gaming Inc	Patrick Johnson	10/15/2018
F1-10	Avalon Gaming Inc	M. Beard	10/15/2018
Form Letter 2			
F2-1	Tule River Tribe	Christina Dabney-Keel	10/15/2018
F2-2	Tule River Tribe	John Hunter	10/15/2018
F2-3	Tule River Tribe	Rachel Perry	10/15/2018
F2-4	Tule River Tribe	Shawn Gonzales	10/15/2018
F2-5	Tule River Tribe	Malaina Leomas	10/15/2018
F2-6	Tule Rive Tribe	Zane Santos	10/15/2018
F2-7	Tule River Tribe	Felicia Lona	10/15/2018
F2-8	Tule River Tribe	Billie Jo Brown	10/15/2018

2.0 Comment Letters

Form Letter 3			
F3-1	Tule River Tribe	Stephanie G-Nieto	10/15/2018
F3-2	Tule River Tribe	Jennifer L Montoya	10/15/2018
F3-3	Tule River Tribe	Richard J. Nieto	10/15/2018
F3-4	Tule River Tribe	Amanda Silas	10/15/2018
F3-5	Tule River Tribe	Richard Guerro	10/15/2018
Form Letter 4			
F4-1	Tule River Tribe	Rogelio M. Joven	10/15/2018
F4-2	Tule River Tribe	Tou Cha	10/15/2018
F4-3	Tule River Tribe	Danica Arriaga	10/15/2018
F4-4	Tule River Tribe	Rita Rodriguez	10/15/2018
F4-5	Tule River Tribe	Tyra M. Outzen	10/15/2018
Form Letter 5			
F5-1	Tule River Tribe Gaming Commission	Robert Ortiz	10/15/2018
F5-2	Eagle Mountain Casino	Leticia Cannon	10/15/2018
F5-3	Eagle Mountain Casino	Lupe Galvan	10/15/2018
F5-4	Eagle Mountain Casino	Frederico Gonzales Jr.	10/15/2018
F5-5	Eagle Mountain Casino	Jaime Guillermo Jr.	10/15/2018
F5-6	Eagle Mountain Casino	Christina Mosana	10/15/2018
F5-7	Tule River Tribe Gaming Commission	Gerald McTier	10/15/2018
F5-8	Eagle Mountain Casino	Jennifer Reading	10/15/2018
F5-9	Eagle Mountain Casino	Maria Magdaleno	10/15/2018
F5-10	Eagle Mountain Casino	Iliana Ferreira	10/15/2018
F5-11	Eagle Mountain Casino	Patty Reynolds	10/15/2018
F5-12	Eagle Mountain Casino	Veronica Rodriguez	10/15/2018
F5-13	Eagle Mountain Casino	Eric B. Twing	10/15/2018
F5-14	Tule River Tribe	Shiela Garfield	10/16/2018
Form Letter 6			
F6-1	Tule River Tribe	Kimberly Brandenburg	10/15/2018
F6-2	Tule River Tribe	Juanita Perez	10/15/2018
F6-3	Eagle Mountain Casino	Robert Magaña	10/15/2018
F6-4	Eagle Mountain Casino	Sherri Lack	10/15/2018
F6-5	Eagle Mountain Casino	Sam Contreras	10/15/2018
F6-6	Eagle Mountain Casino	Carrie Roberts	10/15/2018
F6-7	Eagle Mountain Casino	Casandra Torres	10/15/2018
F6-8	Eagle Mountain Casino	Tom Molano	10/15/2018
F6-9	Eagle Mountain Casino	Jeff Phetsanghane	10/15/2018

2.0 Comment Letters

F6-10	Eagle Mountain Casino	Isaias Chavez	10/15/2018
F6-11	Eagle Mountain Casino	Mona Dicus	10/15/2018
F6-12	Eagle Mountain Casino	Calista Tristan	10/15/2018
F6-13	Eagle Mountain Casino	Charles Farmer	10/15/2018
F6-14	Eagle Mountain Casino	Charles McMillan	10/15/2018
F6-15	Eagle Mountain Casino	Patty Cory	10/16/2018
F6-16	Eagle Mountain Casino	Roy	10/16/2018
F6-17	Eagle Mountain Casino	Adrian Ramos	10/16/2018
F6-18	Eagle Mountain Casino	Ernesto Solis	10/15/2018
F6-19	Eagle Mountain Casino	Exexe Beorola	10/15/2018
F6-20	Eagle Mountain Casino	Venessa Creekmore	10/15/2018
F6-21	Eagle Mountain Casino	Tyson Gibson	10/15/2018
F6-22	Eagle Mountain Casino	David Rabaca	10/16/2018
F6-23	Eagle Mountain Casino	Tawnya Short	10/16/2018
F6-24	Eagle Mountain Casino	Jeanette Lara	10/16/2018
F6-25	Eagle Mountain Casino	Stephenie Rangel	10/16/2018
F6-26	Eagle Mountain Casino	Monica Camacho	10/16/2018
Form Letter 7			
F7-1	Tule River Tribe	Janina Manuel	11/15/2018
F7-2	Tule River Tribe	Celestina Manuel	11/15/2018
F7-3	Tule River Tribe	CJL	11/15/2018
F7-4	Tule River Tribe	Jasmine Lenares	11/15/2018
F7-5	Tule River Tribe	Loren Lenares	11/15/2018
F7-6	Tule River Tribe	Mel	11/15/2018
F7-7	Tule River Tribe	Toi	11/15/2018
F7-8	Tule River Tribe	Anthony Garfield	11/15/2018
F7-9	Tule River Tribe	N. Gibson	11/15/2018
F7-10	Tule River Tribe	Sarah Carillo	11/15/2018
F7-11	Tule River Tribe	Jessica	11/15/2018
PUBLIC HEARING SPEAKERS (OCTOBER 15, 2018) (PH)			
Number	Name	Organization	
PH-1	Neil Peyron	Tule River Tribe	
PH-2	Wendy Correa	Tule River Tribe	
PH-3	Thomas Eugene	Tule River Tribal Gaming Commission	
PH-4	Milt Stowe	City of Porterville	
PH-5	Martha Flores	City of Porterville	
PH-6	William Garfield	Porterville Chamber of Commerce	

2.0 Comment Letters

PH-7	Rogelio Caldeo (Senator Andy Vidak)	State Senator Andy Vidak	
PH-8	Rachel Ray (Assemblyman Devon Mathis)	Assemblyman Devon Mathis	
PH-9	Betsy Foote	Tule River Tribe	
PH-10	Rhoda Hunter	Tule River Tribe	
PH-11	Willie Carrillo	National Congress of American Indians, Pacific Region	
PH-12	Gary Santos	National Congress of American Indians, Pacific Region	

Agencies

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Porterville, CA 93257
(559) 793-2400

NATE NELSON, Ed.D.
DISTRICT SUPERINTENDENT
(559) 793-2485
(559) 793-1088 FAX

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Asst. Superintendent
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(559) 791-0401 FAX

MARTHA STUEMKY, Ed.D.
Asst. Superintendent
Instructional Services
(559) 793-2482
(559) 793-1083 FAX

October 8, 2018

Amy Dutschke, Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

As Superintendent of the Porterville Unified School District, I am writing to express my support for the proposed relocation of Eagle Mountain Casino. The school district's vision is to provide our students with skills and knowledge to be prepared for college and career and to make a positive impact in a dynamic global society. The Tule River Tribe has been very helpful in meeting these goals by using proceeds from the Eagle Mountain Casino into its youth.

For more than a decade, the Tule River Tribe has operated a study center for Tribal students. The study center is staffed by twenty teachers, tutors, and a nutritionist. Serving approximately 130 students daily, the program gives the students a greater opportunity of being successful in school and life while keeping parents and teachers informed and involved.

The Tule River Tribe is one of the largest sponsors of college scholarships. Dozens of Porterville students have received financial assistance due to the Tribe's generosity by opening educational opportunities that would not be possible otherwise. The Tule River Tribe also offers employment opportunities and job training with the Casino employing more than 500 people.

The proposed casino relocation will create even more significant benefits for our community. The proposed project will include needed meeting and convention space as well as a hotel. Monthly meetings, special events, annual functions, and fundraisers can be held at the new casino and resort. The proposal creates hundreds of construction jobs and will add hundreds of new employees to operate the casino and resort, making the Tribe one of the largest employers in Tulare County.

The Tule River Tribe does a great job of taking care of its tribal members. The relocation of the casino will further expand the potential assistance the Tule River Tribe can provide to its members and the community.

A1-1

Sincerely,

Nate Nelson, Ed.D.
Superintendent
Porterville Unified School District

U.S. Bureau of Indian Affairs

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0026
(916) 319-2026
FAX (916) 319-2126
DISTRICT OFFICE
100 WILLOW PLAZA, SUITE 100
VISALIA, CA 93291
(559) 636-3440
FAX (559) 636-4484

Assembly
California Legislature



DEVON J. MATHIS
ASSEMBLYMEMBER, TWENTY-SIXTH DISTRICT

October 15, 2018

To Whom it May Concern:

Thank you for the opportunity to address you today.

I have represented the Porterville area for the past four years and have worked with the Tule River Tribe on several issues. Two years ago, the Tribe informed me that it was looking into relocating the casino from the current location to near the Porterville airport and expanding the facility to include a hotel and convention center.

Such a proposal will create economic prosperity to the region through job creation and increased tourism. It is especially important for Porterville and Tulare County since the unemployment rate is more than double the national average. According to the Draft EIS, more than 1,100 construction jobs will be needed to build the hotel and casino. An additional 1,300 jobs will be created once the construction is completed. The majority of those jobs will be at the new hotel and casino. Other indirect jobs will be created as well as restaurants, dry cleaners, convenience stores, grocery stores and others. The proposed relocation will allow for even greater development of and involvement within the City of Porterville.

The Tule River Tribe is an integral part of the community, and their proposed casino and hotel will surely enhance all of Tulare County. It is for these reasons that I am here today to support the proposed casino relocation.

Assemblyman Devon Mathis
California Assembly District 26

A2-1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

November 1, 2018

Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Subject: EPA comments on Tule River Indian Tribe Fee-To-Trust and Eagle Mountain Casino Relocation Project Draft Environmental Impact Statement (DEIS), Tulare County, California (CEQ# 20180217)

Dear Ms. Dutschke:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document. We are providing comments pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA has also served as a cooperating agency for development of the DEIS. We appreciate the responsiveness of the Bureau of Indian Affairs to our feedback during development of the document.

The Proposed Action would transfer approximately 40 acres from fee to federal trust status for tribal development of a casino, hotel, food and beverage facilities, an event and conference center, and associated parking and infrastructure, located within the City of Porterville in Tulare County, California. According to the DEIS, the project includes off-site construction of recycled water, sewer, and stormwater infrastructure, including the development of a Water Reclamation Facility that would result in a "net-zero" increase in potable water consumption under the proposed project. EPA considers inclusion of the Water Reclamation Facility to be important since the project water supply would be obtained from municipal groundwater wells and the regional aquifer is severely overdrafted.

A3-1

EPA encourages BIA and the Tribe to incorporate renewable energy into the project, in addition to the proposed use of energy efficient lighting and appliances in the hotel and casino. The site is located in an area with relatively high solar potential (<https://www.nrel.gov/gis/solar.html>). We suggest that solar water heating and photovoltaic panels on carport structures in parking lots be considered and their feasibility explored. According to the National Renewable Energy Laboratory, the modeled costs to install solar photovoltaics have continually declined since 2009. Shading parking areas also reduces evaporative emissions of air pollutants from parked vehicles.

A3-2

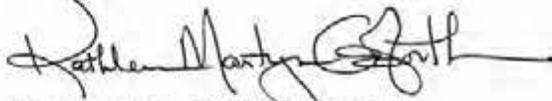
Effective October 22, 2018, EPA no longer includes ratings in our DEIS comment letters. Information about this change and EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: <https://www.epa.gov/nepa/epa-review-process-under-section-309-clean-air-act>.

A3-3

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one electronic copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

A3-3
(cont.)

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Section

cc: Neil Peyron, Chairman, Tule River Indian Tribe of the Tule River Reservation
Keri Vera, Environmental Director, Tule River Indian Tribe of the Tule River Reservation

DEPARTMENT OF TRANSPORTATION

DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
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FAX (559) 488-4088
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www.dot.ca.gov



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November 5, 2018

06-TUL-190-13.13
2135-IGR/CEQA
TULE RIVER INDIAN TRIBE CASINO RESORT
NOTICE OF LAND ACQUISITION
SCH# 2013-12
JOINT DEIS/TEIR
SCH # 2016124002

Ms. Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

Thank you for the opportunity to review the Notice of Land Acquisition to accept into "trust" approximately 40 acres of land and the Joint Draft Environmental Impact Statement (DEIS) and Tribal Environmental Impact Report (TEIR) for the Tule River Indian Casino Resort project. The casino resort proposes a 104,637 square foot casino which includes 64,541 square feet of gaming floor area for 1,750 slot machines and 20 tables, a 250-room hotel, 36,301 square feet of a variety of food and beverage facilities, a 64,002 square foot multi-purpose events center with 1,700 seats and 29,081 square feet of convention space, an outdoor pool, and parking garage with an additional 27-acre site for overflow parking and recreation area. Various alternatives are proposed to reduce or expand the resort. If approved, the above new casino facility would replace the Tribe's existing casino which would be converted to tribal government or service uses.

The project is located at the southeast corner of Scranton Avenue (aka: Avenue 136) and West Street, adjacent to the Porterville Airport (Airpark Site) and approximately 1 mile south of State Route (SR) 190 and 1 mile west of SR 65.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

- 1. Under the "Recommended Mitigation Measures" of the TIS, each alternative should clearly identify the Project's opening-day improvements to State Highway System (SHS). A4-1
2. On August 30, 2017, Caltrans submitted a comment letter on the Traffic Impact Study included in the Joint DEIS/TEIR. Caltrans has not received any correspondences in response to those comments as reiterated below: A4-2

Ms. Amy Dutschke – Joint DEIS/TEIR, Tulare River Indian Casino
 November 5, 2018
 Page 2 of 4

- a) A 10% diverted link reduction is not acceptable based on the project location and land use. A4-3
- b) It cannot be determined if the square footage for the casino already includes the food and beverage facilities, and retail use as mentioned on page 3 for Alternative A, B, and C. The trip generation tables for those alternatives are using gaming floor area to determine casino only trips. However, trips from the food and beverage facilities, and the retail use were not mentioned in the trip generation. Please clarify. A4-4
- c) On page 3, please clarify, for Alternative E, whether the addition of 20,000 square feet is for the casino only or if it is already including the 3,500 square feet dining venue. A4-5
- d) Any new project that may require employing full control at state highway intersections must consider all three intersection control strategies (i.e. to control all approaching traffic via use of signal, stop or yield control) and the supporting design configurations per the Intersection Control Evaluation (ICE) guidelines. Engineering recommendations must consider the safety performance characteristics of intersection control strategies, and safety performance analysis findings for specific proposals. A4-6
- e) On page 31, the “relocation reduction” applied to the Airpark site should not only consider subtracting trips due to the casino relocation, but also should add back additional trips since the existing casino buildings would be converted to tribal government or other use as mentioned in the project description. A4-7
- f) Please provide Synchro files for Caltrans review. A4-8
- g) Please provide Synchro worksheets on proposed mitigation measures for Caltrans review. A4-9
- h) Please provide cost estimates for mitigation measures. A4-10
- i) All pro-rata share tables should be expanded to include all study intersections. A4-11
- j) Please include the 2040 Select Zone model bandwidth diagrams (i.e. project trips only) for both alternatives along with the provided percentage project trips distribution maps in the TIS. Together, these diagrams complete the distribution/trip path picture. A4-12
- k) On page 23, discussion of Opening Year Conditions was not clear. Please describe specifically as Opening Year Without Project. Please specify the Opening Year in the discussion. A4-13
- l) On page 23, Figure 5 should also be labeled “XXXX Opening Year Without Project Weekday Traffic Volumes”. A4-14
- m) All scenarios and corresponding figures/tables should be labeled appropriately as “With” or “Without” Project and the analysis year. Please revise for clarity. A4-15
- n) On page 3, after the Study Purpose section, please add a new section that describes the analysis scenarios with years included in this TIS. A4-16

Ms. Amy Dutschke – Joint DEIS/TEIR, Tulare River Indian Casino
 November 5, 2018
 Page 3 of 4

o) On page 3, please include a sectional heading prior to the data discussion on the methodology used for traffic generation and forecasting. As a suggestion, this methodology discussion might be included prior or with the Traffic Operations evaluation methodology. A4-17

p) The annualized growth rates used for SR 190 and SR 65 appear high. Caltrans calculated PM peak hour link growth rates used in this Study to be roughly 4% on SR 190 from before Ave 192 to SR 65 from the 2016 (existing) to 2035 (cumulative) without project traffic volumes. Caltrans typically sees up to a 2% annualized growth rate on its facilities in District 6. Transportation System Network (TSN) data for SR 190 and SR 65 in the Porterville area indicates the historical growth rates are approximately 1.7-2.0%. In addition, data from Census and other data sources indicate the historical population growth for Porterville was approximately 2.2% annually between the years 2000 to 2015. A4-18

TRIP GENERATION COMMENTS:

q) On page 1, the introduction states 36,000 square feet of food and beverage facilities in the proposed development. Please confirm that all the casino projects used to estimate casino trip generation also included restaurant facilities, since restaurant land use is not included separately in the TIS trip generation tables. A4-19

r) On page 28, the commercial casino development is termed a Mixed-Use Development. Typically, this term is used when residential land use is combined other complimentary land uses such as office, retail and commercial land uses. A4-20

s) Caltrans objected to the use of a 50% reduction of ITE Hotel trip rates in our comment letter dated March 27, 2017 and in our conference call meeting with the traffic consultant (Onmi Means) on April 16, 2017. At that meeting Caltrans suggested use of a 25% reduction rate, based on the foundation that the ITE “hotel” trip rate already accounts for some internal trip capture, since the hotels analyzed to develop the ITE rates had supporting facilities “such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room), and/or other retail and service shops.”⁴ A4-21

t) Caltrans still maintains that an additional 50% reduction in Hotel trip rates is excessive. The Red Hawk Casino TIS and a few others were referenced in this TIS for additional trip rate reductions. The Red Hawk Casino is not in District 6 and is 20 miles outside of Sacramento in a more remote mountainous area, similar to the existing Tule River Indian Casino site. Nor does area surrounding the Red Hawk Casino have a good street network grid, like the proposed Airport site (Tule River). Caltrans would agree with an additional 50% reduction in hotel trips only for the existing Tule River Indian Casino site, with all the associated amenities addressed for Hotels in the ITE trip rate manual. A4-22

u) On page 29, Convention Space and Event Center Trip Generation – For the Convention Space, it is stated that 10% of the daily trips would arrive in the AM peak hour and 15% in the PM peak hour. The TIS also states the Event Center would be used for a variety of events, including conventions, concerts, stage performances, large exhibits/shows, etc. Since both the Convention Center and the Event Center can be used for some similar events, the A4-23

⁴ Language taken from page 603, Land Use: 310 Hotel of the ITE Trip Generation Manual, 9th Edition.

Ms. Amy Dutschke – Joint DEIS/TEIR, Tulare River Indian Casino
November 5, 2018
Page 4 of 4

- worst-case scenario should be analyzed which would be both facilities being used at the same time. A4-23 (Cont.)
- v) If there is an acceptable limit on the number of events that can occur at the Event Center annually, then a Traffic Management Plan (TMP) submitted prior to each event would be acceptable instead of including the Event Center traffic volumes in the impact analysis. Please inform Caltrans of any such limit. A4-24
- w) On page 30, for the Event Center trip generation, it states that 90% of the event trips were assumed to occur in the PM peak hour, however in the subsequent paragraph, it states the trips are expected to occur outside of the peak hour and are therefore not included in this traffic analysis. Please clarify. A4-25
- x) On page 30, for Alternatives A, B and C and on page 38 in Tables 11 and 12 for Alternative D, diverted link trips and pass-by trips appear to be used interchangeably, however they are entirely different types of trips, as discussed in the ITE Trip Generation Manual. Please refer also to comment #1 regarding use of diverted link trips. Caltrans does allow pass-by trip reductions for applicable retail oriented development on adjacent streets with driveway access to the development and adequate traffic volumes. Caltrans' standard practice is to allow pass-by reductions if the existing or future traffic volumes (without project) on the adjacent street are sufficient to support reductions for that land use. Caltrans believes that the local road adjacent to the Casino at the Airpark site does not have sufficient background traffic now or in 2040 without project to support a pass-by trip reduction. A4-26
- y) Please revise the Airpark casino site project trip generation tables with appropriate adjustments to address comments "s thru x" (originally #19 - #24) above for Alternatives A, B and C. A4-27
- z) On page 33, addresses the Casino's Airpark site access for Alternatives A and B. Please also supply the project trip percentage splits proposed for each driveway access to the Casino for all alternatives. A4-28
- aa) Alternative D, Non-Gaming: the site plans received earlier for the Non-Gaming option also indicated later expansion of that alternative would occur which would make it similar to the Full Build Out scenario for Alternatives A & B. If future expansion of Alternative D is reasonably foreseeable in the future, Alternative D should be analyzed as a phased development. A4-29

If you have any other questions, please call David Deel at (559) 488-7396.

Sincerely,



MICHAEL NAVARRO, Chief
Planning North Branch

Copy via email: Mr. Chad Broussard - Bureau of Indian Affairs, Pacific Region

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November 5, 2018

Via US Mail and email to chad.broussard@bia.gov.

Amy Dutschke, Regional Director
United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: DEIS Comments - Tule River Indian Tribe Casino Relocation Project
(Our Matter No. 20161562)

Dear Ms. Dutschke:

On behalf of the County of Tulare, which is acting as a Cooperating Agency, please accept our thanks for the opportunity to review and provide comments regarding the Draft Environmental Impact Statement/Tribal Environmental Impact Report ("DEIS") for the Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project ("Project"). Our comments regarding the DEIS are as follows:

AESTHETICS:

The Tribe has a unique opportunity to greatly enhance the aesthetics in the vicinity of the Airport industrial area by including additional landscape and hardscape features along the County and City roadways that will serve as gateways to the new casino site. The Tribe can transform the Porterville Airport area and make it a true tourist destination and jewel in the economic life of the greater Porterville community by developing and implementing a comprehensive aesthetics plan that will welcome and draw tourists to the area from near and far. The aesthetics enhancement plan should include financial and other mechanisms for operating and maintaining the gateway features and require participation by other property owners/developers in the vicinity who will benefit from the Tribe's aesthetic efforts. The DEIS should address this issue and incorporate such a plan as a positive Project feature, not to mention as a mitigation measure in section 5.13 for Alternatives A, B, C, and D.

PUBLIC SERVICES:

(1) Law Enforcement

The DEIS appears to understate the potential impacts on the County and City law enforcement resources available to serve the Project at the Airport site. It is our understanding that statistical information from other casino resorts in California show a more significant jump in demand for law enforcement services when casinos of the size envisioned are opened in more accessible areas like the Airport site, in contrast to the challenging location of the existing Eagle Mountain Casino.

Additionally, the DEIS defers any real mitigation for the impacts on law enforcement services by simply stating that "Prior to operation the Tribe shall enter into agreements to reimburse the Porterville Police Department (PPD) and/or the Tulare County Sheriff's Department (TCSO) for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services." (Mitigation Measure 5.10.3.G.). Such a mitigation measure offers the affected agencies, the public, and the Bureau no sense of what the real mitigation will be, what conditions will be attached to the agreements, how much will be paid or provided on a one-time basis, and how much, if any, will be provided on an on-going basis.

Absent these details, it cannot fairly be said that law enforcement impacts have been or will be mitigated to levels of less than significant. Indeed, it appears this measure amounts to a deferral of mitigation that is improper under both the National Environmental Policy Act and the California Environmental Quality Act.

Mitigation Measure 5.10.3.J. attempts to remedy this shortcoming by stating "The Tribe shall make annual payments to the City of Porterville and/or Tulare County to offset the cost of increased provision of law enforcement and fire protection/emergency medical services in amounts of at least the following amounts: ... \$275,870 for Alternative A or B" (Mitigation Measure 5.10.3.J.). In a footnote, the DEIS explains that "The amounts listed reflect the minimum recommended combined payment to the City and/or County for the provision of law enforcement and fire protection/emergency medical services. As described in a Klas Robinson memo dated September 18, 2017 (**Appendix B**), these amounts were primarily determined based on financial information from the City and County and the anticipated increase in services from the estimated incremental attendance of the respective alternative."

A5-2

This Mitigation Measure is flawed and inadequate for several reasons. First, the cited memo from Klas Robinson is missing from **Appendix B** and so provides no basis or support for the recommended mitigation measure and fails to provide the reviewing agencies and the general public with critical information with which to judge the adequacy of the measure¹. Second, the amount of money proposed is dramatically less than the amounts previously identified by the County alone, in correspondence with the Tribe, as necessary to mitigate the one-time and annual costs of County law enforcement and fire protection/emergency medical services for the Project, not to mention cost impacts to the City of Porterville. As detailed in the attached correspondence dated September 27, 2017 and November 21, 2017, the County anticipates one-time costs of \$220,000 for law enforcement and \$230,000 for fire

¹ In response to the request of this writer, the DEIS preparer provided a copy of the missing memo. The memo discloses the consultant's use of generalized figures and averages that do not correspond to the actual cost figures previously identified by the County in its correspondence with the Tribe.

protection/emergency medical services, and annual costs of \$1,191,777 for law enforcement and \$73,000 for fire protection/emergency medical services to adequately mitigate the impacts of the Project.

A5-2
(cont.)

(2) Fire and Emergency Medical Services

The DEIS appears to understate the potential impacts on the County pre-hospital emergency medical services available to serve the Project at the Airport site. At present, the Tribal Fire Department lacks adequate equipment and trained emergency medical services staff to provide emergency ambulance transportation services for casino patrons, visitors, and staff in need of such services. While relocation of the casino to the Airport site would put casino patrons, visitors, and staff considerably closer to established pre-hospital and hospital-based medical services, the increased numbers of patrons, visitors, and staff will cause a commensurate increase in the need for and demands on such services. The DEIS omits any real discussion or recognition of this impact and so offers inadequate measures to mitigate these impacts. The DEIS needs to address this issue and provide an appropriate level of one-time and on-going mitigation for such impacts.

A5-3

Likewise, the DEIS undertakes no analysis of the Project's impacts on the Fire Departments' mutual aid response system. A major conflagration at the Airport site would likely overwhelm the fire suppression services available from the Tribal Fire Department and require mutual aid responses from both the City of Porterville's Fire Department and the Tulare County Fire Department. Such mutual aid responses leave fewer resources, or even no available resources, to respond to incidents within the primary jurisdictions of the Fire Departments. The DEIS needs to address this issue and provide an appropriate level of on one-time and on-going mitigation for such impacts.

(3) Other Public Safety Services

The DEIS fails to address potential adverse impacts on the delivery of public safety services by other agencies/departments such as the County District Attorney, County Probation Department, and the County's Public Defender office and Conflict Public Defender services. We believe statistical information is available from other California communities hosting similarly-sized casino resorts that shows increased demand for public safety services from these agencies/department as the number of casino patrons, visitors, and staff grows, as envisioned for this Project and site. The DEIS needs to address this issue and provide an appropriate level of on one-time and on-going mitigation for such impacts.

A5-4

(4) Health and Human Services

1. The Scoping Report for the Project identified the need to analyze and address the expansion's impacts on issues associated with gambling addiction, drug use and bankruptcies (Section 3.2.7). The DEIS does not identify mitigation measures to address the increased risk of problem and pathological gambling enabled by alcohol and compounded by drug use. Will the casino offer a responsible gaming training program to employees on how to appropriately identify and respond to problem gaming behaviors and other co-morbidities?
2. Will the casino offer or provide linkages to treatment services for patrons or employees that ask for assistance with problem and pathological gambling, which is compounded by alcohol and other drug use?

A5-5

November 5, 2018

DEIS Comments - Tule River Indian Tribe Casino Relocation Project

Page 4

- 3. Does the casino have a system in place to identify problem and pathological gambling addicts using loyalty cards? If so, does the casino have any process in place to prohibit patrons identified by the casino as problem and pathological gamblers from gambling at the casino, outside of a self-exclusion program? A5-5 (cont.)
- 4. Hispanics, young adults, and low-income individuals are all at higher risk for problem gambling. How is the casino engaging this population to prevent the onset of problem gambling? A5-6
- 5. How will the casino minimize alcohol and other drug related crisis calls for a "5150" involuntary hold evaluation completed by Mental Health? A5-7
- 6. The DEIS does not clarify if smoking would be permitted if the relocation was approved. Will smoking be permitted? If so, what will the casino do to limit second-hand exposure to patrons and employees? A5-8
- 7. Casinos have an unusually high density of cardiac arrests in their public areas, in comparison with other types of public places. How will you guarantee an appropriate response to incidents of cardiac arrest or other onsite health emergencies? A5-9
- 8. What updates would the casino make to their emergency plan(s) to account for differing hazards and risks for the proposed expansion? Would a hazard mitigation plan be developed? A5-10
- 9. How will Public Health emergency response and injury/disease surveillance be addressed? A5-11
- 10. If recycled water is put to beneficial reuse at the Airport site and the Porterville Sports Complex to meet irrigation demand, will the casino develop a cross connection control/prevention program so that potable and recycled waters are not commingled? A5-12
- 11. It is likely that the Project will require obtaining a Hazardous Waste Generator Identification Number (i.e., EPA ID #) and submission of a Hazardous Materials Business Plan and or Hazardous Waste Generator registration (or federal equivalents). These can be obtained or filed electronically and should not require lengthy review or approval. If underground fuel or waste oil tanks are to be installed, will the casino apply for the permit applications and submit to Tulare County Environmental Health Division or EPA Region IX as appropriate? If quantities of petroleum and or oils are stored in aggregate quantities of 1,320 gallons or more will a Spill Prevention, Control, and Countermeasure (SPCC) plan be developed for Tulare County Environmental Health Division or EPA Region IX as appropriate? A5-13

TRANSPORTATION/CIRCULATION:

Following are comments related to the review of the Transportation/Circulation Section of the DEIS and associated Traffic Impact Study ("TIS") for the Project.

- 1. Under "*Trip Reductions*" the diverted-linked trip reduction of 10% seems reasonable due to the Project's vicinity to two State Highways that carry significant traffic. The County does not support a further 5% reduction in the overall trip generation to account for transit/shuttle/bicycle trips due A5-14

to the location of the proposed Project, the lack of adjacent bicycle facilities, proximity to users who would be likely to travel by bicycle, and the fact the existing counts, and similar facilities on which the trip generation is based should already capture these reductions. Furthermore, there is a significant amount of patrons of the existing Eagle Mountain Casino Facility that utilize the park and ride/shuttle lot located at Avenue 286 and State Route 190 who then take a shuttle to the Casino. Depending on where the counts for the existing Casino were taken, the users of the park and ride lot may not be accounted for. These users would be more likely to commute to the new Casino location due to its more accessible location. Trip generation estimates should account for this anomaly. The 5% reduction is not justified without further supporting documentation. This reduction should have been accounted for in the counts completed for similar sites on which the Project's trip generation is based. Justification on why this site would be different than the similar sites is not discussed. The text incorrectly classifies non-automobile trips to include transit and shuttle trips, when in fact, these are automobile trips. In Table 4.8-4, the listed 5% reduction for transit/bike/pedestrians of -41 that is listed under weekend daily trips does not calculate correctly.

A5-11 (cont.)

2. State Route 190 is incorrectly referred to as a "freeway". We suggest using Caltrans' convention of "State Route."

A5-12

3. Under "Trip Distribution," there is a larger percentage of traffic assigned to areas west and southwest of the Project via SR 190 and SR 99 (14%), rather than south via SR 65 (9%). Due to the less populated areas to the west and southwest, compared to the more densely populated Bakersfield area, these distributions are questionable. It is anticipated that an equal amount of traffic, if not more, would be distributed to the south on SR 65. Although this is somewhat subjective, further justification (that is, the assumptions and/or methodology) of the how trip distribution was determined should be provided. The select zone model runs contained in the appendix of the TIS do not appear to support a higher distribution of traffic to/from the south on Route 99 than to/from the south on Route 65.

A5-13

4. Under "Transit, Bicycle, and Pedestrian Facilities," discuss any proposed shuttle/transit service that will serve the Project. The Project should contribute a "fair-share" to construct any planned City/County bicycle and pedestrian facilities within the Project vicinity. These improvements should be analyzed and discussed in the DEIS.

A5-14

5. There are several State Route intersections that have a proposed mitigation of intersection signalization. These locations should be reviewed with Caltrans, as there are several planned roundabouts throughout the region. Furthermore, it is Caltrans policy to perform an Intersection Control Evaluation (ICE) report for each State Route intersection including consideration of roundabouts, rather than signals, as an alternative. Where signalization is proposed for intersections, it is recommended that roundabouts be identified as an alternative. A roundabout alternative should also be listed for County/City intersections, for example, Scranton Avenue/West Street.

A5-15

6. With respect to the TIS, the select zone model runs contained in the Appendix of the TIS do not appear to support a higher distribution of traffic to/from the south on Route 99 than to/from the south on Route 65.

A5-16

November 5, 2018

DEIS Comments - Tule River Indian Tribe Casino Relocation Project

Page 6

7. In both the DEIS and TIS, the SR 190/Road 284 intersection should be identified as "Roundabout control", not "two way stop control" (TWSC). This intersection should be analyzed as a roundabout for all scenarios with the exception of existing conditions since existing counts were taken before the roundabout installation as stated in the DEIS. A5-17
8. The DEIS identifies 39% of the trip distribution to/from the north and northwest in the Cities of Tulare, and Lindsay. As evidenced by the existing Casino providing shuttle service to the City of Visalia (and the Cutler/Orosi community further to the north) it is anticipated that the new Casino will draw traffic from areas north of Lindsay and Tulare; i.e., Visalia, Cutler/Orosi. This should be analyzed in the discussion on trip distribution. A5-18
9. The traffic study should address the new Porterville Fairgrounds site, and how this may affect traffic in the area; i.e., number/type of events per year, capacity, traffic impacts, etc., the potential for cumulative traffic impacts during such events and what measures will be taken to minimize potential impacts to traffic, parking, and safety. A5-19
10. Figures showing Project Only Peak Hour traffic volumes should be included in the TIS. A5-20
11. The traffic study does not address truck traffic. This could result in a critical omission if truck traffic is not analyzed. Therefore, it is important to determine estimated truck trips (daily) to the Project site. Truck trips have the potential to result in a significant impact on the County Roads (including ongoing maintenance, delays at intersections, and safety), and as such, needs to be addressed in the TIS. A5-21
12. The SR 190 intersections at Westwood Street and Newcomb Street are identified as future grade separations. This needs to be confirmed with Caltrans, as the County understands there are a number of roundabouts planned in the area. How will these grade separations affect the trip distribution and assignment under cumulative conditions? A5-22
13. There are two cross sections shown in the TIS for a collector street with on-street parking. The discussion seems to relate to the cross sections to West Street. The TIS recommends left-turn lanes along West Street between Scranton and Teapot Dome. Was a Two Way Left Turn Lane considered for this segment of West Street? What are the proposed cross sections for the other roadways in the area; i.e., Newcomb, Westwood, Scranton, and Teapot Dome? These cross-sections should be discussed. A5-23
14. Table 38 shown on Page 107 of the TIS should also include Newcomb Street, as possible improvements to Newcomb Street should be considered in the mitigation discussions. A5-24
15. Provide a Figure showing the "Mitigated Lane Geometries and Control" for the Opening Day and Cumulative plus Project (Alts A & B) scenarios. A5-25

MITIGATION MEASURES:

5.4 Air Quality.

5.4.1 Construction

A. Rather than “following construction BMPs,” it would be more inclusive to simply state “Comply with applicable Regulations/Rules regarding fugitive dust as adopted by the San Joaquin Valley Unified Air Pollution Control District (“Air District”).” Mitigation Measures 5.4.1 A 1-8 would likely be ineffective, as they are not specific or stringent enough to sufficiently reduce fugitive dust. Air pollutants are a regional issue and the suggested BMPs may not be sufficient to meet even a localized test.

A5-26

B. Regarding Greenhouse Gases (“GHG”), the California Air Resources Board has jurisdiction over GHG emissions. As such, the applicant should comply with CARB control techniques. However, regarding Diesel Particulate Matter (DPM), it would be more effective to require controlling DPM’s consistent with Air District and CARB requirements.

A5-27

As written, Mitigation Measure 5.4.1 B.5 has too many caveats to be effective. The measure should be strengthened by eliminating the caveats or deleted in its entirety as it isn’t enforceable.

A5-28

5.4.2 Operation and Climate Change

C. 6. The 50% reduction is consistent with current targets by CalRecycle but the target is going up to 75% in 2020 under AB 341. The measure should reflect the revised target.

A5-29

C. 10. Since the Project is located in Tulare County and the impacts will occur there, we suggest revising this Mitigation Measure and the Conformity Determination to specify Tulare County, rather than the San Joaquin Valley Air Basin and/or another adjacent district, as the location within which the Mitigation Measure will be implemented.

A5-30

C. 13. Note that the Air District’s Executive Director has the final authority to approve “other feasible” measures if the applicant can conclusively demonstrate their effectiveness.

A5-31

5.8 Transportation

5.8.2 Operation (Opening Year 2021)

All Mitigation Measures: The Mitigation Measures and traffic analysis make no mention of or commitment for the Project to contribute to the on-going maintenance of the roadway segments to be improved. This will be a major issue for the County and the City of Porterville going forward.

A5-32

K. The use of “offer” does not reflect the Environmental Consequence chapter’s determination that the Project would contribute 76.5% of West Street’s “new traffic,” 29.8% of Teapot Dome’s new traffic, 72.5 % of Westwood Street’s new traffic, and 77.8% of Scranton Avenue’s new traffic. An “offer” would be inadequate as the analysis points to a “real” impact. This Mitigation Measure should be reworded as a

A5-33

commitment/obligation to provide the pro rata shares of pavement rehabilitation costs for the listed locations respectively.

A5-33
(cont.)

5.8.3 Operation (Cumulative Year 2040)

All Mitigation Measures: The Mitigation Measures and traffic analysis make no mention of or commitment for the Project to contribute to the on-going maintenance of the roadway segments to be improved. This will be a major issue for the County and the City of Porterville going forward.

A5-34

5.10 Public Services

5.10.3 Law Enforcement, Fire Protection, and Emergency Medical Services

G. and J. See earlier comments on these Mitigation Measures.

I. This Mitigation Measure needs to be strengthened. State law already requires the Casino to check identification to ensure patrons are legally old enough to drink alcoholic beverages. Although a deterrent, refusing service does not guarantee that an inebriated patron will leave the Casino without driving under the influence. Inebriated persons/drivers would be a menace to pedestrians, vehicles and property; merely telling them "No more alcohol for you." would not prevent an inebriated person from potentially causing harm. The Casino should consider offering complimentary sobriety testing, breathalyzer testing, sober transportation to a destination (either sponsored by the Casino or through a company such as Uber), discounted hotel accommodation rates as an incentive not to drive, or possibly a "sleep it off room" (a dorm type of room) for a minimal charge wherein someone could literally "sleep it off" for a few hours until their alcohol blood level content is below the legal limit.

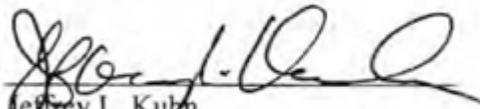
A5-35

K. Suggest adding that the Fire Marshal conduct regular inspections to ensure safe conditions are maintained.

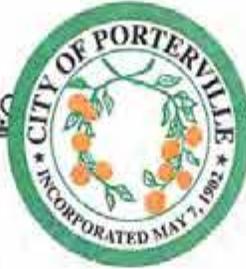
A5-36

Again, thank you for the opportunity to review and provide comments regarding the DEIS for this Project. Please contact me if you have questions or need anything further from the County of Tulare at this point.

Very truly yours,
DEANNE H. PETERSON
County Counsel

By 
Jeffrey L. Kuhn
Chief Deputy County Counsel

Attachments: September 27, 2017 and November 21, 2017 Letters from Tulare County Administrative Officer to Neil Peyron, Chairman of Tribal Council



Community Development
Department

November 5, 2018

Mr. Chad A. Broussard
Environmental Protection Specialist
Division of Environmental and Cultural Resources Management, and Safety
Bureau of Indian Affairs, Pacific Region
U.S. Department of Interior
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

RE: Comments to Draft EIS, Tule River Indian Fee-to-Trust and Eagle Mountain Casino
Relocation Project

The City of Porterville welcomes and appreciates the opportunity to review the Draft Environmental Impact Statement for the Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project. Staff has reviewed the document and agrees that the evaluation of potential environmental impacts meets the standard of review for NEPA under the Bureau of Indian Affairs implementation policies. We have no further comments related to NEPA.

A6-1

As a local agency in California, any action taken by the City of Porterville is further subject to the California Environmental Quality Act (CEQA). To that end, staff anticipates initiating supplemental documentation and noticing efforts in order to assure CEQA compliance as needed to address this agency's involvement in the project. In compliance with the California Code of Regulations, Section 15004 (b)(2), the City "shall not undertake actions... before completion of CEQA compliance". Therefore, we will be making every effort to prepare a CEQA compliant document for public review and approval prior to considering a Memorandum of Understanding.

A6-2

Sincerely,

Jennifer M. Byers
Community Development Director

Comment Letter A6

Cc: Porterville City Council
John D. Lollis, City Manager
Julia Lew, City Attorney
Michael K. Reed, Public Works Director
Eric Kroutil, Police Chief
Dave LaPere, Fire Chief
Tule River Indian Tribe, via Counsel
Tulare County, via Counsel



November 7, 2018

Amy Dutschke
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, California 95825

**Project: Draft Environmental Impact Statement and Draft Conformity
Determination for the Tule River Tribe's Proposed Fee-to-Trust and Eagle
Mountain Casino Relocation Project**

District CEQA Reference No: 20181030

Dear Ms. Dutschke:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Statement and Draft Conformity Determination (Draft EIS/CD) for the above referenced development project consisting of the construction and operation of a 105,000 square foot casino that includes: 250-room hotel, 36,000 square foot food and beverage facility, multi-purpose events center, and associated parking and infrastructure. The proposed project will be located on 40 acres in Porterville, California. The District offers the following comments:

A7-1

1) General Conformity

Since operational NOx emissions are anticipated to exceed the general conformity de minimis threshold for NOx, the Draft EIS/CD requires full mitigation of NOx emissions. For projects that the District has jurisdiction over, we require that once a pollutant exceeds the general conformity de minimis threshold for operations, all criteria pollutant emissions from the project be mitigated, such that there is no net increase in emissions from the project. The District has a Voluntary Emission Reduction Agreement (VERA) program that provides a mechanism to comply with general conformity requirements, described below.

A7-2

2) Voluntary Emission Reduction Agreement

The Draft EIS/CD contains a list of recommended mitigation measures for mitigating operational emissions that are determined to exceed general conformity de minimis thresholds. One of the recommended mitigation measures is the implementation of a Voluntary Emission Reduction Agreement (VERA) with the District.

A7-3

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-5400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

This mitigation measure should be utilized since utilizing permitted stationary source ERCs is not an alternative (see comment 3 below). The District looks forward to working with the project proponent on the implementation of a VERA to mitigate operational emissions from the proposed development project.

3) Emission Reduction Credits as Mitigation

If criteria pollutant emission increases exceed a general conformity de minimis threshold, the Draft EIS/CD requires full mitigation through the surrendering of Emission Reduction Credits (ERCs). In this case, the proposed project is anticipated to exceed the NOx general conformity de minimis threshold of 10 tons per year. However, the use of ERCs for this project is not allowed by the District since ERCs must be specifically used in accordance with the provisions of District Rule 2301 (Emission Reduction Credit Banking) to mitigate emission increases of an affected pollutant from a new or modified stationary source subject to District permitting and District Rule 2201 (New and Modified Stationary Source Review Rule). Furthermore, for permitted stationary sources, the District is required to verify that the amount of offsets required by the District under Rule 2201 is at least as stringent as those required under federal new source review. To satisfy this requirement, the District tracks the amount of offsets required, provided in the form of ERCs, under Rule 2201. Utilizing stationary source ERCs for a development project involving non-permitted mobile sources is outside the scope of the District's ERC equivalency tracking program and does not align with stationary source emissions and associated ERCs.

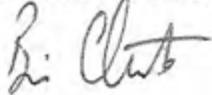
A7-3
(cont.)

Therefore, since operational emissions associated with the proposed project are from sources not subject to District permitting requirements under Rule 2201, this mitigation measure is not allowed.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM:mm

State of California—Transportation Agency

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
861 West Morton Avenue
Porterville, CA 93257
(559) 784-7444
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



*Clear
11/5/18
E*

October 30, 2018

Governor's Office of Planning & Research

File No.: 481.15220.14758

NOV 05 2018

STATE CLEARINGHOUSE

State Clearing House
1400 Tenth Street, Room 121
Sacramento, CA 95814

REF: SCH# 2016124002

The Porterville Area Office of the California Highway Patrol received the "Notice of Completion" of the Environmental document for the proposed Indian Gaming Facility, Tule River Tribe Fee-to-Trust and Eagle Mountain Casino Relocation, State Clearing House (SCH) #2016124002. The location of the 40 acre facility is to be located at Avenue 136 and West Street within southeastern Tulare County. After review, the Porterville Area has identified a potential impact this project could have to operations.

The Porterville Area is supportive of the planned project; however, with increased volumes of traffic relating to the gaming casino, Area has concerns involving increased response times, enforcement, and calls for service. The relocation of the existing gaming casino from its current location approximately 20 miles east of the city of Porterville, to an area adjacent State Route 190 within the city of Porterville, the location offers a closer proximity to population centers in Tulare, Kern, and Kings Counties. This added influx of traffic could have a significant impact on Area's operations due to the increased traffic congestion.

A8-1

If you have any questions regarding these concerns, please contact Lieutenant S. P. Goddard at (559) 784-7444.

Sincerely,

S. P. Goddard
S. P. GODDARD, Lieutenant
Commander

cc: Central Division
Special Projects Section
Assistant Commissioner, Field



COUNTY OF TULARE
COUNTY ADMINISTRATIVE OFFICE
PACIFIC REGIONAL OFFICE
BUREAU OF INDIAN AFFAIRS



2018 OCT 22 PM 1:41

JASON T. BRITT
County Administrative Officer

October 18, 2018

Amy Dutschke, Regional Director*
United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Rec Dir	_____	✓
Exec Dir	_____	✓
Asst Dir	_____	✓
Adm Serv	_____	✓
Ext Aff	_____	✓
Fin	_____	✓
Gen Inv	_____	✓
Health	_____	✓
Ind Aff	_____	✓
Info Tech	_____	✓
Legal	_____	✓
Plan & Eval	_____	✓
Rec Mgmt	_____	✓
Spec Inv	_____	✓
Training	_____	✓
Off. Liaison	_____	✓
Public Aff	_____	✓
Records	_____	✓
Security	_____	✓
Support Serv	_____	✓
Telephone Rm	_____	✓
Director's Sec'y	_____	✓
Director's Asst	_____	✓
Director's Sec'y	_____	✓
Director's Asst	_____	✓
Director's Sec'y	_____	✓
Director's Asst	_____	✓

Re: Notice of (Gaming) Land Acquisition Application – Tule River Indian Tribe

Dear Ms. Dutschke:

I am writing on behalf of the County of Tulare, California (the "County") in response to your "Notice of (Gaming) Land Acquisition Application" received on September 28, 2018 (the "Notice") concerning the Tule River Indian Tribe's proposed relocation of its Eagle Mountain Casino (the "Project") from the Tribe's Reservation to certain land in Porterville, California (the "subject property"). The County has and continues to support the Project, provided that the Tribe and County are able to arrive at an agreement providing for the satisfactory mitigation of potential adverse impacts from the Project on the County and surrounding communities. The County and Tribe continue to negotiate the details of such a mitigation agreement and we remain hopeful that a final agreement can be reached in the coming months.

In answer to the specific questions in your Notice,

1. *Ad valorem* property taxes levied by the County on the subject property for the current fiscal year (2018-19) total \$40,195.74. When paid, those taxes will be distributed to local public agencies as follows:
 - a. *County of Tulare* = \$5,952.31;
 - b. *City of Porterville* = \$325.63;
 - c. *The balance will be paid to other local taxing agencies including the Porterville Unified School District, Kern Community College District, Porterville Public Cemetery District, Porterville Memorial District, and Sierra View Hospital District, among others.*
2. There are currently no Special Assessments levied against the subject property.
3. Governmental services currently provided to the subject property by the County include the services of the following County Departments/Divisions:
 - a. Agricultural Commissioner;
 - b. Assessor;
 - c. Auditor / Controller;
 - d. Board of Supervisors;
 - e. Child Support Services;
 - f. Clerk of the Board of Supervisors;
 - g. Clerk-Recorder;
 - h. County Administrative Office (CAO);

A9-01

Bureau of Indian Affairs
October 18, 2018
Page 2

- i. County Counsel;
- j. District Attorney;
- k. Economic Development and Planning (RMA);
- l. Environmental Health Division (HHS);
- m. General Services;
- n. Health and Human Service Agency (HHS);
- o. Human Resources and Development;
- p. Human Services (HHS);
- q. Information Communications & Technology (TCICT);
- r. Library;
- s. Mental Health (HHS);
- t. Probation;
- u. Public Defender;
- v. Public Health (HHS);
- w. Public Works (RMA);
- x. Purchasing;
- y. Registrar of Voters;
- z. Resource Management Agency (RMA);
- aa. Retirement Services;
- bb. Sheriff - Coroner;
- cc. Solid Waste;
- dd. Superior Court;
- ee. Treasurer - Tax Collector;
- ff. Tulare County Association of Governments (TCAG);
- gg. Tulare County Fire Department;
- hh. Tulare County Local Agency Formation Commissions (LAFCO);
- ii. Tulare County Museum;
- jj. University of California Cooperative Extension; and
- kk. Workforce Investment Board.

A9-01
(Cont.)

The specific services provided by each County Department/Division are detailed on the hyper-linked webpages of each as shown above.

- 4. The subject properties are located within the city limits of the City of Porterville and so are subject to zoning by the City, rather than the County.

I hope that this information is responsive to your request. Please let me know if you have questions or need anything else on this matter. Thank you.

Sincerely,



Jason T. Britt
County Administrative Officer

Bureau of Indian Affairs
October 18, 2018
Page 3

cc: Supervisor Mike Ennis
Supervisor Steve Worthley
Supervisor-Elect Dennis Townsend
Carrie Monteiro, Board Representative
Eric Coyne, Deputy CAO
County Counsel
Neil Peyron, Chairman, Tule River Indian Tribal Council
Stephen M. Hart, Esq.
John Lollis, City Manager, City of Porterville



October 31, 2018

Ms. Amy Dutschke, Regional Director
United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, California 95825

Re: Notice of (Gaming) Land Acquisition Application – Tule River Indian Tribe

Dear Ms. Dutschke:

Please accept this correspondence on behalf of the City of Porterville, California (Tulare County) in response to the "Notice of (Gaming) Land Acquisition Application" received on October 1, 2018 regarding the Tule River Indian Tribe's proposed relocation of the Eagle Mountain Casino from the current reservation to its property near the Porterville Municipal Airport (Airport Site) within the city of Porterville.

The City of Porterville and the Tule River Indian Tribe for many years have enjoyed a strong relationship based on mutual respect, which has served as a basis for collaboration and partnerships that continue to serve well both the City's and Tribe's residents. In this spirit of collaboration and partnership, the City is supportive of the Tribe's proposed relocation of the Eagle Mountain Casino, and accordingly the application filed by the Tribe to have the Airport Site real property accepted "into trust" for the Tribe by the United States of America.

Please see the responses below to the specific information inquiries of the Notice:

- 1) For the current 2018-2019 fiscal year, the amount of \$4,320.22 is allocated to the City of Porterville of the \$40,195.74 total property tax levy on the subject property;

City Manager's Office
291 North Main Street, Porterville, California 93257
(559) 782-7466 Fax (559) 715-4013 Email: mgr-Office@ci.porterville.ca.us

A10-01

- 2) There are currently no special assessments that are currently assessed against the subject property in support of the City of Porterville;
- 3) The subject property is entirely within the City of Porterville, which as a full-service city, the City provides the following governmental services:
 - City Clerk – public records management
 - Engineering Services – infrastructure (water, wastewater, streets, and storm drain) design, construction, and inspection
 - Fire Services – emergency response, fire prevention and suppression, and code enforcement
 - Planning Services – economic development, environmental review, project planning and review, and zoning administration
 - Police Services – emergency response, crime investigation and prevention, and animal control
 - Utility Services – water purveyor, sewer collection and treatment, storm drain collection, refuse collection and disposal, and street maintenance
- 4) The subject property is within the City limits of Porterville and is zoned IA (Airport Industrial), which IA zone land uses are identified within the Employment Districts of the Porterville Development Ordinance (PDO). The specific purposes of the Employment Districts are to provide appropriate areas of the city where employment uses can locate and operate without significant conflicts with other land uses, strengthen the city's economic base and provide employment opportunities for city residents, and ensure the provision of services and facilities needed to accommodate planned population densities.

The PDO prescribes the regulations for Employment Districts and designates land uses that are Permitted, Permitted with a Conditional Use Permit (CUP), and uses that are Unpermitted. The IA zone district has a maximum floor to area ratio of 0.60, and within the IA classification, Large-Scale Commercial Entertainment & Recreation is designated as a use classification that is Permitted with a CUP after review and approval by the City Council. The Large-Scale Commercial Entertainment & Recreation classification includes: large outdoor facilities, such as amusement and theme parks, casinos, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, golf courses and driving ranges, bowling alleys, and archery or indoor shooting ranges. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons. If a project anticipates the sale of

A10-01
(Cont.)

alcohol, the PDO requires a CUP, which would be processed with the proposed use. While hotels and motels are not specifically identified as a Permitted use within the IA zone, "additional uses" may be allowed with City Council's approval of a CUP.

In addition to IA zoning, the subject property is located within the Airport Environs (AE) Overlay District, which standards and regulations in the AE overlay modify and supplement the underlying zoning district regulations. When a proposed use, building, and/or land is impacted by more than one zone, the use, building, and/or land shall conform to the requirements of all applicable zones. When zones impose conflicting requirements, the most restrictive of the requirements shall apply. According to the Airport Safety Map, the subject property is located within Safety Zone 6, which identifies uses as being either Normally Compatible, Conditional, or Incompatible. Indoor Major Assembly Facilities (capacity $\geq 1,000$ people, including: auditoriums, casinos, conference centers, concert halls, and indoor arenas) and Short-Term Lodging (≤ 30 nights, including: hotels, motels, and other transient lodging) are both considered Normally Compatible within Safety Zone 6.

A10-01
(Cont.)

Thank you for the opportunity to respond to the Notice, and your time and attention to the information provided in this correspondence. Please let me know how we can be of any further assistance in this matter.

Sincerely,



John D. Lollis
City Manager

Organizations

1
Stand Up For California!
“Citizens making a difference”
www.standupca.org

P. O. Box 355
Penryn, CA. 95663

October 11, 2018

Ms. Tara Sweeney,
Assistant Secretary - Indian Affairs
Department of the Interior
1849 C Street, N.W.
MS-4660-MIB
Washington, D.C. 20240
Telefax: (202) 208-5320

Amy Dutschke,
Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, CA. 95825
amy.dutschke@bia.gov

RE: CORRECTIONS REQUESTED –
Notice of Gaming Land Acquisition Application – Tule River Indian Tribe (“Tribe”)

Dear Assistant Secretary-Indian Affairs Sweeney and Regional Director Dutschke,

Stand Up For California, (“*Stand Up*”) is not opposed to gaming on eligible Indian lands. However, we are opposed to any effort to circumvent or fail to provide full disclosure of applicable regulatory processes, especially when such efforts by design reduce or eliminate the rights of the public or local government to participate in a regulatory process. Thank you for the recent Notice of (Gaming) Land Acquisition Application for the Tule River Indian Tribe, dated September 24, 2018. *Stand Up* received the certified letter on September 29, 2018.

Stand Up requests that you use your authority to withdraw, correct and resubmit the recent notices issued for the Tule River Indian Tribe. This includes the Notice of Gaming Land Acquisition Application, Notice of Availability of a Draft Environmental Impact Statement and a Draft Conformity Determination. The notices omitted and have misstated applicable regulations that will guide the comments of the affected parties. Improper notification of procedures affects the integrity of decision-makers in review of the submitted comments.

The fee-to-trust notice states in the very first line, “Notice **of (Gaming)** and Land Acquisition Application”. Clearly, the fee-to-trust application is being guided by C.F.R 151.10 and C.F.R. 151.11 as a discretionary process, but the notice omits the necessary steps that the Indian Gaming Regulatory Act layers into this process. The Notice reads “**of gaming**”, but the gaming regulatory process is NOT identified. All the notices should reference 25 C.F.R. 292 sub-section C. The Notices as written give the perception that gaming will occur on established Indian lands instead of land to be acquired after the prohibition of gaming on lands after 1988.

O1-1

This process is complex and deserves explanation because this application is for an *off-reservation casino*. ***The notices fail to mention this significant fact!*** This fee-to-trust must be approved under the two-part determination test (25 C.F.R. 292 Sub Section C). It is up to the Secretary or the Assistant Secretary-Indian Affairs not an authorized representative to determine whether the proposed trust land qualifies for gaming under the Indian Gaming Regulatory Act. This must be determined *before* the Secretary or Assistant Secretary Indian Affairs issues a decision to acquire land in trust.

The Indian Gaming Regulatory Act requires that the Secretary or Assistant Secretary Indian Affairs determine that the casino is in the best interests of the Tribe and not detrimental to the surrounding community. This requires that 25 C.F.R. 151.12 (c) apply not C.F.R. 151.12 (d) as the notices reads.¹ The United States Supreme Court ruling in the Patchak case caused the Assistant Secretary of the Interior to issue Rulemaking on C.F.R. 151.12. The new rule makes explicit that some officials can make final trust acquisition decisions and others cannot. Gaming on after-acquired lands requires a final agency action. Under subsection (c), the Secretary or the Assistant Secretary – Indian Affairs may decide a trust application personally, and their decisions are final for the Department. *See*- 25 C.F.R. 151.12(c):

“A decision made by the Secretary, or the Assistant Secretary-Indian Affairs pursuant to the delegated authority, is a final agency action under 5 U.S.C. 704 upon issuance.”

There is no mention of the Consultation letter that must be sent or the comments that must be collected in C.F.R. 292.19. This is a process necessary to the Secretary of the Interior in making a determination on whether or not the off-reservation casino will have a negative impact on the surrounding community. This will take a minimum of 60 days.

Assuming that the Secretary makes such a determination, the Governor has a year to concur, and at this time, it is unclear whether the Governor of California has the authority to approve such acquisitions. On December 12, 2016, the 5th District Court ruled in favor of *Stand Up For California v State of California*, F069302 (Super. Ct. No. MCV 062 850). **The Court agreed that the Governor lacked State Constitutional and statutory authority to grant concurrence for off-reservation gaming.** The case has been appealed and is pending a hearing before the California Supreme Court. (*Stand Up For California et al, v. State of California, et al*, Supreme Court Case No. S239630). (*Also - United Auburn Indian Community of the Auburn Rancheria v. Brown*, No. S238544).

This is important information for affected parties and must be included in the Notice **of Gaming Land Acquisition Application**, Notice of Availability of a Draft Environmental Impact Statement and a Draft Conformity Determination. Citizens, local governments and all affected parties need to understand the **federal process requires additional considerations by the Secretary of the Interior and the Governor’s concurrence.** It is unfair to the public and the Tribe that the Bureau of Indian Affairs, Pacific Regional Office omits or misstates the processes to be followed.

Affected parties must be advised that the Indian Gaming Regulatory Act was enacted to cooperate with a state’s laws not assert overreaching federal authority. We hope that you will withdraw the current Notices and resubmit the Notices providing plain language of the federal processes involved in the Tule River Indian Tribe’s fee-to-trust transaction.

¹ The Notice of Gaming Land Acquisition states the following: “The determination whether to acquire this property in trust will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior **or his authorized representative**, U.S. Department of the Interior.”

O1-1
(cont.)

Stand Up reserves the right to submit additional comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Schmit". The signature is written in black ink and is positioned above the typed name and contact information.

Cheryl Schmit, Director
Stand Up For California
916 663 3207
cherylschmit@att.net
www.standupca.org



October 12, 2019

Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

To Whom It May Concern:

The Tulare Chamber of Commerce continues to be supportive of the Tule River Tribe's proposed relocation of Eagle Mountain Casino in Porterville.

Our Board of Directors first took action in December 2016 to endorse their desire to bring the casino down from the mountains and onto the ground floor. Having reviewed documents and having attended a previous hearing, along with my long-term affiliation working with the tribe, we are confident that this move is environmentally and economically friendly. Eagle Mountain Casino's expansion will grow its role in Tulare County as an economic driver providing additional job creation, tourism traffic, increased use of local vendors, and most likely also resulting in the growth of their philanthropy to schools and good works organizations county-wide.

The Tule River Tribe and Eagle Mountain Casino have proven to be significant champions for business and community through-out Tulare County. We appreciate your support of the Tule River Tribe's continued efforts for tribal self-sustainability and economic impact.

Sincerely,

A handwritten signature in black ink, appearing to read "Donnette Silva Carter".

Donnette Silva Carter, IOM
Chief Executive Officer

O2-1



Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, Ca 95825

10/15/18

Ms. Dutschke,

My name is William Garfield, and I am the Chairman of the Porterville Chamber of Commerce, Board of Directors. The Tule River Tribe and Eagle Mountain Casino are longstanding members of the Porterville Chamber of Commerce.

The Tule River Tribe is an essential part of the community and is one of the most supportive entities in the region. The Tribe is also one of the largest employers in Porterville, employing roughly 500 people at the casino alone.

The Chamber continues to support the proposed Casino relocation efforts because we believe the economic benefits from this project will help sustain the local economy. The City of Porterville and the County of Tulare continue to face unemployment rates that are more than double the national average.

The proposed casino relocation will spur growth in our local economy. According to the draft federal report, during the construction phase, the relocation will create more than 1,000 construction jobs over an 18-month period. Many of those construction workers will be from the community. Their paychecks will be spent in our local stores. Those coming from other areas will be visiting our hotels, restaurants and gas stations. Upon completion, the new casino and hotel will also create more than 1,300 new jobs. The majority of those jobs will be at the new casino. Moreover, local businesses will see an increase in their business as employees and patrons of the Casino look for places to eat, shop, relax and be entertained. The jobs created from this project will stimulate the local economy significantly and as a result we would anticipate that other businesses will look to invest in Porterville.

The economic benefits to the community are the reasons that the Porterville Chamber of Commerce urges the BIA to approve the proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Garfield'.

William Garfield
Chairman - Board of Directors
Porterville Chamber of Commerce

O3-1



Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Ms. Dutschke:

As President of GreenPower Motor Company, I am urging the Bureau of Indian Affairs to approve the relocation of the Eagle Mountain Casino. We share many of the same goals of the Tule River Tribe. We both want to help the community economically while working to preserve the environment.

GreenPower manufacturers and warehouses electric powered buses in Porterville near the proposed Casino relocation site. One of the reasons for choosing the location is due to the need for jobs in the region. The unemployment rate in Porterville and Tulare County is more than double the national average. By moving our facilities to Porterville, dozens now have jobs that would not be there otherwise. The same holds true for the casino relocation. The economic analysis for the Casino relocation highlights more than 1,100 construction jobs will be needed over an 18-month window. Following the construction, more than 1,300 jobs will be created – directly and indirectly. The Casino and hotel will be the majority of the job creation but ancillary businesses such as

convenience stores, restaurants, gas stations, and the potential for even another bus route will be needed as well.

Like the Tribe, GreenPower is doing everything it can to minimize our impact on the environment. In the Tribe's case, their focus has been on water usage. The hydrology surrounding the Reservation caused an undue hardship forcing the Tribal Council to issue a building moratorium. Should the Casino relocation move forward, the Tribal Council will be able to reallocate its water resources lift the building moratorium and allow dozens of new homes to be on the Reservation. The Tribe is also focused on minimizing the impact the community's water resources by striving to achieve a net-zero effect on the region's potable water. The City of Porterville and the Tribe are reviewing the possibility of a joint project to develop a tertiary water treatment facility which would allow the City to use more recycled water for irrigation purposes.

O4-1



GreenPower understands the importance of preserving the environment and applaud the tribe's efforts. They are looking out for the best interests of the local community. We need more businesses that take this approach, and it is for these reasons that GreenPower strongly supports this project.

O4-1
(cont.)

Sincerely,

A handwritten signature in black ink, appearing to read 'BR', is positioned above the typed name.

Brendan Riley
President
Tel: (510)910-3377



October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: Support for Tule River Tribe's Casino Relocation

Dear Ms. Dutschke:

As Chairman of the California Nations Indian Gaming Association (CNIGA), I want to issue our organization's support for Tule River Tribe's efforts to relocate its casino.

CNIGA's mission is to protect the sovereign right of tribal governments to operate gaming on federally recognized Indian lands. While the proposed relocation site is not currently on federally recognized land, it is aboriginal territory of the Yokut Indians. The proposed relocation also provides substantial benefits to the Tule River Tribe without encroaching on neighboring Tribes.

The Tule River Tribe has done its due diligence on this project. Tribal leaders have met with dozens of Tribes concerning the proposed relocation. Neighboring Tribes such as Big Pine Paiute Tribe of the Owens Valley, Big Sandy Rancheria, and Tejon Indian Tribe support the proposed relocation. The Tule River Tribe also received a neutral position from neighboring Santa Rosa Rancheria Tachi Tribe. Significantly, no Tribe has taken an opposing position on Tule River's relocation.

Tule River Tribe is looking to relocate their casino to address pressing needs facing the Tribe. While the Tribe's Reservation is nestled in the beautiful Sierra Nevada hillsides, the site has limited resources, specifically water. For decades, the Tule River Tribe fought to preserve its federally reserved water rights. Those battles continue today with no resolution in sight. The pressing water needs led to the Tribe establishing a building moratorium, impacting housing on the Reservation as well as membership since residency is a requirement. The proposal will allow the Tule River Tribe to reallocate Reservation water resources currently being used for the Casino, thereby allowing the construction of more than 100 new homes.

Tule River Tribe's casino relocation goal is to establish a better life and a stronger Reservation for future generations. It coincides with the goals of CNIGA's members and for these reasons has garnered CNIGA support. Thank you for your consideration.

Sincerely,

Steve Stallings, Chairman
California Nations Indian Gaming Association

Protecting the sovereign right of California tribes to operate gaming on their lands.

O5-1



Association of Gaming Equipment Manufacturers

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Ms. Dutschke:

As the leading trade organization representing gaming suppliers who do business with Eagle Mountain Casino, I am writing in support of Tule River Tribe's casino relocation proposal.

The Tule River Tribe is an integral part of the Porterville community. For more than two decades, the existing Eagle Mountain Casino has employed hundreds in the region. Should the relocation be approved, the draft report estimates that more than 1,100 people will be employed for the construction of the casino. In addition, it is estimated that more than 1,300 additional jobs will be created directly and indirectly as a result of the casino relocation. Casino staff, hotel employees, more servers at local restaurants, expanded hours at gas stations and additional vendors will be needed. This will not only help the City of Porterville but the outlying communities as well.

The relocation project also addresses a key concern for those who work and visit the current facility – public safety. The current drive from Porterville to the casino is roughly 15 miles, but it is along the windy Reservation Road. The commute is time consuming and the many turns result in accidents every year. By bringing the casino closer to Porterville, workers' commute times will be reduced and several accidents will be avoided.

The proposed casino and resort is worthy of support. It will improve Porterville's economy, create new jobs and address a public safety hazard.

Sincerely,

A handwritten signature in black ink that reads "Marcus E. Prater".

Marcus E. Prater
Executive Director
Association of Gaming Equipment Manufacturers (AGEM)
P.O. Box 50049
Henderson, NV 89016

O6-1

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West SACRAMENTO, CA 95691
Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC

PACIFIC REGIONAL OFFICE
BUREAU OF INDIAN AFFAIRS

2018 OCT 15 PM 12:45



Reg Dir _____
 Dep RD Trust _____
 Dep RD IS _____
 Route FTT _____
 Response Required _____
 Due Date _____
 Memo _____ Ltr _____
 Fax _____

October 12, 2018

Lorrae Russell
U.S. Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

RE: SCH# 2003-12 Notice of (Non-Gaming) Land Acquisition Application for the Tule River Indian Tribe of the Tule River Reservation – APNs: 30 of California to Have Real Property Accepted into Trust by the United States of America, Tulare County.

Dear Ms. Russell:

The Native American Heritage Commission (NAHC) has reviewed the above referenced Notice of (Non-Gaming) Land Acquisition Application, and has no comments regarding the cultural resources impact of this proposal.

O7-1

Thank you for the opportunity to comment.

Sincerely,

for Sharaya Souza
Staff Services Analyst

cc: State Clearinghouse

Sara Drake, Deputy Attorney General
Department of Justice
P.O. Box 944255
Sacramento, CA 94244

Individuals

Comment Letter I1

From: **Robert F. Ruckman** <bobruckman@icloud.com>
Date: Wed, Oct 17, 2018 at 9:22 AM
Subject: [EXTERNAL] Draft EIS Comments, Tule River Tribe Casino Relocation Project
To: <chad.broussard@bia.gov>

Please consider this email as my opposition to the Tule River Tribe Casino relocation project. We, my wife and I, are opposed to the move. We believe it should remain on the reservation and not in the public domain.

Thank you for excepting our proposal and opposition.

Sincerely,

Robert and Rebecca Ruckman

I1-1

From: **Jill Ruckman** <jillruckman@gmail.com>
Date: Wed, Oct 17, 2018 at 9:35 AM
Subject: [EXTERNAL] Draft EIS Comments, Tule River Tribe Casino Relocation Project
To: <chad.broussard@bia.gov>

As residents of the city of Porterville, my husband Jeff Ruckman and I are writing to ask you to please do everything in your power to **stop** the move of the casino to the city of Porterville. We have seen other cities negatively affected by the presence of casinos within city limits. Increases in crime, DUI's, and addictions are almost certain with easy access to a casino. Please, on behalf of our city and its residents, do not allow this move to take place.

I2-1

Feel free to contact me if you have any questions or if there is anything else I can do to help stop this project from moving forward into our city. Thank you for your time.

--

Jill Ruckman
480-766-8287

From: mrruc1 <mrruc1@aol.com>
Date: Wed, Oct 17, 2018 at 4:16 PM
Subject: [EXTERNAL] Draft EIS Comments, Tule River Tribe Casino Relocation Project"
To: <chad.broussard@bia.gov>

Dear Mr. Broussard,

Greetings to you. I pray that you are having a blessed day.

As a concerned father, husband, servant, and resident of Porterville, CA., I want to communicate my strong opposition to the relocation of Eagle Mountain Casino. I was not aware of the meeting held in Porterville at the Vets' building on Monday, October, 15, 2018.

I, and others, strongly oppose the Casino Relocation Project because of what casinos represent. The casino industry is an industry based on greed – the love of money:

“The love of money is the root of all evil” – 1 Timothy 6:10 (Bible).

If I had known that the meeting was on Monday, I would have attended and expressed my concerns, my strong opposition to the casino relocation, and publicly and lovingly and peacefully communicated that I am seeking out all those in Porterville (and our surrounding cities) who oppose this relocation, and I'm asking them to join me in peacefully and publicly denouncing this move.

I pray that there will be a wave of peaceful opposition to the tribal casino relocation plans that will sweep across our beloved city and that the casino relocation plan will be thwarted.

We love our Native Americans and thank God for them, but we do not support their casino relocation plans.

Thank you for your time.

Feel free to pass this on to whomever may be interested.

R. Ryan Ruckman
Long time Area Resident
Concerned Father, Husband, and Servant to our Community.

Comment Letter I4

From: **Jaime Bay** <jaimecbav@icloud.com>
Date: Thu, Oct 18, 2018 at 8:44 AM
Subject: [EXTERNAL] Draft: EIS tule river tribe casino Relocation Project
To: <chad.broussard@bia.gov>

Opposed to relocation of Tule River Tribe Casino Relocation Project
Jaime C Bay



I4-1

Sent from my iPhone

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING MEETING
TULE RIVER TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT
PORTERVILLE VETERANS MEMORIAL BUILDING – PORTERVILLE, CALIFORNIA
OCTOBER 15, 2018

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL OR EMAIL TO THE CONTACT INFORMATION PROVIDED BELOW.

WRITTEN COMMENTS ON THE DRAFT EIS OR DCD MUST ARRIVE BY NOVEMBER 5, 2018.
(Please print legibly)

Name: Hlec Garfield Organization: Tule River Tribe

Address: P.O. Box 1456, Porterville, CA 93258

Comment: I fully support the relocation of Eagle Mtn. Casino

Please give to attendant, drop in Written Comment Box, mail to Bureau of Indian Affairs, Attention: Ms. Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825, or email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. Please include your name, return address, and "Draft EIS Comments, Tule River Tribe Casino Relocation Project" on the first page of written comments and/or as the subject of your email.



I5-1

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING MEETING
TULE RIVER TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT

PORTERVILLE VETERANS MEMORIAL BUILDING - PORTERVILLE, CALIFORNIA
OCTOBER 15, 2018

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL OR EMAIL TO THE CONTACT INFORMATION PROVIDED BELOW.
WRITTEN COMMENTS ON THE DRAFT EIS OR DCD MUST ARRIVE BY NOVEMBER 5, 2018.

(Please print legibly)

Name: Cindy Kelly Organization: —

Address: 1378 S. Newcomb St. Porterville CA 93257

Comment: I am excited to have the Tule River Tribe Casino Resort come down near the Porterville Airport. I do not gamble but would enjoy the shows as they will be very close to my home. I did not want to make the drive up the mountain and have only been one time in the 18 years I have lived here. I do hope to see road improvements on ~~S~~ Stanton Ave, Teapot Dome & possibly Westwood & Newcomb south of Hwy 190. Also - I am hoping the resort will hire old white gals!

Please give to attendant, drop in Written Comment Box, mail to Bureau of Indian Affairs, Attention: Ms. Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825, or email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. Please include your name, return address, and "Draft EIS Comments, Tule River Tribe Casino Relocation Project" on the first page of written comments and/or as the subject of your email.



Comment Letter I7

From: **Don and Becky Bay** <dbav@springvillewireless.com>
Date: Tue, Oct 23, 2018 at 9:16 AM
Subject: [EXTERNAL] Relocation of the Eagle Mountain Casino to Porterville
To: <chad.broussard@bia.gov>

To Whom it concerns,

We are concerned with the long term effects that a casino would bring to the town of Porterville, CA; the increase of crime, traffic and additions that accompany most casino locations. We believe this casino will have a negative impact on Tulare County as a whole and peacefully oppose it's plan for relocation in Porterville, CA.

17-1

Thank you,

Donald and Rebecca Bay

10-15-18

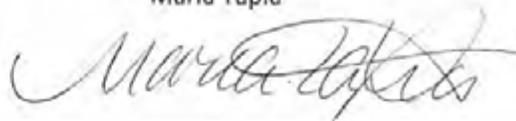
I believe relocating the casino to the Porterville area has many advantages. First and far most is our guests. A lot of the guests who have been coming up for years are local and from the Bakersfield area. Relocating the casino would be much more convenient for those who come from a farther distance as well as local. Also, our buses wouldn't have to travel up the Reservation Rd and put a lot of wear and tear on our buses. Traveling to a casino that is much closer would bring more business and enjoyment; to dine, game, and to relax. Also, our EMC employees would not have to travel so far to commute to work. There would be less accidents on the reservation road. Guests who are not from the area don't know the road and would feel safer and less nauseous when traveling to the casino if it were in Porterville.

Another advantage of relocating the casino is that it would bring down the crime rate that it brings to the reservation. Much of the local guests come with problems that involve drugs that are brought up to the casino grounds as well as the community. I'm not saying relocating would wipe out the drug problems up here on the reservation but they would be minimized or controlled better. There is constantly tribal workers, families, and children on the go and there have been instances where homeless people (not from up here) sleep in the children's bus stops while they are getting ready to load the school bus which is not safe at all. The community does not feel safe with random people roaming around the streets with nothing better to do.

Finally, relocating the casino would be a fresh start to the Tule River Tribe. The casino has been successful thanks to the tribe, community members, and emc employees who have all had a part in making our guests feel welcomed with a great experience.

18-1

Maria Tapia

A handwritten signature in black ink, appearing to read 'Maria Tapia', written in a cursive style.

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: SUPPORT FOR THE RELOCATION OF THE EAGLE MOUNTAIN CASINO

Dear Ms. Dutschke:

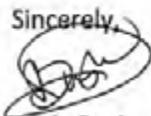
I am writing in support of the relocation of the Eagle Mountain Casino and requesting that the Bureau of Indian Affairs approve this relocation to our new site. As a member of the Tule River Tribe, I can affirm that the relocation will provide a wide range of benefits to our membership.

In addition of bringing benefits to our direct community, the relocation will afford benefits to the region and our neighbor communities as well. Please consider that this relocation will: 1. significantly improve public safety, on roadways and public works at the relocated casino and on the Reservation and; 2. reduce traffic and accidents considerably on the winding road leading to the current casino, as nearly 4,000 vehicles drive to the casino every day.

Critical to the Tribe, relocating the casino means we can greatly reduce water use, which in turn lifts the current building moratorium caused by the experienced water shortages. Additionally, with the repurposing the current casino facilities for health and education purposes, we will be able to specifically offer more health and dental services and more educational opportunities to tribal members.

Your approval of the relocation will provide greater opportunities for our tribe to move forward confidently in the years to come, and will enhance our ability to more easily work cooperatively with our neighbors in our regional community.

In advance, thank you for your time and consideration of this request.

Sincerely,


Darla Bush
TRIBAL MEMBER

I9-1

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cotton Way
Sacramento, CA 95825

RE: SUPPORT FOR THE RELOCATION AND APPROVAL OF THE EAGLE MOUNTAIN CASINO

Dear Ms. Dutschke,

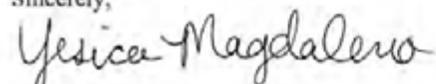
I am writing this letter to express my support for the relocation of Eagle Mountain Casino to its new site near the Porterville Airport. The casino has been a great source of employment for me since I graduated from University. I am currently employed by the Tule River Tribe, to work for the Tule River Gaming Commission Agency and have been employed for the past 7 years. This has allowed me to grow professionally and have the stability to care for my family. The move into town would mean the expansion of the Casino as well as the inclusion of a hotel, conference center, and entertainment center. This in turn would create many jobs for others which would allow them the same great opportunity I've had.

Another great reason for the relocation is that I, as well as other employees and customers would feel safer in an area more accessible to Porterville. The current road to the Casino is a curvy, windy road that can be dangerous, especially during harsher weather conditions. Furthermore, the Casino is currently located in an area that is more prone to fires which causes uneasiness when driving to the Casino; knowing that a fire is blazing nearby. The Casino being located in town would allow for a safer route bot for employees and customers.

In addition, the move of the Casino will have advantages both for the Tribe and the City of Porterville. Creating a new Casino in town will allow the Tribe to have more space to construct homes and community programs for the Tribal community by using the current casino space. It will also permit resources currently being used for the Casino to be used for the Tribal community. Moreover, the Tribe will develop a new tertiary water treatment facility to reduce the impact of the new Casino on Porterville's potable water supply. The new Casino will provide more means of entertainment and hospitality to the public with its convention space, banquet hall, meeting hall, entertainment lounge, entertainment center and hotel.

Please consider these and the many more benefits the relocation of Eagle Mountain Casino will have when making your decision. Your support will permit our community to gain many great advantages.

Sincerely,


Yesica Magdaleno

I10-1

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

As a member of the Tule River Tribe, I am urging the Bureau of Indian Affairs to approve the proposed relocation of the Eagle Mountain Casino to property adjacent to the Porterville Airport. As a former Councilmember, I understand the importance of this project and the benefits to the Tribe.

The Tribe has been working on the casino relocation project for more than two years. In fact, I have met with you several occasions regarding this project. The Tribe's goal has always been and will continue to be to develop a project that will benefit the Tribe, our patrons and the community. This project will do that.

The community benefits because the casino relocation will create more jobs. According to the draft EIS more than 1,300 full-time jobs will be created as a result of the casino relocation. Those jobs will be at the new hotel and convention space. More employees will also be in the community as more visitors come to Porterville.

The customers and employees will benefit by putting the casino closer to where they live. Their commute times to and from our site will be reduced dramatically. More importantly, reduces the number of cars on Reservation Road, which is in good condition, but still prone to auto accidents.

The Tribe benefits by alleviating some of the pressure on the Tribe's water system. The Casino uses thousands of gallons of water a day. By relocating the Casino, the Tribe will be able to use that water for other purposes and build more home on the Reservation.

The Tribe is also committed to helping out the community. We will be building a fire station at the new Casino site to provide aid to the Casino and the outlying areas. We are looking at a potential net-zero impact on the City's water as we are in discussions with the City about a tertiary treatment facility.

It is for these reasons, that I believe this project is a win-win opportunity for the Tribe and the community and ask for your approval of the casino relocation.

Sincerely,


Gary Santos

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: Support for Relocation of Eagle Mountain Casino

Dear Ms. Dutschke:

As a member of the tribe and an employee of the Tule River Tribe Gaming Commission, I know it is crucial for this gaming operation to be relocated.

I have witnessed the positive impacts gaming has given our tribe, it allows all the shortcoming from outside agencies to be supplemented by gaming. We have a good return each year and that money goes to all our government departments for their day to day functions and programs which help me and my family.

I have had multiple careers, worked in many locations, and working at home is tough as the economy does not strive like an incorporated city. The gaming operation has offered our members an opportunity to provide for their families. Relocating could give more members and residents of Porterville a position to help their community thrive.

I would like to see more of the funds paid to the state return to the county as our main road in and out of the reservation endangers those who travel on it. There have been joint ventures in providing a nice road by the state and tribe but maintenance is lacking off the reservation.

There are many more areas of concern which would see the benefits of the relocation such as education, health, which in return helps now and in the future.

I hope this letter helps in your decision to approve the relocation as the benefit would help more than our tribe but those surrounding communities.



Adam Christman
Information Technology Technician
Member of the Tule River Indian Tribe of California

I12-1

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

As tribal member, tribal elder who was born and raised on the Reservation, and casino employee for the Tule River Tribe, I am writing to request your support for the relocation of the Tule River Tribe's casino. I am well aware of all of the benefits that Tribe does for its members and the community at large.

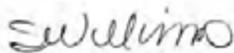
This proposed relocation will reduce traffic on Reservation Road. While the road is in good condition, it is prone to auto accidents due to its various twists and turns in the road. Unfortunately, those with little experience on the road tend to travel faster than is safe for the road. By relocating the Casino, thousands of car trips will be reduced daily as well as the number of auto accidents.

In addition, the proposed relocation will create more regional and local economic opportunities since the casino will propose to include a new hotel and convention center. These venues will help stimulate the local economy by offering new opportunities for employment for our members and neighbors, ultimately enhancing the quality of life in the region.

Finally, relocating the casino will free up thousands of gallons of water daily for the Tule River Indian Reservation. Currently, the Tribe faces a building moratorium. The relocation will allow the Tribe to reallocate water for other uses. In addition, the new casino plans to maximize its use of recycled and reclaimed water to minimize impacts to the City of Porterville.

I hope you will join myself and the many supporters of this proposed relocation in helping bring the many positive benefits that are greatly needed.

Sincerely,



Susan Williams

I13-1

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: Support for Relocation of Eagle Mountain Casino

Dear Ms. Dutschke:

As an employee of the Eagle Mountain Casino, I am writing to ask for your support for and approval of the Tule River Tribe's proposed relocation of its casino.

I currently commute by bus to my job at the casino. While the distance is only a little more than 20 miles, it is a time-consuming commute due the windy road. It is my belief that the proposed relocation of the casino will not only reduce many workers' commute times, it will also greatly reduce the number of annual accidents that occur as people commute to the casino.

The proposed relocation includes a hotel and convention center that will help provide new job opportunities in Porterville as well as boost tourism in the area.

This proposal provides many positive economic benefits that are greatly needed in our region and community. I urge your support and approval of this important proposal.

Sincerely,



Lisandro Sandoval, Sr. Technician
Eagle Mountain Casino

I14-1

Christina Jaquez, Director
Tule River Yokuts Language Project
304 N. Reservation Rd.
Porterville, CA 93257

October 15, 2018

Ms. Amy Dutschke, Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Ms. Dutschke;

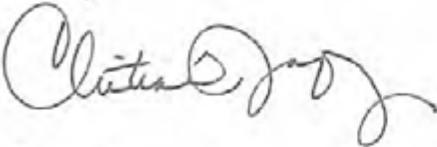
On behalf of the staff and students of the Tule River Yokuts Language Project, we submit this letter of support for the relocation of Eagle Mountain Casino.

The Tule River Yokuts Language Project was established in 2011, with the goal of preserving and teaching the Yowlumni language to the Tule River Reservation Community. At that time, there were just a handful of Elders who spoke the language, fluently. It was their dream to hear the language spoken among the people, once again. They understood that without the language, our culture is lost. The language defines a culture and within it is encoded profound insights into the history, traditions, ecosystems, medicines and beliefs of our Yokuts people. The goal of our program is honor the memory of our Elder teachers, and ensure that the language will be passed on to future generations.

Today, with the support of our Tribal Council and with funding from casino revenue, the Tule River Yokuts Language Project is able to teach the Yowlumni language five days a week, at multiple sites on and off the reservation. The program provides presentations to various organizations as well as classes in the Porterville Unified School District, throughout the year. We have also begun a new tradition, with the annual Hatsamaxo Mai Community Blessing/Walk. Hatsamaxo Mai translates to "We are becoming new", and signifies a renewal and strengthening of our people.

We are very proud of how far we have come, as a program. Casino-based funding has helped to ensure that we are able to continue fulfilling the dream of our Elder teachers.

Cordially,



Christina Jaquez
Director

I15-1

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: Support for Relocation of Eagle Mountain Casino

Dear Ms. Dutschke:

My name is Michael Maldonado Jr. an enrolled Tribal Member of the Tule River Tribe. I am expressing interest in the casino relocation process to Porterville, CA. The move would provide many benefits to me, my family, Porterville and the surrounding communities. I have worked for the casino a little after it opened in 1996. I then worked for the Tribe for 18 years and have worked in Porterville as well for various companies. I have lived a great part of my life on the Tule River Indian Reservation until I got my own place in 2001 and got my own place in the city of Porterville and have resided ever since.

As population increased which has happened on the Tule Indian Reservation with more Tribal Members being enrolled, the increase has caused more water usage and less water being available. This is the main reason why I am not able to get a house on the Tule River Indian Reservation. Having your own home is every person's dream. This is something that I know that my daughter would one day like to own her own home on the Tule River Indian Reservation.

Having a casino has helped myself and wife in being employed, receiving benefits such as Health care, Dental care, having a 401k plan and proud to be employed in important positions in the Gaming Industry. We take pride in doing our jobs to the fullest potential.

The city of Porterville, as well as the surrounding areas will benefit from the Casino Relocation. The casino has always donated to charities throughout the Tulare County. Law Enforcement has received donations from the Casino which helps the safety of the citizens in Porterville as well as the surrounding communities. There will be more jobs provided with the Casino Relocation which will help with the Unemployment rates in Tulare County. There are a lot of jobs available these days with good starting pay and good benefits. Most jobs start off at minimum wage, no benefits and you need degrees to get those higher salaries.

I16-1

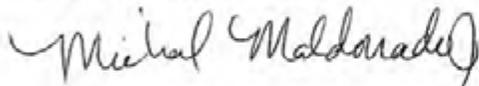
The Casino relocation will help with Traffic safety in Porterville, CA. The roads are windy and curvy coming to the current casino location and with increased traffic there are many customers that do not know the roads especially those who rarely drive it.

The Tribe has benefited from the current casino in providing jobs, providing benefits, and recognizing employees who provide excellent customer service which is one of the most important factors that Eagle Mountain Casino focuses on. The funds that the Tribe will get from the new Casino location will be more and that will help increase services to the Tribal Elders, helping Tribal Members become self-sufficient and help to secure the future generations have all these great programs to look forward to.

One thing that the Tribe can do with the extra revenue from the Casino relocation is to get a woman's group home, more services for mental issues and classes for Tribal members to help with financial issues.

Sincerely,

Michael Maldonado Jr.
Tule River Tribal Member



I16-1
(Cont.)

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am writing to ask for your support for the Tule River Tribe's proposed relocation of its casino. As a current employee of the Eagle Mountain Casino, I believe the proposed relocation will bring many benefits to casino workers and the local community.

I commute daily about a half hour to get to my job at the casino. I believe the relocation of the casino from its current location to property adjacent to the airport will allow employees like myself to spend less time commuting to and from work and more time with our families.

Additionally, the proposal to include a new hotel and convention center will provide new employment opportunities for my friends, neighbors and family members.

For these reasons, I strongly support the casino being relocated and ask for your support and approval of this proposal.

Sincerely,

Hmong Thao

A handwritten signature in black ink, appearing to be 'Hmong Thao', followed by the date '10-15-18' written in a similar cursive style.

I17-1

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

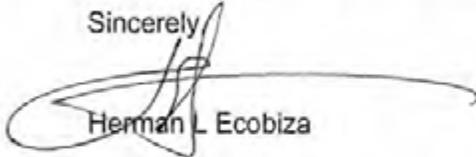
I am writing to ask for your support for the Tule River Tribe's proposed relocation of its casino. As a current employee of the Eagle Mountain Casino, I believe the proposed relocation will bring many benefits to casino workers and the local community.

I commute daily about a half hour to get to my job at the casino. I believe the relocation of the casino from its current location to property adjacent to the airport will allow employees like myself to spend less time commuting to and from work and more time with our families.

Additionally, the proposal to include a new hotel and convention center will provide new employment opportunities for my friends, neighbors and family members.

For these reasons, I strongly support the casino being relocated and ask for your support and approval of this proposal.

Sincerely



Herman L. Ecobiza

I18-1

Comment Letter I19

From: **dardu mccowan** <luvsmaui@yahoo.com>
Date: Thu, Oct 25, 2018 at 4:20 AM
Subject: [EXTERNAL] eagle Mountain reloction
To: <chad.broussard@bia.gov>

We are opposed to allowing the relocation of the Eagle Mountain casino to the Porterville airport area. Doing so WILL lead to more crime, DWI, and prostitution in the area. Furthermore there are already too many people who have had to make a real effort(bus schedules, time frame, etc) to get to the current casino and have ruined their financial future do to gambling. If the location is closer and more available these issue will worsen. Thank you for your attention to this matter

I19-1

Joe and Darla McCowan

Comment Letter I20

From: **Robert Buck** <robertbuck1505@gmail.com>
Date: Thu, Oct 25, 2018 at 1:08 PM
Subject: [EXTERNAL] Eagle Mtn Casino, relocation
To: <chad.broussard@bia.gov>

As a long time resident of Porterville, I would like to voice to you my opposition to the relocation of the casino currently on the site of the Tule Indian Reservation. Besides all the obvious reasons for not wanting a gambling establishment closer to town, next to the Sports complex and Fairgrounds, family centers, we now can look forward to another drinking establishment, i.e. bar. It never ceases to amaze a person much lower this state can go. We waste money then complain we need more to fund essential needs. Please carefully consider moving forward with this project. Bob & Steela Buck

I20-1

From: **Robert F. Ruckman** <bobruckman@icloud.com>
Date: Thu, Oct 25, 2018 at 3:18 PM
Subject: [EXTERNAL] Porterville Eagle Mountain Casino Relocation
To: Broussard, Chad <chad.broussard@bia.gov>

Mr. Broussard,

I sent you a brief overview of my disapproval concerning the moving of the Casino to the Porterville Airport Industrial Park. Thank you for your response. I am sending you a copy of a more detailed view that was sent to the Porterville City Council. As you can see from the attached email I have what I and others consider a reasonable cause for rejecting the proposal.

It seems logical, aside from the potential boost to revenue given a new access point at the airport Industrial Park, that the same facility and accommodations could be established on the reservation where gambling is legal. Albeit this limits access as it is today, it is nonetheless an important accommodation for our community. I believe the travel to the Reservation stands as a welcome guardian to our children and those who are enticed by the hope of winning-a long shot at best.

It is succinctly clear that the sole purpose of the move is to increase revenue but at whose expense?

Thank you for your time and interest in our concerns with regard to the relocation.

Sincerely,

Robert F. Ruckman
bobruckman@me.com

2 Chronicles 7:14

Here is the email:

Honorable Council Members,

Thank you for taking your valuable time to serve our community.

I am writing to express my opposition to the relocation of the Eagle Mountain Casino in the proposed Porterville Airport Industrial Park. The proposed relocation is a problem in my

opinion because it creates far too easy access to gambling and the widespread corresponding problems associated with it.

Eagle Mountain Casino's current location is in an area isolated from the general public but nonetheless accessible for those who have a desire to frequent the facility.

Moving the Casino is certainly an economic boon to the Casino and initially to the community, but at what cost? Gambling and the greed that follows the money have long term consequences that we as city fathers and mothers do not desire for our children and grandchildren. The easy access of the Porterville Airport Industrial Park puts our city and our community at great risk. May I prayerfully ask you to consider what follows the money? Do you want that for your city? I do not!

Please vote against the relocation and please provide your voters with your current position in this regard. Are you for the move or against it?

Thank you sincerely for your time and consideration in this regard.

In Him-

Bob and Becky Ruckman
559 853-9427
r.ruckman@live.com
r.ruckman@sbcglobal.net

As for me and my house, we will serve the Lord. Jos 24:15

I21-1
(Cont.)

Comment Letter I22

From: **ericsapien** <ericsapien@sbcglobal.net>
Date: Thu, Oct 25, 2018 at 2:45 PM
Subject: [EXTERNAL] Eagle Mountain Casino Relocation Plan
To: <chad.broussard@bia.gov>

Chad, I am emailing today to voice my concern for the proposed move of the Eagle Mountain Casino to the town of Porterville, Ca. I am a Tulare County resident and a former business owner in the town of Porterville. I am very concerned about the issues that will arise from such a move. Please, do not approve the proposed move. Thank you.

I22-1

Comment Letter I23

From: **Darren J Bay** <darrenb@sjgsllc.com>
Date: Thu, Oct 25, 2018 at 4:33 PM
Subject: [EXTERNAL] Tule River Indian casino relocation
To: <chad.broussard@bia.gov>

Mr. Broussard

I just wanted to letting you know that I oppose the relocation of the Tule River Indian casino. It is one thing having the casino on the reservation, but relocating it to the Porterville community would bring about many unwanted negative results to the citizens of the community.

Thanks

Darren J Bay

I23-1

Comment Letter I24

From: Broussard, Chad [<mailto:chad.broussard@bia.gov>]
Sent: Friday, October 26, 2018 2:23 PM
To: Ryan Lee Sawyer <rsawyer@analyticalcorp.com>; Bibiana Alvarez <balvarez@analyticalcorp.com>
Subject: Phone Call re Tule River

I received a call from Darrell Goings today. He said he is a former pastor from Porterville. He wanted to state his opposition to the proposed relocation of the Eagle Mountain casino and he wanted to be added to the mailing list. His address is 708 Lenox Ave, Exeter, CA 93221.

I24-1

Please log this email as a comment and add him to the interested party list.

Thanks,
Chad A. Broussard
Environmental Protection Specialist
U.S. Department of Interior, Bureau of Indian Affairs, Pacific Region
Division of Environmental and Cultural Resources Management, and Safety
Office Phone: (916) 978-6165
Cell Phone: (916) 261-6160

Comment Letter I25

From: **Hatti Shepard** <hatinpb@hotmail.com>
Date: Mon, Oct 29, 2018 at 10:50 AM
Subject: [EXTERNAL] Draft EIS Comments, Tule River Tribe Casino Relocation Project
To: chad.broussard@bia.gov <chad.broussard@bia.gov>

Dear Sirs,

My name is Hatti Shepard and I am opposed to the possible relocation of the Tule River Tribe Casino. I feel it would spiral our already struggling community into more addiction and deeper poverty. I grew up in this area, moved away for about 20 years and just a year ago returned to a very changed community. My hopes are to invest in and to encourage more wholesome, family oriented businesses and activities. Please don't allow this project to go through. Thank you for your time.

Sincerely,

Hatti Shepard
33267 Globe Dr
Springville CA. 93265
Sent from my iPhone

I25-1

Comment Letter I26

From: **Randy Goings** <randvdgoings@gmail.com>
Date: Wed, Oct 31, 2018 at 9:11 PM
Subject: [EXTERNAL] Indian Casino relocation
To: <chad.broussard@bia.gov>

I oppose the relocation of the casino to Porterville.

Sent from my iPhone



I26-1

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING MEETING
 TULE RIVER TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT
 PORTERVILLE VETERANS MEMORIAL BUILDING - PORTERVILLE, CALIFORNIA
 OCTOBER 15, 2018

Rec Title _____
 Date Rec'd _____
 Rec'd By _____
 Response Required _____
 Due Date _____

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL OR EMAIL TO THE CONTACT INFORMATION PROVIDED BELOW.
WRITTEN COMMENTS ON THE DRAFT EIS OR DCD MUST ARRIVE BY NOVEMBER 5, 2018.
 (Please print legibly)

Name: Rhonda Bakalian Organization: Tule River Tribal member
 Address: po Box 10602 Terra Bella CA 95270
 Comment: I support The Eagle Mountain Casino Relocation project. It will be a much safer location - no winding roads which will produce more visitors which in turn creates a better economy for surrounding small businesses which will in turn create a huge number of jobs.
Thank you! Rhonda Bakalian

Please give to attendant, drop in Written Comment Box, mail to Bureau of Indian Affairs, Attention: Ms. Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825, or email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. Please include your name, return address, and "Draft EIS Comments, Tule River Tribe Casino Relocation Project" on the first page of written comments and/or as the subject of your email.

I27-1

From: Tony Cota <cota5@atl.net>
Date: Sat, Nov 3, 2018 at 8:55 AM
Subject: [EXTERNAL] Oppose Eagle Mountain Casino Relocation
To: <chad.broussard@bia.gov>

Dear Chad,

Thank you for allowing me the opportunity to voice my concern about relocating the Eagle Mountain Casino to Porterville. It's my understanding that the Tule River Tribe is proposing a move of their Eagle Mountain Casino onto non tribal land in the city of Porterville. They currently have an operating casino 16.9 miles from city center and only a 28 minute drive.

Although the focus of bringing casinos into a city may emphasize the financial benefits (provide jobs, fund schools, and boost the local economy). I want to temper that focus by quoting Earl Grinols, an economics professor at Baylor University and author of *Gambling in America: Costs and Benefits*. He has estimated that every dollar of benefit a casino brings to a community entails about \$3 in social costs-where it's increased crime, or declining productivity, or more spending on services such as unemployment payments. To read more please read <https://www.theatlantic.com/magazine/archive/2016/12/losing-it-all/505814/>

I28-1

I respectfully "oppose the Eagle Mountain Casino Relocation Plan to Porterville, CA."

Sincerely,

Anthony Cota

Comment Letter I29

From: **Joseph Lindvall** <jjlindvall@gmail.com>
Date: Sun, Nov 4, 2018 at 4:09 PM
Subject: [EXTERNAL] Opposing Casino in Porterville CA
To: <chad.broussard@bia.gov>

Hello Mr. Broussard,

I wanted to respectfully voice my opinion. As a resident of Porterville CA who cares deeply for my town I am stating my opposition to the move of the casino to my town. I don't believe it will be beneficial for the safety, prosperity or health of my community. Myself and many others appose this plan.

Thank you,

Joseph Lindvall

--

Cell (559) 361-9067

41 Olive Terrace
Porterville CA 93257

I29-1

Comment Letter I30

From: **Norma Goings** <normagoings@hotmail.com>
Date: Mon, Nov 5, 2018 at 6:53 AM
Subject: [EXTERNAL] Stop Casino Relocation in Porterville
To: chad.broussard@bia.gov <chad.broussard@bia.gov>

I am opposed to the relocation of the Eagle Mountain Casino Relocation Plan to Porterville, Ca.
Thank you.

I30-1

Get [Outlook for Android](#)

From: **Frank Shepard** <capo.shepard@gmail.com>
Date: Mon, Nov 5, 2018 at 1:09 PM
Subject: [EXTERNAL] Eagle Mountain Casino Relocation Plan to Porterville, CA
To: <chad.broussard@bia.gov>

Please take this as my opposition to the relocation of said casino from the Tule River Indian Reservation to rural Porterville. The citizens of Porterville and its surrounding areas suffer from drug abuse, crime and homelessness. These issues will be exacerbated if the casino moves off of the reservation into the rural Porterville area.

Respectfully,

Frank Shepard
33267 Globe Dr
Springville, CA 93267

I31-1

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING MEETING
TULE RIVER TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT

PORTERVILLE VETERANS MEMORIAL BUILDING – PORTERVILLE, CALIFORNIA
OCTOBER 15, 2018

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL OR EMAIL TO THE CONTACT INFORMATION PROVIDED BELOW.

WRITTEN COMMENTS ON THE DRAFT EIS OR DCD MUST ARRIVE BY NOVEMBER 5, 2018.

(Please print legibly)

Name: Amy McDermott Organization: Tule River Native Veterans

Address: 27 chimney Road

Comment: The Tribe as well as surrounding communities will benefit greatly from this Casino relocation. Not only will it produce more jobs but it will give people/community to invest themselves/itself. The Tribe and its people will greatly benefit from relocation. It will give us opportunities to preserve our past, improve the quality of life for our members.

Please give to attendant, drop in Written Comment Box, mail to Bureau of Indian Affairs, Attention: Ms. Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825, or email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. Please include your name, return address, and "Draft EIS Comments, Tule River Tribe Casino Relocation Project" on the first page of written comments and/or as the subject of your email.

I32-1

WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING MEETING
 TULE RIVER TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT
 PORTERVILLE VETERANS MEMORIAL BUILDING - PORTERVILLE, CALIFORNIA
 OCTOBER 15, 2018

PACIFIC REGIONAL OFFICE
 BUREAU OF INDIAN AFFAIRS

10 OCT 19 PM 1:17

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL OR EMAIL TO THE CONTACT INFORMATION PROVIDED BELOW.
WRITTEN COMMENTS ON THE DRAFT EIS OR DCD MUST ARRIVE BY NOVEMBER 5, 2018.
 (Please print legibly)

Name: John Focke Organization: Tule River Indian Study Center

Address: 23057 Josef Ct

Comment:
This community needs jobs created that the
tribe is providing -
Local college offering hospitable training to
assist students in training for these positions. The
new project will offer
legends

Please give to attendant, drop in Written Comment Box, mail to Bureau of Indian Affairs, Attention: Ms. Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825, or email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov. Please include your name, return address, and "Draft EIS Comments, Tule River Tribe Casino Relocation Project" on the first page of written comments and/or as the subject of your email.

amy old
DECARS

I33-1



TULE RIVER TRIBE GAMING COMMISSION

"Protecting the assets of the tribe"

October 15, 2018

To: Amy Dutschke, Regional Director
Pacific Regional Office
2800 Cottage Way
Sacramento, California

RE: Tule River Tribe
Eagle Mountain Casino
Porterville, California

Dear Ms. Dutschke

My name is Alexandra Maldonado; I am a tribal spouse and employee of the Tule River Tribe Gaming Commission Backgrounds Department. I am writing this letter in support of Eagle Mountain Casino relocation to Porterville California. I have been employed with the tribe since 1999. My employment here has helped me and my husband support our family and keep a roof over our head.

Due to drought on the reservation as well as in Tulare County, our future home planning on the Tule River Reservation has come to a stall. Not only is this causing a hold on our housing but as well as for hundreds of other tribal members. We either have to rent a property in town or live with family members which homes are already crowded on the reservation until this stall is over. Without water restrictions or building moratorium on the Tule River Reservation there might be a better future for us and our families with housing on the reservation someday. The city is also in desperate need of the waste and water plant that will eventually come with the casino move.

This move will also alleviate heavy traffic and accidents on the windy road which is the only way up to the current casino location. These are the reasons I am in support of the relocation to continue its progress.

The casino move would be a positive impact on our surrounding area. Tulare and Kern County, which are in desperate need of more jobs/careers. Especially for those hundreds of families dependent on Government assistance. With that said the casino move will benefit the county of Tulare.

Background Investigator
Alexandra Maldonado

I35-1



TULE RIVER TRIBE GAMING COMMISSION

"Protecting the assets of the tribe"

October 15th, 2018

To: Amy Dutschke, Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA. 95825

Re: The relocation of Eagle Mountain Casino to the City of Porterville.

I am writing this letter to you in support of the Tule River Tribe and its efforts to relocate Eagle Mountain Casino to the City of Porterville.

I have been employed with the Tule River Tribe since July 2013. The Tule River Tribe has blessed me with a job, some continued education and career growth within the last five years. I started as a Gaming Security Officer and now, because of a recent school/training that I was able to attend, I am employed as a Background Investigator. The tribe sent me to training in the first week of May 2018. I was able to attend the Background Investigators Course at the Riverside County Sheriff's Department. I am now a P.O.S.T. (Peace Officers Standards and Training) Certified Background Investigator.

The tribe will offer many jobs to the citizens of Porterville and Tulare County. Many people will be given the opportunity to attend training classes or continue their education so that they can better themselves. Struggling families will be able to get financial stability and grow.

For the benefit of the current employees of the Tule River Tribe, as well as the citizens of Porterville and Tulare County, I am asking that the relocation of Eagle Mountain Casino be allowed to move forward.

Thank you,

A handwritten signature in black ink, appearing to read "BR", is written over the "Thank you," text.

Brian Ridenour
Background Investigator
Tule River Tribe Gaming Commission
681 Tule Road
Porterville, CA. 93257
Ph. (559) 781-3292 ext. 1702
Email: bridenour@trtgc.com

I36-1

"Draft EIS Comments, Tule River Tribe Casino Relocation Project"

PACIFIC REGIONAL OFFICE
BUREAU OF INDIAN AFFAIRS

October 25, 2018

2018 NOV -2 AM 11:35

Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Reg Dir	_____
Dep RD Trust	_____
Dep RD IS	_____
Route	ETI
Response Required	_____
Due Date	_____
Memo	_____ Ltr _____
Fax	_____

Dear Ms. Dutschke:

I am the Chairman of Latino Political Action Committee of Tulare County. It is my honor to provide this letter in support of the efforts of the Tule River Tribe to relocate the Eagle Mountain Casino. The tribe's proposal is to relocate the casino from its current location on the reservation to the City of Porterville Airport/Industrial location.

As was evident during the Environmental Impact Statement hearing on October 15, 2018, the proposed relocation will stimulate economic development in southern Tulare County. The move from the foothills to the valley improves accessibility to the Casino complex with the potential of creating new jobs in the community and an increase in revenues to the City of Porterville and to Tulare County. Increased employment would also support the development of new business in the area of vendors for the expansion of Casino operations.

A review of the Draft EIS under sections 3.7, 3.7.1, and 3.7.3 3.7.1 shows:

- **Population:** Tulare County population of 459,863 and a **Poverty Rate of 28.1%** (Source US Dept. of Commerce/US Census Bureau).
- **Employment:** In April 2017, the Tulare County Labor Force was 209,500 of that **29.6 % was Agricultural related** (Source California EDD). Proteus receives millions of dollars to provide training to farm workers who are being displaced due to farms becoming automated.
- **Income:** if you took Figure 3.7-1 inset population of 111,549 base on those census tracts and compare it to the 129,222 poverty rate population of Tulare County, the whole eastern part of the County would be below a living wage.

I37-1

The proposed relocation of Eagle Mountain Casino has the potential of increasing local employment opportunity by 800 employees. The economic impact on the community would help alleviate the poverty rate, and the unemployment rate of 12% as stated in the report.

In my previous letter dated January 25, 2017, I commented on the NOI to prepare an EIS. Through my affiliations with other organizations, I have supported Tule River Tribe in two past efforts to establish the Casino off the reservation. I am confident that they now have the full support of the Porterville community and Tulare County to move forward with the relocation.

Thank you,



Vincent Salinas
1247 E. Sunnyview Ave.
Visalia, California
Email Address: vsalinas_sra@stcglobal.net
cc: Mr. Neil Peyron, Chairman-Tule River Tribal Council

Bureau of Indian Affairs
Pacific Regional Office
2800 Cotton Way
Sacramento, California 95825

Dear Ms. Dutschke,

I am writing this letter to express my support for the fee - to- trust application and relocation of the Eagle Mountain Casino. My name is David Valle. I am currently employed with Eagle Mountain Casino and support the relocation of the New Hotel and Casino. I strongly believe that the relocation will improve banquet space in the city of Porterville and will create 100s of jobs for the city also. With the relocation it will improve the traffic commute for both Guest and Employee's. Last but not least the relocation will save Thousands of gallons of Water for the Tule Indian Reservation and surrounding areas.

I38-1

Thank You

A handwritten signature in cursive script that reads "David S. Valle".

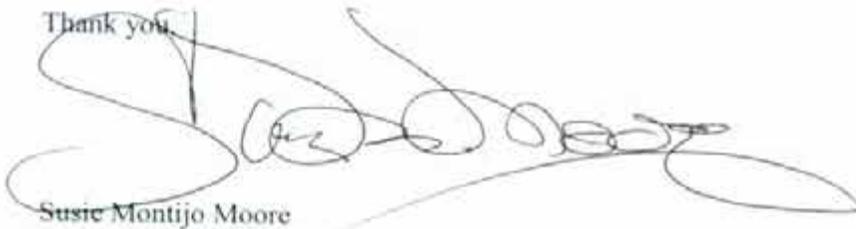
Bureau of Indian Affairs
Pacific Regional Office
2800 Cotton Way
Sacramento, CA 95825

Dear Ms. Dustchke,

I support the relocation of our new location by the airport in Porterville, California because it will be easier for people to drive there and it will be a bigger area with a hotel and resort. It will be fun for families.

I39-1

Thank you,

A handwritten signature in black ink, appearing to read 'Susie Montijo Moore', written over a large, stylized scribble.

Susie Montijo Moore

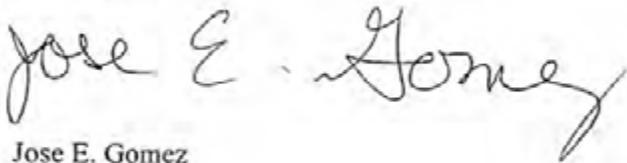
Bureau of Indian Affairs
Pacific Regional Office
2800 Cotton Way
Sacramento, CA 95825

Dear Ms. Dustchke,

I support the relocation of the new casino at the airport area in Porterville, California because I feel it would promote the welfare of the Tule River Tribe and the community.

I40-1

Thank you,



Jose E. Gomez

Jose E. Gomez

Bureau of Indian Affairs
Pacific Regional Office
2800 Cotton Way
Sacramento, CA 95825

Dear Ms. Dustchke,

I am writing this letter to express support for the fee-to-trust application and relocation of Eagle Mountain Casino. I support the relocation of the Casino to make a new hotel and casino because the road are better on highway 65. It would also be great to have more employees to make America great.

I41-1

Thank you,

Jesse Hulguin

A handwritten signature in black ink, appearing to read 'Jesse Hulguin', with a large, stylized flourish at the end.

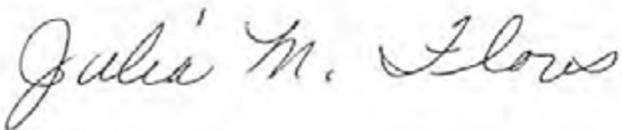
Bureau of Indian Affairs
Pacific Regional Office
2800 Cotton Way
Sacramento, CA 95825

Dear Ms. Dustchke,

I feel it should move for prosperity for the whole tribe and all the wonderful jobs, not only for the tribe, but for the Central Valley area.

I42-1

Thank you,



Julia M. Flores

Bureau of Indian Affairs
Pacific Regional Office
2800 Cotton Way
Sacramento, CA 95825

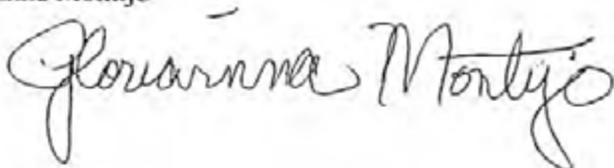
Dear Ms. Dustchke,

The new location for the Eagle Mountain Casino from Tule River Reservation to the area to the Porterville Airport. I support it!

I43-1

Thank you,

Glorianna Montijo

A handwritten signature in cursive script that reads "Glorianna Montijo". The signature is written in black ink and is positioned below the printed name.

Bureau of Indian Affairs
Pacific Regional Office
2800 Cotton Way
Sacramento, CA 95825

Dear Ms. Dustchke,

I am writing this letter because I support the choice based on the current studies that I was showed by the relocation team because it would be a great change of area to move to the airport area.

I44-1

Thank you,

A handwritten signature in cursive script that reads "Jesse F. Montijo". The signature is written in dark ink and is positioned to the left of the printed name.

Jesse F. Montijo

Bureau of Indian Affairs
Pacific Regional Office
2800 Cotton Way
Sacramento, CA 95825

Dear Ms. Dustchke,

I'm writing this letter to express support the relocation of the casino. The reason is because it would be a better location for employees and people to gamble. A safer location for all.

I45-1

Thank you,



Elaine Flores

PACIFIC REGIONAL OFFICE
BUREAU OF INDIAN AFFAIRS

2018 OCT 22 PM 1:39

Hi,

Was just writing to file my complaint against the casino moving to the airport here in Porterville.

I46-1

If, they move they are going to put an unnecessary strain on our water supply.

They are doing fine their, making money, paying no taxes.

The hotels on 190 already have a hard time making it. They do not need any unfair competition. Or soon they will be closing.

In my opinion, its not fair for them to leave the reservation. They are doing just fine their. Why should we have the extra traffic at the airport just so they can have make more money.

I46-2

Or have more water, their, we already have enough problems, without adding more.

Thank you
Olmer Smith
167 S. Dijo St
Porterville, Calif 93257

Form Letters

10/15/2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Ms. Dutschke:

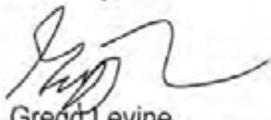
As a vendor for the Eagle Mountain Casino, I am writing in support of Tule River Tribe's casino relocation proposal.

The Tule River Tribe is an integral part of the Porterville community. For more than two decades, the existing Eagle Mountain Casino employed hundreds in the region. Should the relocation be approved, we have been informed that the draft report estimates that more than 1,100 people will be employed for the construction of the casino. In addition, we have been informed that over 1,300 additional jobs will be created directly and indirectly as a result of the casino relocation. We are hopeful that a relocation will result in additional vendors like my company being needed.

The relocation project also addresses a key concern for those who work and visit the current facility – public safety. The current drive from Porterville to the casino is roughly fifteen miles, but it is along the windy Reservation Road.

The proposed casino and resort is worthy of support.

Sincerely,



Gregg Levine
Interblock Luxury Gaming

F1-1

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: SUPPORT FOR THE RELOCATION OF THE EAGLE MOUNTAIN CASINO

Dear Ms. Dutschke:

As a member and Tribal Elder of the Tule River Tribe I am writing to express my support for the relocation of the Eagle Mountain Casino and request the Bureau of Indian Affairs' approval of this important proposal. In summary, the proposed relocation to our new site will bring direct benefits to our Elder members, to the local economy and the region.

The proposed relocation will significantly improve the safety of workers and others visiting the casino by helping reduce traffic and commute times, as well as accidents on the winding road leading to the current casino site. Further, by repurposing the current casino facilities for health and education purposes, we will help bring additional health and dental services and more educational opportunities to our members, thus enhancing their quality of life now and in the future.

We are committed to ensuring the safety of our members and the surrounding community, hence the proposal not only maintains our existing fire station, but also provides additional fire protection at the new casino which will also afford assistance to our neighbors in the City of Porterville.

For these reasons, I support the proposed relocation and ask for the Bureau's approval. Thank you for your time and consideration of this important matter.

Sincerely,

Christina Dabney Keel

559-359-2640

F2-1

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

**RE: SUPPORT FOR THE RELOCATION AND APPROVAL OF THE EAGLE
MOUNTAIN CASINO**

Dear Ms. Dutschke:

As a member of the Tule River Tribe, I am writing to ask you and the Bureau of Indian Affairs to support and approve the relocation of the Eagle Mountain Casino to our new site. While the proposed site is new, the land is part of our ancestral heritage, and this relocation will bring numerous benefits to our Tribe directly, as well as to our broader neighboring community.

Some of the direct benefits to our Tribe include improving public safety on local roadways. With nearly 4,000 daily car trips on local roads leading to our casino, the relocation will greatly reduce traffic, commute times for our employees and accidents on the existing winding road. Further, our planned repurposing of the current facility to health and education purposes will afford the ability to provide greater health and dental services and more educational opportunities to our members.

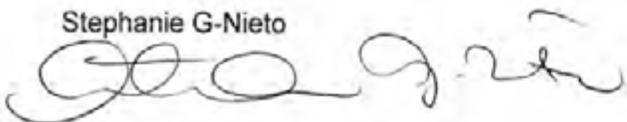
As a benefit to our neighboring communities, we will continue to not only maintain our existing fire station, but also provide additional fire protection at the new casino, that will also afford assistance to our neighbors in Porterville.

The proposed relocation of the casino will help bring greater opportunities for our tribal members, enhance their quality of life now and in the future and enhance our ability to continue to work cooperatively with our regional communities.

For these and other reasons I support the proposed relocation and ask for your support and approval of this request.

Sincerely,

Stephanie G-Nieto



TRIBAL MEMBER

F3-1

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: SUPPORT FOR THE RELOCATION AND APPROVAL OF THE EAGLE MOUNTAIN CASINO

Dear Ms. Dutschke:

As a member of the Tule River Tribe, I am requesting your support and approval of the relocation of the Eagle Mountain Casino.

The proposed relocation will reduce traffic and commute times on our local roadways, provide additional healthcare, educational and numerous economic opportunities to our members and our regional neighbors.

The proposed relocation to a new site will not only position the casino on our tribe's ancestral land, but it will bring direct benefits to our tribal members and the broader community. For example, the proposed repurposing of our current facility will help provide greater healthcare services and educational opportunities to tribal members, thus enhancing their quality of life.

The proposed new facilities such as the convention center and hotel will offer new jobs opportunities for our members, their families and the broader region.

In conclusion, I ask for your support and approval of this relocation which will allow us to continue to positively contribute to the residents and communities in the region.

Sincerely,

Rogelio M. Joven



F4-1

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am a current employee of the Tule River Tribe Gaming Commission and am writing to ask you to support the Tule River Tribe's proposed relocation of its casino.

It is my belief that relocating the casino closer to the City of Porterville will cut back on employee commute times and reduce the number of accidents that happen as people commute to the Casino.

This proposed move would also bring significant economic benefits to the area, proposing to include a new hotel and convention center. These facilities will not only result in additional economic and employment opportunities, it will help bolster tourism and boost our region's economic engine.

It is for these reasons that I support the Casino relocation.

Sincerely,



Robert Ortiz
Compliance Lead Agent

F5-1

October 15, 2018

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

As tribal member, tribal employee for the Tule River Tribe, I am writing to request your support for the relocation of the Tule River Tribe's casino. I am well aware of all of the benefits that Tribe does for its members and the community at large.

This proposed relocation will reduce traffic on Reservation Road. While the road is in good condition, it is prone to auto accidents due to its various twists and turns in the road. Unfortunately, those with little experience on the road tend to travel faster than is safe for the road. By relocating the Casino, thousands of car trips will be reduced daily as well as the number of auto accidents.

In addition, the proposed relocation will create more regional and local economic opportunities since the casino will propose to include a new hotel and convention center. These venues will help stimulate the local economy by offering new opportunities for employment for our members and neighbors, ultimately enhancing the quality of life in the region.

I hope you will join myself and the many supporters of this proposed relocation in helping bring the many positive benefits that are greatly needed.

Sincerely,



Kimberly Brandenburg

F6-1

Ms. Amy Dutschke
Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: SUPPORT FOR THE RELOCATION AND APPROVAL OF THE EAGLE MOUNTAIN CASINO

Dear Ms. Dutschke:

As a member of the Tule River Tribe, I am writing to ask you and the Bureau of Indian Affairs to support and approve the relocation of the Eagle Mountain Casino to our new site. As you may know, while the site is new, the land is part of our ancestral heritage, and this relocation will bring numerous benefits to our Tribe directly and to our broader neighboring community.

The direct benefits to our Tribe are many, but I would like to highlight a few that have broad impacts. First, this relocation will dramatically improve public safety, on roadways and public works at the relocated casino and on the Reservation and second, with nearly 4,000 daily car trips currently visiting our casino, the relocation will greatly reduce traffic and accidents on the existing winding road leading to the current site.

Very important to our tribe is the fact that this relocation will greatly reduce our water use, which will allow us to lift our current building moratorium caused by persistent water shortages. Further, our planned repurposing of the current facility to health and education purposes, will afford our ability to provide greater health and dental services and more educational opportunities to tribal members.

As benefit to our neighboring communities, we will continue to not only maintain our existing fire station, but also provide additional fire protection at the new casino, that will also afford assistance to our neighbors in Porterville.

Again, I am asking for your support an approval of this relocation, as it will provide greater opportunities for our tribe for generations to come and allow us to enhance our abilities to positively contribute to the communities around us.

Sincerely,


TRIBAL MEMBER

F7-1

Public Hearing Speakers

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

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U.S. DEPARTMENT OF THE INTERIOR
BIA PUBLIC DEIS HEARING
RE THE TULE RIVER TRIBE'S PROPOSED
FEE TO TRUST AND CASINO PROJECT

MONDAY, OCTOBER 15, 2018

-oOo-

Location:

Veterans Memorial Building
1900 W. Olive Avenue
Porterville, California 93257

Reported by:

MARTHA S. GUERRA,
Certificate No. 6398

A P P E A R A N C E S:

The Hearing Officer:
BY: CHAD BROUSSARD
Environmental Protection Specialist
2800 Cottage Way
Room W-2619
Sacramento, California 95825
(916) 978-6165

Also Present:
RYAN SAWYER, ANALYTICAL ENVIRONMENTAL SERVICES

I N D E X

<u>PRESENTATIONS:</u>	<u>PAGE</u>
RYAN SAWYER, AES	8
<u>PUBLIC SPEAKERS:</u>	
NEIL PEYRON	23
WENDY CORREA	25
THOMAS EUGENE	27
MILT STOWE	29
MARTHA FLORES	31
WILLIAM GARFIELD	33
ROGELIO CALDEO (SENATOR ANDY VIDADK)	34
RACHEL RAY (ASSEMBLYMAN DEVON MATHIS)	35
BETSY FOOTE	36
RHODA HUNTER	38
WILLIE CARRILLO	38
GARY SANTOS	39

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1 PORTERVILLE, CA

2 6:00 P.M.

3 -oOo-

4 CHAD BROUSSARD: Good evening, everyone. Could
5 I have your attention, please?

6 So it's right about 6 o'clock so we want to go
7 ahead and get started.

8 So the Bureau of Indian Affairs welcomes you to
9 this public hearing for the proposed Tule River Tribe
10 fee to trust and casino project Environmental Impact
11 Statement, also known as an EIS.

12 My name is Chad Broussard and I'm an
13 Environmental Protection Specialist for the Pacific
14 Region of the Bureau of Indian Affairs, also known as
15 BIA. The BIA is a bureau within the United States
16 Department of Interior. I will be your facilitator at
17 this evening's public hearing. At the table with me is
18 Ryan Sawyer, with Analytical Environmental Services, the
19 BIA's EIS consultant.

20 So I just wanted to point out real quick. The
21 restrooms are in the back near the entrance. And we
22 have emergency exits pretty much all the way around the
23 room, two on the side over here, one over there, and
24 then one behind me.

25 We're here tonight to accept comments on the

1 draft Environmental Impact Statement for the proposed
2 fee to trust land acquisition near the Porterville
3 Municipal Airport and the subsequent proposed
4 development of a casino for the federally recognized
5 Tule River Tribe. The location of the proposed fee to
6 trust property can be seen on the large information
7 boards which we have in the back of the room. If the
8 BIA approves the proposed fee-to-trust acquisition, it
9 will hold the property in trust for the Tribe, allowing
10 for the development of a casino on the site. The
11 National Environmental Policy Act, also known as NEPA,
12 requires that the BIA conduct an environmental review
13 before deciding whether or not to accept the land into
14 trust. So a Draft EIS has been prepared and that's
15 basically the first step in the environmental review
16 process. We published the Draft EIS on September 21st,
17 2018. The purpose of tonight's hearing is to facilitate
18 public review and comments on the Draft EIS.

19 We will consider all comments received during
20 the public comment period, which ends on November 5th,
21 2018. And then after the public comment period ends, we
22 will publish a final EIS, which will include responses
23 to all substantive comments received.

24 Both spoken and written comments will be
25 accepted at tonight's hearing. If you have a written

1 letter that you would like to submit, please hand it in
2 to me or to a representative at the tables in the back.
3 We also have cards available for you to make written
4 comments. These are the written comment cards, the blue
5 cards, those are on the back table in the back where you
6 signed in. So you can write your written comment on one
7 of those cards, if you'd like. And then we also have
8 speaker cards. If you would like to make a spoken
9 comment at the hearing tonight, please fill in one of
10 the speaker cards, these are the small yellow cards, and
11 it's available at the table in the back as well. And we
12 just ask that you please write as legibly as possible so
13 that I can understand your name and hopefully not
14 butcher it too badly, although I apologize in advance
15 because I do that at every single hearing.

16 We will take speakers in the order that we
17 receive the speaker cards. Everyone will be given three
18 minutes to make their remarks to ensure that everyone
19 has an opportunity to speak. After all speakers have
20 given their comments, I will provide an additional three
21 minutes so that you can continue your remarks if you'd
22 like to speak further if we have time.

23 With that said, a public hearing is not the best
24 forum for lengthy comments, just due to the constraints
25 of time. So if you have a lengthy comment, we encourage

1 you to submit a written letter. All the comments will
2 receive equal weight, whether they're spoken or written
3 down. We also have a stenographer on hand here that
4 will record your spoken comments word-for-word so that
5 they can be considered fully as comments on the record.
6 With that said, please restate your name for the record
7 before giving your comment and please speak as clearly
8 as possible so that the stenographer can understand and
9 accurately document your words.

10 Please understand that the purpose of tonight's
11 hearing is not to have a question-and-answer session or
12 a debate of any kind. We will not respond to questions
13 or engage in debate. Instead, we are here to listen and
14 document your comments. We will then carefully consider
15 all of the spoken and written comments that we receive
16 by the close of the comment period and will respond, as
17 I said, to all of those substantive comments in the
18 final EIS, which will be made available to the public
19 for review.

20 So now we've asked our EIS consultant to provide
21 a brief presentation on the proposed action. The
22 purpose and need, the alternatives, and the EIS process
23 in general. But first, I'd like to ask that everyone
24 please turn their cell phones off or to silent. And
25 with that, Ryan, please proceed.

1 RYAN SAWYER: Thank you, Chad.

2 As Chad mentioned, I'm Ryan Sawyer with
3 Analytical Environmental Services or AES. We're the EIS
4 consultants working with the BIA on this project and I'm
5 going to give, it's not as brief as I would like it to
6 be, but a presentation on the environmental process and
7 the proposed project.

8 So as Chad mentioned, the purpose of the hearing
9 tonight is to obtain public comments and feedback on the
10 combined Draft Environmental Impact Statement or Draft
11 EIS or DEIS, as I may refer to it throughout the
12 presentation, and Tribal Environmental Impact Report, or
13 TEIR that was prepared for the proposed project.

14 Public feedback and input is an integral part of
15 the NEPA and Compact Environmental Review Process.

16 So first, before I get started on the
17 environmental process, I want to give a bit of
18 background on the proposed project.

19 So the Tule River Tribe has submitted
20 applications to the BIA requesting the trust acquisition
21 of approximately a 40-acre airport site in the City of
22 Porterville and the issuance of a two-part determination
23 by the Secretary of the Interior making the site
24 eligible for gaming in accordance with IGRA.

25 The Tribe subsequently proposes to develop the

1 site with a casino-resort, event/conference center,
2 restaurants and associated infrastructure. The existing
3 Eagle Mountain Casino on the Tribe's reservation will be
4 re-purposed for tribal government or service uses.

5 The 40-acre proposed trust property consists of
6 17 parcels in the southern area of the city of
7 Porterville that has been owned by the Tribe since 1988.
8 The site currently contains two offices, warehouse
9 buildings and several roads with the remaining areas
10 being vacant. It's located in the Airpark Master Plan
11 area of the City directly west of West Street near the
12 Porterville Airport, fairgrounds and sports complex.
13 And it is zoned by the City as "Airport Industrial."

14 This figure shows the property in relation to
15 the City boundaries and the Tribe's Reservation. And as
16 shown, the project site is approximately 17 miles, as
17 the crow flies, from the existing Eagle Mountain Casino.

18 This figure provides the aerial photograph of
19 the proposed trust property. We can see the surrounding
20 uses directly adjacent to the site, including off road
21 vehicle park, solar farm and agricultural uses on the
22 other side of West Street. The fairgrounds is to the
23 south of the project site and then the sports park is to
24 the north. These areas shown in yellow here indicate
25 the locations of potential off-site infrastructure

1 improvements that I'll discuss later in the
2 presentation.

3 NEPA requires federal agencies to take into
4 account the environmental impact of federal actions and
5 projects prior to implementation. Environmental Impact
6 Statements are required for major federal action
7 significantly impacting the quality of the environment.
8 In this case, the proposed major federal actions
9 requested by the Tribe are the trust acquisition of the
10 Airpark site and the issuance of a two-part termination
11 by the Secretary of the Interior.

12 In addition to NEPA, the Tribe's project will be
13 subject to the environmental review requirements of the
14 Tribal-State Compact to be negotiated by the State of
15 California and the Tribe related to operation of the
16 casino. Based on the Tribe's existing compact, it is
17 anticipated that Section 11 of the compact will require
18 analysis of off-Reservation environmental impacts and
19 the preparation of an Environmental Impact Report.

20 This slide illustrates the key milestones in the
21 NEPA and Compact environmental review process. Scoping
22 is the first step in the process and is considered the
23 information-gathering stage where input is obtained from
24 the public and agencies related to the project,
25 alternatives and analysis to be conducted. The Draft

1 EIS is then prepared based on the information obtained
2 during the scoping process and is released to the public
3 for review and comment. Comments obtained during this
4 review period are considered and responded to within a
5 final EIS, which is released to the public during the
6 30-day waiting period prior to the agency's decision on
7 the project, which is summarized in the Record of
8 Decision or ROD.

9 The scoping process for the Tule River Draft EIS
10 commenced approximately two years ago with the Notice of
11 Intent released in December of 2016. A scoping report
12 summarizing the comments received during that period was
13 published in May 2017. The Draft EIS was recently
14 released on September 21st with the comment period
15 closing on November 5th.

16 This slide provides an outline of the Draft EIS
17 combined TEIR. Section 1 provides an introduction to
18 the process and just explains the purpose and need for
19 the proposed action. Section 2 provides a description
20 of the proposed action and alternatives. Section 3
21 containing a description of the potentially affected
22 environment and existing conditions. Section 4
23 summarizes the environmental consequences, the
24 alternatives considered, including the direct, indirect
25 and cumulative impacts associated with those resources.

1 And Section 5 lists the potential best management
2 practices and mitigation measures recommended to reduce
3 the environmental consequences of the project.

4 The federal purpose and need for the proposed
5 action is to facilitate tribal self-sufficiency,
6 self-determination and economic development satisfying
7 both the BIA's land acquisition policy and the principle
8 goal of IGRA. While the Tribe's purpose and need is to
9 provide an improved and more stable income source to
10 enable the tribal government to provide essential
11 services to its membership, to improve its short-term
12 and long-term economic condition or promote
13 self-sufficiency both with respect to its government
14 operations and its members, and to improve water
15 availability on the Reservation for tribal members and
16 future uses.

17 The alternatives analyzed within the EIS are
18 listed on the slide. Alternative A would develop the
19 site -- excuse me. Alternative A is the Tribe's
20 proposed project. Alternative B is the proposed project
21 similar to Alternative A but with on-site water and
22 wastewater systems. Alternative C is a reduced version
23 of Alternative A. Alternative D a non-gaming
24 alternative with no casino. Alternative E is an
25 expansion of the Tribe's existing casino. And

1 Alternative F is the no action alternative which is
2 required by NEPA.

3 So Alternative A will develop the site with an
4 approximately 105,000 square foot casino resort,
5 including a 250-room hotel, dining facilities,
6 convention space and administrative space. Alternative
7 A would employ approximately 1,214 employees directly,
8 which would be a net increase of 790 full-time
9 equivalent employees in the county, considering the
10 closure of the existing Eagle Mountain Casino.

11 Public utilities will be provided through
12 connection to the City's infrastructure. So to ensure
13 the project would not result in a net increase from
14 water demands for the City, the project will include the
15 construction of a water reclamation facility that would
16 treat secondary wastewater produced at the City's
17 wastewater treatment plant to a tertiary level that is
18 suitable for irrigation or recycled water use. The
19 recycled water produced at the plant can be utilized to
20 irrigate landscaping at the proposed project for -- and
21 for toilet flushing and indoor plumbing uses and would
22 also replace the use of potable water at the City's
23 sports park.

24 In order to connect the project to the City's
25 wastewater system, a few minor upgrades would be

1 constructed to pump stations and forcemains in the
2 vicinity of the project site. The location of those
3 improvements was shown on that slide I provided earlier
4 and actually also on the aerial in the back of the room
5 there.

6 This is an architectural rendering of
7 Alternative A, which looks identical to Alternative B.
8 And this slide illustrates the site plan for the
9 proposed project. As you can see, most of the
10 facilities are in the eastern half of the project site,
11 with surface parking on the west.

12 Alternative B is essentially identical to
13 Alternative A except that, instead of connecting to the
14 City's infrastructure, water and wastewater systems will
15 be developed within the site. This will include the
16 construction of several water wells, as well as a
17 package tertiary treatment plant that will produce
18 recycled water for use at the facility. And any excess
19 recycled water that would not be able to be utilized at
20 the proposed facilities, will be disposed of through
21 leach fields below the parking lot.

22 So this is the site plan for Alternative B. It
23 looks essentially identical to Alternative A, with the
24 exception of the addition of wells in the wastewater
25 treatment plan along the western site border.

1 Alternative C is similar to the proposed
2 project, except that it has a reduced size casino and
3 subsequently would employ fewer people. Under this
4 alternative, approximately 404 new full-time equivalent
5 employees are expected within the county. And public
6 utilities will be provided either through connection to
7 the City's infrastructure or the establishment of
8 on-site systems.

9 Here's an architectural rendering of Alternative
10 C and here is the site plan.

11 Alternative D would eliminate the casino
12 component of the project and instead would develop a
13 250-room hotel, dining facilities, convention space and
14 administrative space. The existing Eagle Mountain
15 Casino would remain operational under this alternative.
16 Fewer employees -- new employment positions would be
17 created, approximately 131 full-time equivalent
18 employees are expected in the County as a result of this
19 alternative. And public utilities would be provided in
20 a similar either through connection with the City's
21 infrastructure or on-site systems.

22 This is an architectural rendering of D, the
23 site plan.

24 Alternative E is an expansion of the Tribe's
25 existing casino. It is proposed that possibly a 16,500

1 square foot expansion of the existing casino, with an
2 additional 350 electronic gaming devices could be
3 developed, 3,500 square feet of new dining facilities,
4 and a parking structure will be constructed on the site
5 to accommodate the space for these existing facilities.
6 This alternative will result in an increase of
7 approximately 58 full-time equivalent employees in the
8 county. Public utilities will be provided through the
9 expansion of the Tribe's existing wastewater treatment
10 plan, but under this alternative water would need to be
11 trucked in to the site, as there is no additional
12 capacity with the Tribe's existing systems.

13 This is an architectural rendering of
14 Alternative E showing the parking structure.

15 And here is the site plan.

16 The issues analyzed within the Draft EIS are
17 outlined on this slide. The EIS includes a description
18 of both of the affected environment and the
19 environmental consequences associated with the issues
20 here, which include geology and soils, water resources,
21 air quality and greenhouse gases, biological resources,
22 cultural and Paleontological resources, socioeconomic
23 conditions and environmental justice, transportation and
24 circulation, land use, public services and utilities,
25 noise, hazardous materials and aesthetics.

1 The Draft EIS identifies a number of best
2 management practices and mitigation measures to avoid or
3 reduce the potential for adverse environmental
4 consequences resulting from the project alternatives.
5 Measures identified specifically for Alternative A are
6 listed on the following slides, so I'll try to run
7 through these quickly. To prevent impacts from soil
8 erosion, the Tribe will comply with the National
9 Pollutant Discharge Elimination system, general
10 construction permit requirements, which include the
11 preparation of a Storm Water Pollution Prevention Plan
12 and best management practices to prevent contamination
13 of storm water run-off silatation, such as the use of
14 hay waddles and covering stockpiles.

15 To prevent additional potential impacts to water
16 resources, the Tribe will adjust landscape irrigation
17 per weather conditions, limit fertilizer use and
18 implement water conservation measures such as low flow
19 appliances.

20 Air quality effects will be reduced through the
21 implementation of fugitive dust prevention measures
22 during construction and other measures to reduce the air
23 pollutant and greenhouse gas emissions, such as limiting
24 equipment and vehicle idling time, encouraging employees
25 in patron rideshare programs, and using energy efficient

1 lighting, air and heating systems.

2 While the project site is heavily disturbed, it
3 does provide very low quality foraging habitat for
4 certain species that have the potential to occur in the
5 region; so the EIS recommends that pre-construction
6 surveys be conducted for San Joaquin Kit Fox, American
7 badger and migratory birds. And, if found, measures be
8 implemented to avoid adverse effects to those species.

9 Also, while there are no known Cultural and
10 Paleontological Resources within the project site, the
11 EIS recommends that, in the event of an inadvertent
12 discovery, work be stopped and the appropriate agency
13 and tribal officials be notified so that a plan can be
14 put into place for recovery or avoidance of the
15 resource.

16 Related to socioeconomic. While most economic
17 and fiscal impacts were determined to be positive, the
18 Tribe will implement policies to help problem gamblers
19 in accordance with State compact requirements.

20 The traffic engineering study prepared in
21 support of the Draft EIS identified a number of impacts
22 associated with level of service delays at various
23 intersections and roadways as a result of the increase
24 of vehicle traffic resulting from the project. And
25 recommended mitigation included preparing traffic

1 management plans for construction of special events, as
2 well as making fair-share payments to improve impacted
3 intersection roadway segments and offering to
4 potentially enter into an agreement for street
5 rehabilitation.

6 Recommended mitigation measures and BMPs for
7 public services included recycling construction waste
8 and developing a solid waste management plan, entering
9 into agreements with the City and/or County and making
10 annual payments for the increase in public service cost.
11 Lighting areas surrounding the gaming facilities, having
12 regular security patrol, and adopting a responsible
13 alcoholic beverage policy, and equipping construction
14 equipment with working spark arresters to prevent
15 accidental fire.

16 Related to noise, it was recommended that
17 construction hours be limited to 6 a.m. to 9 p.m. on
18 weekdays, and 7 a.m. to 5 p.m. on weekends to prevent
19 nighttime nuisances and sleep disturbance from
20 construction noise, and that a noise-reduction wall be
21 constructed at a residence along Road 216 and at three
22 residences along Scranton Avenue to address the increase
23 in traffic noise levels along those roadways.

24 While there are no known hazardous material
25 contamination within the project site, BMPs to address

1 hazardous material handling and potential issues during
2 construction were identified. And BMPs to address
3 potential effects associated with aesthetics and the
4 introduction of additional lighting included limiting
5 light poles to 25 feet tall and use of LEDs with cut-off
6 lenses and downcast illumination, prohibiting the use of
7 strobe lights, spot lights or flood lights, using
8 non-reflective low-glare glass on building exteriors,
9 incorporating screening features and natural elements
10 into landscape design, and to using earth tones in
11 paints and coatings.

12 The Draft EIS is currently available for review
13 at the BIA Pacific Regional Office, Porterville Public
14 Library and at www.TuleRiverEIS.com.

15 In terms of next steps. All comments are due to
16 the BIA by November 5th. And after the public review
17 comment period on the Draft EIS, the BIA will prepare a
18 Final EIS, which will include a response to the comments
19 on the draft and a revised version of the draft. The
20 Final EIS will be made available to the public for
21 review in a similar way that the Draft EIS was made
22 available. And Notice of Availability will be published
23 in the federal register and the local paper. There will
24 be mailings to interested parties.

25 After release of the Final EIS, minimum of 30

1 days later, the BIA may issue a Record of Decision or
2 ROD that includes a decision on whether or not to
3 approve the proposed action and the ROD will mark the
4 end of the NEPA process.

5 This slide provides information on where you can
6 mail or submit your comments. They can either be mailed
7 to the BIA Pacific Regional office or you can email
8 comments to Chad at the email address here.

9 And that concludes my presentation.

10 CHAD BROUSSARD: Thank you, Ryan.

11 So now we will proceed with the public comments.
12 Remember that all comments will be limited to three
13 minutes, so we have a light timer set up here at the
14 podium to help, when you're giving your comments, to
15 help give you an indication of when the time might be
16 coming to a close. So it will start at green and then
17 when you're down to a minute it will start blinking
18 green, and then when you get down to 30 seconds it will
19 change to yellow, and then when three minutes is up it
20 will change to red and there will be a little beep just
21 to let you know that your time is up. And, again, if
22 you need more time at the end of the hearing after
23 everyone else has spoken, then we'll be able to, you
24 know, give another three minutes if you'd like to finish
25 your comments if you didn't have enough time the first

1 time.

2 So please remember to state your name before
3 speaking and speak as clearly as possible. Also, to
4 best participate in this Formal Hearing process, I
5 wanted to offer the following ground rules and
6 suggestions:

7 So, first, summarize your main points within
8 your three-minute speaking period. Be as specific as
9 you can, only substantive comments will be responded to
10 in the final EIS. So, in other words, if you have a
11 comment that -- if you state that you don't like the
12 analysis in the Draft EIS, for example, but you give no
13 specific reason, then there is not a whole lot that we
14 can respond to. So please be specific and substantive.

15 Second, please avoid personal attacks. We
16 understand there might be strong feelings pro and con
17 regarding the proposed project. But the best
18 opportunity to state your views convincingly is through
19 a brief and clear presentation.

20 And third, related to that, it's okay to
21 disagree. The key is to do it in a manner of mutual
22 respect. I will require you not to make any noises that
23 would distract from the stenographer's ability to
24 accurately record anyone's comments. So if I cannot
25 hear a speaker's comments because of side bar

1 conversations or other disturbances in the audience,
2 such as booing or clapping, I'll stop the hearing until
3 order is restored.

4 Fourth, I'll require you to address me
5 specifically with your comments so that I can hear what
6 you're saying, and so that our stenographer can
7 accurately record your words. If you do not address me
8 directly, I will ask the stenographer to stop recording
9 and will require that you relinquish the microphone to
10 the next speaker in line.

11 And then finally, the hearing is not a
12 referendum. We are not here to count the number of
13 people for or against the project. The purpose of the
14 hearing is simply to collect comments on the adequacy or
15 scope of the Draft EIS. And all comments will be
16 considered no matter how many times they're made. So
17 please limit the substance of your comments accordingly.
18 And if someone ahead of you has already made your point,
19 there's no need to repeat it.

20 So with that, our first speaker is Neil Peyron.

21 NEIL PEYRON: Good evening, Chad. Is this on?

22 CHAD BROUSSARD: Yes. Move it up a little bit.

23 NEIL PEYRON: Doesn't like me. Yet? No. Okay.

24 Takes a second.

25 So I'll lean right into it. So my name is Neil

Public Hearing PH1

PH1-1

1 Peyron, I'm the chairman of the Tule River Tribe. I'm
2 here to speak on behalf of the Tribe's project. I have
3 a prepared statement, but since I've only got three
4 minutes so I'll just kind of paraphrase it.

5 So on behalf of my umtas[sic] and 911 members
6 and close to 1,000 employees, I'm here to speak about
7 our project. The Tribe is proposing to move its casino,
8 as you're aware, with the 292 application that was
9 submitted. So some of those reasons are -- one of the
10 main reasons is water. Our location on the reservation
11 doesn't really provide for a lot of water. Our current
12 system is currently maxed out. We have a moratorium on
13 building homes for our members, we have a waiting list
14 of 250-plus families that are waiting for homes to be
15 built. The casino itself would free up water for about
16 80 additional homes. And then also the safety of the
17 road. Anyone that's driven that road knows that it's
18 pretty windy, pretty dangerous at times, especially in
19 the fog and the rain. So we have safety concerns for
20 our employees, for our membership that travel that road
21 on a day-to-day basis to live their lives and then also
22 for our patrons that come up and down that road.

23 And then lastly we have jobs, you know. Tulare
24 County doesn't really have a lot of jobs that -- our
25 employment rate is pretty high. The Reservation itself

1 is probably over 50 percent. With that, we look to add
2 all those jobs. The presentation that Ryan has made had
3 pretty much touched on a lot of things that I was going
4 to say and I don't want to take up too much time so that
5 other people will have the opportunity to speak.

6 We have worked with the City. We've reached out
7 to the local governments, the County, the City, other
8 cities in the area, our sister tribes, trying to seek
9 their support or see what issues they may have with our
10 move so that we can talk about those and mitigate those,
11 if we can.

12 So on behalf of the Tribe, I will be here and I
13 am available for comment if anybody wants to -- has any
14 questions for me at the end of this. So with that, I
15 have another additional 175 letters that we received in
16 support today. Some of them you probably already have,
17 some of them you probably don't, so I'll leave those
18 here. And I want to thank you for your time and behalf
19 of our membership and our employees I want to thank you.

20 CHAD BROUSSARD: Thank you, Chairman. And we'll
21 just take those up front.

22 Okay. So the next speaker will be Wendy Correa.

23 WENDY CORREA: Good evening. My name is Wendy
24 Correa and I'm the secretary for the Tule River Tribal
25 Council.

PH1-1
(cont.)

Public Hearing PH2

PH2-1

1 The Tribe's been working on the casino
2 relocation project for more than two years. Our goal
3 has always been and will continue to be to develop a
4 project that will benefit the Tribe, our patrons and the
5 community. We believe this project will do that.

6 I was also going to talk about the job
7 development, but Neil also covered that along with Ryan.
8 And also that it helps to put our customers and
9 employees closer to where they live, the commute times.
10 And the site will be reduced dramatically. More
11 importantly, reduces the number of cars on Reservation
12 Road and which is in good condition but still prone to a
13 lot of auto accidents.

14 It also helps the Tribe by alleviating some of
15 the pressure on the Tribe's water system. The casino
16 uses thousands of gallons of water a day. By relocating
17 the casino, the Tribe will be able to use that water for
18 other purposes and build more homes on the reservation.
19 The Tribe is also committed to helping out the
20 community. We will be building a fire station at the
21 new casino site to provide aid to the casino in the
22 outlying areas. We're looking at a potential net zero
23 impact on the City's water as we are in discussions with
24 the City about a tertiary treatment facility.

25 It's for these reasons that I believe this

1 project is a win-win opportunity for the Tribe and the
2 community and I ask for your approval of the casino
3 location.

4 CHAD BROUSSARD: Thank you. Next speaker will
5 be Thomas Eugene.

6 THOMAS EUGENE: Good evening. My name is Thomas
7 Eugene. I'm an enrolled member of the Tule River Indian
8 Tribe and also the chairperson for the Tule River Tribal
9 Gaming Commission.

10 As a commissioner, it is my duty to uphold and
11 stay compliant with the Indian Gaming Regulatory Act and
12 our tribal State compact. Our regulatory agency
13 oversees the day-to-day activity of Eagle Mountain
14 Casino to ensure compliance pursuant to the gaming
15 regulations of the Tribe.

16 The Tribe has owned and operated its gaming
17 facility for more than 20 years. My grandfather served
18 as the Tribal Council member during the groundbreaking
19 in 1996. My grandmother was still working -- was
20 working for the operation on Grand Opening Day and today
21 still works as a gaming operation management official.
22 Today she still works -- sorry.

23 This casino has provided many employment
24 opportunities, not only for my family, but for other
25 tribal families and the local community. Today, Eagle

PH2-1
(cont.)

Public Hearing PH3

PH3-1

1 Mountain Casino employs, approximately, 500 people and
2 has thousands of visitors every day. As a tribe we are
3 proud of our history and the reputation that the casino
4 has built as The People's Casino. By relocating and
5 adding a hotel, the casino will be able to offer more
6 amenities to the customer, such as a place to spend the
7 evening, or concerts and shows at the Entertainment
8 Center. The convention and meeting space will attract
9 businesses and associations to host events in the city
10 of Porterville.

11 The new facility will be safer for those -- for
12 all who attend. Access to the current casino is limited
13 to a windy road that can be closed down due to fires and
14 floods. Unfortunately, some people travel too fast on
15 the Reservation Road, leading to accidents. By
16 relocating, the tribal and commute will be much safer
17 for all visitors and employees. The commute time will
18 also be reduced.

19 Finally, the Draft EIS estimates that more than
20 1300 full-time jobs will be created as a result of the
21 casino relocation. The casino and hotel will be the
22 majority of the job creation, but other businesses such
23 as convenience stores, restaurants and gas stations will
24 be needed as well. The relocated casino will also give
25 the City of Porterville an economic boost.

1 As an employee and a member of the Tule River
2 Tribe, I am honored to support and be a part of this
3 casino relocation project and I would like to thank all
4 of you for coming out and showing your support as well.
5 Thank you.

6 CHAD BROUSSARD: Thank you. The next speaker
7 will be Milt Stowe.

8 MILT STOWE: Good evening.

9 For years the City and tribe have enjoyed a
10 strong relationship based on mutual respect which has
11 served as a basis of partnership that continues to serve
12 well both the City's and the Tribe's residents. In
13 partnership with the Tribe, the City provides transit
14 service to the Reservation, providing not only safe and
15 efficient service for the customers of the current Eagle
16 Mountain Casino, but also for the residents of the
17 Reservation in assisting with access of business,
18 education, employment, health care, retail and other
19 services not available on the Reservation. Also given
20 both agencies honor and pride of our country -- our
21 county, country, the City and the Tribe partner together
22 in the presentation of annual freedom fest celebration,
23 which brings together thousands of members of the
24 community to recognize or nation and independence of
25 freedom.

PH3-1
(cont.)

Public Hearing PH4

PH4-1

1 The City is supportive of the Tribe's relocation
2 of the Eagle Mountain Casino within the aboriginal land
3 and within the City limits to a property tribe owned
4 more than 25 years. More than a decade of deliberation
5 and discussion has occurred between the City and the
6 Tribe towards a proposed development within the city,
7 during which the City has remained consistent in its
8 approach to the Tribe's proposed development and the
9 Tribe has turned also -- always been transparent in
10 sharing its plans for the development. The City and
11 Tribe have actively been working on a Memorandum of
12 Understanding which is invariably a mutual beneficial
13 to both parties, viewing the Tribe as a partner and
14 opportunity for collaboration, the City supports and
15 propose projects not only for a strong promotion of
16 economic development, which further establish the
17 Porterville area and southeastern Tulare County as
18 recognized tourism destination, but also for the
19 improved community service afforded the City residents.

20 The proposed project will directly create both
21 new full-time and part-time jobs and as well as many
22 other indirect jobs and economic development opportunity
23 in our direct area desperately needed, especially
24 considering the impending closure of Beckman Coulter 150
25 employees over the year. The city's residents will

1 certainly benefit from the increased employment
2 opportunities, additional proposed development of
3 convention center as part of the project, which is a
4 needed amenity in the Porterville area. This is no
5 doubt a proposed project that the convention and event
6 center amenities will enhance tourism in the Porterville
7 area to benefit the community. I thank you.

8 CHAD BROUSSARD: Thank you, sir. The next
9 speaker will be Martha Flores, I believe.

10 MARTHA FLORES: Good evening. Martha Flores,
11 council woman, City of Porterville. I will follow suit
12 to Mayor Stowe with regard to the project community
13 benefits.

14 The City's Fire Department was recently rated by
15 the Insurance Services Office as a Class 2 fire
16 department, placing the department within the top one
17 percent of the more than 27,000 fire departments in the
18 United States. Beyond the exceptional public safety
19 service provided, the businesses and residents of
20 Porterville benefit from this rating, as their fire
21 insurance premiums are greatly reduced. With the
22 proposed project, the Tribe is committed to a fully
23 staff, a new fire station that will respond in automatic
24 aid in coordination with the City Fire Department which
25 will be of great benefit to the businesses and residents

PH4-1
(cont.)

Public Hearing PH5

PH5-1

1 of the Porterville area in enhanced public safety
2 response and further reduce fire insurance premiums.
3 The new station will employ 12 full-time fire personnel
4 with both a ladder truck and a patrol vehicle. The City
5 believes that with this new station personnel and
6 equipment, the City's fire department will likely
7 receive a Class 1 ISO rating, thus placing it among the
8 top 100 fire departments in the United States and, more
9 importantly, better serving the Porterville community.

10 Reference of water has already been made and the
11 Eagle Mountain has been working with the City of
12 Porterville to that regard and I won't make use of that
13 because it has already been stated.

14 Continuing with project impacts. The City has
15 remained consistent over the past decade in its approach
16 to the mitigation of impacts created by the proposed
17 development. Approaching the project as any other
18 proposed by a developer, the City has considered the
19 agreement of payments in lieu of taxes generated by the
20 project to be utilized for impact mitigation. The
21 Tribe's payment of business property sales, transient
22 occupancy and utility user taxes are expected to
23 generate the ongoing funds necessary to mitigate any
24 impacts anticipated on the proposed projects.

25 Thank you for the opportunity to provide the

1 City's perspective in regards to the Tribe's proposed
2 Eagle Mountain Casino and Resort. Thank you.

3 CHAD BROUSSARD: Thank you very much. The next
4 speaker will be William Garfield.

5 And, also, I should say really quickly, if you
6 have any written comments or, you know, statement that
7 you'd like to submit after your written -- or after your
8 oral statement, feel free to just drop it off with us.

9 WILLIAM GARFIELD: All right. I'll read just a
10 little bit. I'll submit the whole thing in the letter
11 form.

12 My name is William Garfield, I'm the chairman of
13 the Porterville Chamber of Commerce Board of Directors.
14 Tule River Tribe and Eagle Mountain Casino are
15 longstanding members of the Porterville Chamber of
16 Commerce. Tule River Tribe is an essential part of this
17 community and is one of the most important teams that we
18 lead. The Tribe is also one of the largest employers in
19 Porterville, employing, roughly, 500 people at the
20 casino alone. The Chamber continues to support the
21 proposed casino relocation efforts because we believe
22 the economic benefits from this project will help us
23 sustain the local economy.

24 The City of Porterville and County of Tulare
25 continue to face unemployment rates that are more than

PH5-1
(cont.)

Public Hearing PH6

PH6-1

1 double the national average. The casino -- the proposed
2 casino relocation will spur growth in our economy. And
3 according to the draft federal report, during the
4 construction phase the relocation will create more than
5 1,000 construction jobs over an 18-month period. Upon
6 completion, the new casino hotel will also create more
7 than 1300 new jobs, as stated earlier. More over, local
8 businesses will see an increase in their business as
9 employees and patrons of the casino look for places to
10 eat, shop, relax and be entertained. The jobs created
11 from this project will stimulate the economy
12 significantly, as a result will anticipate other
13 businesses to look to invest in Porterville. The
14 economic benefits of the community are the reasons that
15 the Porterville Chamber of Commerce urges the BIA to
16 approve this proposal. Thank you.

17 CHAD BROUSSARD: Great. Thank you, sir. Okay.
18 The next speaker will be Rogelio Caldeo[sic].
19 Rogulio[sic]. Yeah.

20 ROGELIO CALDEO: Good evening. Good evening.
21 My name is Rogelio Caldeo, District representative for
22 State senator Andy Vidak, representing City District 14.

23 So the senator just wanted to state that he
24 fully supports the project for the relocation of the
25 Eagle Mountain Casino. The senator wanted to commend

PH6-1
(Cont.)

Public Hearing PH7

PH7-1

1 the Tule River Tribe and their work with the City of
2 Porterville and Tulare County to look at the issues and
3 try to address the concerns of some of the things that
4 were mentioned earlier just, like, traffic and water.
5 The project will bring jobs, new opportunities to the
6 community, and last but not least, will provide relief
7 to the Reservation. So I currently do not have one, a
8 letter right now, but the office is currently in the
9 process of drafting one with more detail of the
10 senator's support of the project. Thank you.

11 CHAD BROUSSARD: Next speaker is Rachel Ray,
12 possibly.

13 RACHEL RAY: Yes.

14 CHAD BROUSSARD: Yes. Thank you.

15 RACHEL RAY: Good evening. My name is Rachel
16 Ray and I'm a representative for the office of
17 Assemblyman Devon Mathis. He is not able to make it
18 this evening, but he sent me the full letter that I'm
19 going to read on his behalf.

20 So in his words he says, "Thank you for the
21 opportunity to address you today. I have represented
22 the Porterville area for the past four years and have
23 worked for the Tule Tribe on several issues. Two years
24 ago the Tribe informed me it was looking into relocating
25 the casino from the current location to near the

PH7-1
(Cont.)

Public Hearing PH8

PH8-1

1 Porterville Airport, expanding the facility to include a
2 hotel and Convention Center. Such a proposal will
3 create economic prosperity to the region through job
4 creation and increased tourism. It is especially
5 important for Porterville and Tulare County, since the
6 unemployment rate is more than double the national
7 average. According to the Draft EIS, more than 1100
8 construction jobs will be needed to build the hotel and
9 casino. An additional 1300 jobs will be created once
10 the construction is completed. The majority of those
11 jobs will be at the new hotel and casino. Other
12 indirect jobs will be created, as well as restaurants,
13 dry cleaners, convenience stores, grocery stores and
14 others. The proposed relocation will allow for even
15 greater development and an involvement with the City of
16 Porterville.

17 The Tule River Tribe is an integral part of the
18 community and their proposed casino and hotel will
19 surely enhance all of Tulare County. It is for those
20 reasons that I'm here today to support the proposed
21 casino relocation.

22 Devon Mathis, California Assembly, District 26."

23 CHAD BROUSSARD: Thank you. Next speaker will
24 be Betsy Foote.

25 BETSY FOOTE: Hello. My name is Betsy Foote. I

1 am a tribal person of the Tule River Elder's Council.
2 And I'm in support of the relocation of the Tule River
3 casino.

4 CHAD BROUSSARD: Thank you. Next speaker is
5 Raul Ramirez. Mr. Ramirez? Raul?

6 Did you fill out a speaker card? Want to speak?
7 Do we have any other speaker cards at the back? Okay.

8 So that was the last speaker that we had.

9 Concludes our list of individuals who have
10 signed up to share their comments and for which I thank
11 everyone.

12 We have time for anyone else that would like to
13 make a comment or for those that have already spoken if
14 they would like an additional three minutes. If you'd
15 like to speak, please fill out a speaker card at the
16 back of the room.

17 Do we have any additional? Give it a minute or
18 two.

19 A VOICE: Where are the cards?

20 CHAD BROUSSARD: They're at the back. Thank
21 you, Ma'am.

22 So it looks like we have one or two additional
23 speakers so we'll do that before we conclude the
24 hearing.

25 Thank you very much. Rhoda Hunter.

Public Hearing PH10

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

1 RHODA HUNTER: Yes. My name is Rhoda Hunter. I
2 am a tribal member and a tribal elder. I agree with
3 what everyone has already said and proposed, but I would
4 like to add that I'm especially for this relocation
5 because I think a lot of us on the Reservation would
6 like to have our life back, would like to have our
7 privacy, would like to be able to travel the road
8 safely. We'd like our kids to be able to walk back and
9 forth without the traffic, without all the other things
10 that come with that. So, like I said, in addition to
11 what everyone else has said, I would like to have our
12 Reservation back to kind of the way it used to be. And
13 that's one of my main focuses, that I'd like to have the
14 quietness back, I'd like to have not so much bright
15 lights and -- and to get our wildlife and everything
16 that was in the area back again. Thank you.

PH10-1

17 CHAD BROUSSARD: Thank you, Ma'am. So we have a
18 couple more speakers. First speaker will be Willie
19 Carrillo.

Public Hearing PH11

20 WILLIE CARRILLO: Good evening, Mr. Broussard.
21 My name is Willie Carrillo. I'm the vice president of
22 National Congress of American Indians, Pacific Region,
23 and I support this project. I also want to commend the
24 Tule River Tribe, the City of Porterville and the County
25 of Tulare on their due diligence. Thank you.

PH11-1

1 CHAD BROUSSARD: Thank you, sir. And then I
2 think the last speaker will be Gary Santos.

3 GARY SANTOS: Good evening, sir. First of all,
4 Gary Santos, Tule River tribal member. Also, I have the
5 privilege of serving on the National Gaming Association
6 Executive Board as a Pacific delegate, elected by the
7 Pacific Coast tribes.

8 I just want to come up and say I strongly
9 support this project. As you're aware from the BIA
10 standpoint of it, it's a very difficult project to take
11 on and really not have very much opposition, let alone
12 none at all, for any county or city or any tribe that's
13 tried to attempt to do something like this. And we
14 stand before you exactly in that spot. We have little
15 or no opposition to this day.

16 The Tule River Tribe, myself and council members
17 and staff have traveled up and down the state of
18 California meeting with tribes, asking for support or at
19 least no opposition. And we've been directly to
20 accomplish those fetes so far. Like I said, as of right
21 now there's no tribe that, you know, has opposed us yet.
22 And I know there's still more to the process, but that's
23 where we stand.

24 Also, being on the National Gaming Association,
25 I get to witness this nationwide. So there's several

PH12-1

1 tribes throughout the nation that are trying the same
2 thing that we're doing and they're having tremendous
3 opposition. So as of right now the Tribe, the City, the
4 County has come a long way in the last two,
5 two-and-a-half, three years. And I think with the
6 support of the BIA, we keep moving forward as everybody
7 said here, we will create several hundreds of jobs and,
8 you know, bring our employment rate up into the county
9 tremendously. So just from a national standpoint I just
10 want to point out that we are moving forward pretty well
11 with no opposition, so. Thank you.

12 CHAD BROUSSARD: Thank you very much. So do we
13 have anymore comments at the back? No more. Okay.

14 So this will conclude the BIA's public Draft EIS
15 hearing for the Tule River Tribe's fee to trust and
16 proposed casino project. And I just want to thank
17 everyone for their participation and for coming out and
18 wish everyone a good night. Thank you.

19 (Whereupon, the proceedings were concluded at
20 6:53 p.m.)
21
22
23
24
25

PH12-1
(Cont.)

1 STATE OF CALIFORNIA,)
2 COUNTY OF TULARE.)

3
4 I, MARTHA S. GUERRA, C.S.R. 6398, DO
5 HEREBY CERTIFY THAT THE WITHIN TRANSCRIPT CONTAINS
6 A FULL, TRUE, AND CORRECT TRANSCRIPT OF MY
7 SHORTHAND NOTES, AND A FULL, TRUE, AND CORRECT
8 TRANSCRIPT OF THE PROCEEDINGS HAD IN THE MATTER
9 AND ON THE DATE AS SET FORTH ON THE FIRST PAGE
10 HEREOF.

11
12 DATED: _____, 20__.

13 VISALIA, CALIFORNIA.

14
15
16 _____
17 MARTHA S. GUERRA,
18 CERTIFICATE NO. 6398
19
20
21
22
23
24
25

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

<p>1</p> <p>1 [2] - 11:17, 32:7 1,000 [2] - 24:6, 34:5 1,214 [1] - 13:7 100 [1] - 32:8 105,000 [1] - 13:4 11 [1] - 10:17 1100 [1] - 36:7 12 [1] - 32:3 1300 [3] - 28:20, 34:7, 36:9 131 [1] - 15:17 14 [1] - 34:22 15 [1] - 1:11 150 [1] - 30:24 16,500 [1] - 15:25 17 [2] - 9:6, 9:16 175 [1] - 25:15 18-MONTH [1] - 34:5 1900 [1] - 1:19 1988 [1] - 9:7 1996 [1] - 27:19</p>	<p>38 [2] - 3:14, 3:15 39 [1] - 3:16</p> <p>4</p> <p>4 [1] - 11:22 40-ACRE [2] - 8:21, 9:5 404 [1] - 15:4</p> <p>5</p> <p>5 [2] - 12:1, 19:18 50 [1] - 25:1 500 [2] - 28:1, 33:19 58 [1] - 16:7 5TH [3] - 5:20, 11:15, 20:16</p> <p>6</p> <p>6 [2] - 4:6, 19:17 6398 [3] - 1:24, 41:4, 41:17 6:00 [1] - 4:2 6:53 [1] - 40:20</p>	<p>ACCIDENTAL [1] - 19:15 ACCIDENTS [2] - 26:13, 28:15 ACCOMMODATE [1] - 16:5 ACCOMPLISH [1] - 39:20 ACCORDANCE [2] - 8:24, 18:19 ACCORDING [2] - 34:3, 36:7 ACCORDINGLY [1] - 23:17 ACCOUNT [1] - 10:4 ACCURATELY [3] - 7:9, 22:24, 23:7 ACQUISITION [5] - 5:2, 5:8, 8:20, 10:9, 12:7 ACT [2] - 5:11, 27:11 ACTION [7] - 7:21, 10:6, 11:19, 11:20, 12:5, 13:1, 21:3 ACTIONS [2] - 10:4, 10:8 ACTIVELY [1] - 30:11 ACTIVITY [1] - 27:13 ADD [2] - 25:1, 38:4 ADDING [1] - 28:5 ADDITION [3] - 10:12, 14:24, 38:10 ADDITIONAL [12] - 6:20, 16:2, 16:11, 17:15, 20:4, 24:16, 25:15, 31:2, 36:9, 37:14, 37:17, 37:22 ADDRESS [8] - 19:22, 19:25, 20:2, 21:8, 23:4, 23:7, 35:3, 35:21 ADEQUACY [1] - 23:14 ADJACENT [1] - 9:20 ADJUST [1] - 17:16 ADMINISTRATIVE [2] - 13:6, 15:14 ADOPTING [1] - 19:12 ADVANCE [1] - 6:14 ADVERSE [2] - 17:3, 18:8 AERIAL [2] - 9:18, 14:4 AES [2] - 3:3, 8:3 AESTHETICS [2] - 16:25, 20:3 AFFAIRS [2] - 4:8, 4:14 AFFECTED [2] - 11:21, 16:18</p>	<p>AFFORDED [1] - 30:19 AGENCIES [3] - 10:3, 10:24, 29:20 AGENCY [2] - 18:12, 27:12 AGENCY'S [1] - 11:6 AGO [2] - 11:10, 35:24 AGREE [1] - 38:2 AGREEMENT [2] - 19:4, 32:19 AGREEMENTS [1] - 19:9 AGRICULTURAL [1] - 9:21 AHEAD [2] - 4:7, 23:18 AID [2] - 26:21, 31:24 AIR [4] - 16:21, 17:20, 17:22, 18:1 AIRPARK [1] - 8:21 AIRPARK [2] - 9:10, 10:10 AIRPORT [4] - 5:3, 9:12, 9:13, 36:1 ALCOHOLIC [1] - 19:13 ALLEVIATING [1] - 26:14 ALLOW [1] - 36:14 ALLOWING [1] - 5:9 ALONE [2] - 33:20, 39:11 ALTERNATIVE [11] - 12:18, 12:19, 12:20, 12:24, 13:1, 15:4, 15:15, 15:19, 16:6, 16:10 ALTERNATIVE [19] - 12:21, 12:22, 12:23, 13:1, 13:3, 13:6, 14:7, 14:12, 14:13, 14:22, 14:23, 15:1, 15:9, 15:11, 15:24, 16:14, 17:5 ALTERNATIVES [6] - 7:22, 10:25, 11:20, 11:24, 12:17, 17:4 AMENITIES [2] - 28:6, 31:6 AMENITY [1] - 31:4 AMERICAN [2] - 18:6, 38:22 ANALYSIS [3] - 10:18, 10:25, 22:12 ANALYTICAL [1] - 2:9 ANALYTICAL [2] - 4:18, 8:3 ANALYZED [2] - 12:17, 16:16</p>	<p>AND [5] - 1:9, 41:6, 41:7, 41:9 ANDY [1] - 3:11 ANDY [1] - 34:22 ANNUAL [2] - 19:10, 29:22 ANSWER [1] - 7:11 ANTICIPATE [1] - 34:12 ANTICIPATED [2] - 10:17, 32:24 APOLOGIZE [1] - 6:14 APPLIANCES [1] - 17:19 APPLICATION [1] - 24:8 APPLICATIONS [1] - 8:20 APPROACH [2] - 30:8, 32:15 APPROACHING [1] - 32:17 APPROPRIATE [1] - 18:12 APPROVAL [1] - 27:2 APPROVE [2] - 21:3, 34:16 APPROVES [1] - 5:8 ARCHITECTURAL [4] - 14:6, 15:9, 15:22, 16:13 AREA [10] - 9:6, 9:11, 25:8, 30:17, 30:23, 31:4, 31:7, 32:1, 35:22, 38:16 AREAS [4] - 9:9, 9:24, 19:11, 26:22 ARRESTERS [1] - 19:14 AS [1] - 41:9 ASSEMBLY [1] - 36:22 ASSEMBLYMAN [1] - 3:12 ASSEMBLYMAN [1] - 35:17 ASSISTING [1] - 29:17 ASSOCIATED [5] - 9:2, 11:25, 16:19, 18:22, 20:3 ASSOCIATION [2] - 39:5, 39:24 ASSOCIATIONS [1] - 28:9 ATTACKS [1] - 22:15 ATTEMPT [1] - 39:13 ATTEND [1] - 28:12 ATTENTION [1] - 4:5 ATTRACT [1] - 28:8 AUDIENCE [1] - 23:1</p>
<p>2</p> <p>2 [2] - 11:19, 31:15 20 [1] - 27:17 2016 [1] - 11:11 2017 [1] - 11:13 2018 [3] - 1:11, 5:17, 5:21 20 [1] - 41:12 216 [1] - 19:21 21ST [2] - 5:16, 11:14 23 [1] - 3:5 25 [3] - 3:6, 20:5, 30:4 250-PLUS [1] - 24:14 250-ROOM [2] - 13:5, 15:13 26 [1] - 36:22 27 [1] - 3:7 27,000 [1] - 31:17 2800 [1] - 2:3 29 [1] - 3:8 292 [1] - 24:8</p>	<p>7</p> <p>7 [1] - 19:18 790 [1] - 13:8</p> <p>8</p> <p>8 [1] - 3:3 80 [1] - 24:16</p> <p>9</p> <p>9 [1] - 19:17 911 [1] - 24:5 916 [1] - 2:5 93257 [1] - 1:20 95825 [1] - 2:4 978-6165 [1] - 2:5</p> <p>A</p> <p>A.M [2] - 19:17, 19:18 ABILITY [1] - 22:23 ABLE [7] - 14:19, 21:23, 26:17, 28:5, 35:17, 38:7, 38:8 ABORIGINAL [1] - 30:2 ACCEPT [2] - 4:25, 5:13 ACCEPTED [1] - 5:25 ACCESS [2] - 28:12, 29:17</p>	<p>ADDITION [3] - 10:12, 14:24, 38:10 ADDITIONAL [12] - 6:20, 16:2, 16:11, 17:15, 20:4, 24:16, 25:15, 31:2, 36:9, 37:14, 37:17, 37:22 ADDRESS [8] - 19:22, 19:25, 20:2, 21:8, 23:4, 23:7, 35:3, 35:21 ADEQUACY [1] - 23:14 ADJACENT [1] - 9:20 ADJUST [1] - 17:16 ADMINISTRATIVE [2] - 13:6, 15:14 ADOPTING [1] - 19:12 ADVANCE [1] - 6:14 ADVERSE [2] - 17:3, 18:8 AERIAL [2] - 9:18, 14:4 AES [2] - 3:3, 8:3 AESTHETICS [2] - 16:25, 20:3 AFFAIRS [2] - 4:8, 4:14 AFFECTED [2] - 11:21, 16:18</p>	<p>ALCOHOLIC [1] - 19:13 ALLEVIATING [1] - 26:14 ALLOW [1] - 36:14 ALLOWING [1] - 5:9 ALONE [2] - 33:20, 39:11 ALTERNATIVE [11] - 12:18, 12:19, 12:20, 12:24, 13:1, 15:4, 15:15, 15:19, 16:6, 16:10 ALTERNATIVE [19] - 12:21, 12:22, 12:23, 13:1, 13:3, 13:6, 14:7, 14:12, 14:13, 14:22, 14:23, 15:1, 15:9, 15:11, 15:24, 16:14, 17:5 ALTERNATIVES [6] - 7:22, 10:25, 11:20, 11:24, 12:17, 17:4 AMENITIES [2] - 28:6, 31:6 AMENITY [1] - 31:4 AMERICAN [2] - 18:6, 38:22 ANALYSIS [3] - 10:18, 10:25, 22:12 ANALYTICAL [1] - 2:9 ANALYTICAL [2] - 4:18, 8:3 ANALYZED [2] - 12:17, 16:16</p>	<p>ASSEMBLY [1] - 36:22 ASSEMBLYMAN [1] - 3:12 ASSEMBLYMAN [1] - 35:17 ASSISTING [1] - 29:17 ASSOCIATED [5] - 9:2, 11:25, 16:19, 18:22, 20:3 ASSOCIATION [2] - 39:5, 39:24 ASSOCIATIONS [1] - 28:9 ATTACKS [1] - 22:15 ATTEMPT [1] - 39:13 ATTEND [1] - 28:12 ATTENTION [1] - 4:5 ATTRACT [1] - 28:8 AUDIENCE [1] - 23:1</p>
<p>3</p> <p>3 [1] - 11:20 3,500 [1] - 16:3 30 [2] - 20:25, 21:18 30-DAY [1] - 11:6 31 [1] - 3:9 33 [1] - 3:10 34 [1] - 3:11 35 [1] - 3:12 350 [1] - 16:2 36 [1] - 3:13</p>	<p>A.M [2] - 19:17, 19:18 ABILITY [1] - 22:23 ABLE [7] - 14:19, 21:23, 26:17, 28:5, 35:17, 38:7, 38:8 ABORIGINAL [1] - 30:2 ACCEPT [2] - 4:25, 5:13 ACCEPTED [1] - 5:25 ACCESS [2] - 28:12, 29:17</p>	<p>ADDITION [3] - 10:12, 14:24, 38:10 ADDITIONAL [12] - 6:20, 16:2, 16:11, 17:15, 20:4, 24:16, 25:15, 31:2, 36:9, 37:14, 37:17, 37:22 ADDRESS [8] - 19:22, 19:25, 20:2, 21:8, 23:4, 23:7, 35:3, 35:21 ADEQUACY [1] - 23:14 ADJACENT [1] - 9:20 ADJUST [1] - 17:16 ADMINISTRATIVE [2] - 13:6, 15:14 ADOPTING [1] - 19:12 ADVANCE [1] - 6:14 ADVERSE [2] - 17:3, 18:8 AERIAL [2] - 9:18, 14:4 AES [2] - 3:3, 8:3 AESTHETICS [2] - 16:25, 20:3 AFFAIRS [2] - 4:8, 4:14 AFFECTED [2] - 11:21, 16:18</p>	<p>ALCOHOLIC [1] - 19:13 ALLEVIATING [1] - 26:14 ALLOW [1] - 36:14 ALLOWING [1] - 5:9 ALONE [2] - 33:20, 39:11 ALTERNATIVE [11] - 12:18, 12:19, 12:20, 12:24, 13:1, 15:4, 15:15, 15:19, 16:6, 16:10 ALTERNATIVE [19] - 12:21, 12:22, 12:23, 13:1, 13:3, 13:6, 14:7, 14:12, 14:13, 14:22, 14:23, 15:1, 15:9, 15:11, 15:24, 16:14, 17:5 ALTERNATIVES [6] - 7:22, 10:25, 11:20, 11:24, 12:17, 17:4 AMENITIES [2] - 28:6, 31:6 AMENITY [1] - 31:4 AMERICAN [2] - 18:6, 38:22 ANALYSIS [3] - 10:18, 10:25, 22:12 ANALYTICAL [1] - 2:9 ANALYTICAL [2] - 4:18, 8:3 ANALYZED [2] - 12:17, 16:16</p>	<p>ASSEMBLY [1] - 36:22 ASSEMBLYMAN [1] - 3:12 ASSEMBLYMAN [1] - 35:17 ASSISTING [1] - 29:17 ASSOCIATED [5] - 9:2, 11:25, 16:19, 18:22, 20:3 ASSOCIATION [2] - 39:5, 39:24 ASSOCIATIONS [1] - 28:9 ATTACKS [1] - 22:15 ATTEMPT [1] - 39:13 ATTEND [1] - 28:12 ATTENTION [1] - 4:5 ATTRACT [1] - 28:8 AUDIENCE [1] - 23:1</p>

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

AUTO [1] - 26:13
AUTOMATIC [1] - 31:23
AVAILABILITY [1] - 12:15
AVAILABILITY [1] - 20:22
AVAILABLE [8] - 6:3, 6:11, 7:18, 20:12, 20:20, 20:22, 25:13, 29:19
AVENUE [2] - 1:19, 19:22
AVERAGE [2] - 34:1, 36:7
AVOID [3] - 17:2, 18:8, 22:15
AVOIDANCE [1] - 18:14
AWARE [2] - 24:8, 39:9

B

BACKGROUND [1] - 8:18
BADGER [1] - 18:7
BADLY [1] - 6:14
BAR [1] - 22:25
BASED [3] - 10:16, 11:1, 29:10
BASIS [2] - 24:21, 29:11
BECKMAN [1] - 30:24
BEEP [1] - 21:20
BEHALF [5] - 24:2, 24:5, 25:12, 25:18, 35:19
BEHIND [1] - 4:24
BELIEVES [1] - 32:5
BELOW [1] - 14:21
BENEFICIENT [1] - 30:12
BENEFIT [5] - 26:4, 31:1, 31:7, 31:20, 31:25
BENEFITS [3] - 31:13, 33:22, 34:14
BEST [6] - 6:23, 12:1, 17:1, 17:12, 22:4, 22:17
BETSY [2] - 36:24, 36:25
BETSY [2] - 3:13, 36:25
BETTER [1] - 32:9
BETWEEN [1] - 30:5
BEVERAGE [1] - 19:13
BEYOND [1] - 31:18

BIA [15] - 1:7, 4:15, 5:8, 5:12, 8:4, 8:20, 20:13, 20:16, 20:17, 21:1, 21:7, 34:15, 39:9, 40:6
BIA'S [3] - 4:19, 12:7, 40:14
BIOLOGICAL [1] - 16:21
BIRDS [1] - 18:7
BIT [3] - 8:17, 23:22, 33:10
BLINKING [1] - 21:17
BLUE [1] - 6:4
BMP'S [3] - 19:6, 19:25, 20:2
BOARD [2] - 33:13, 39:6
BOARDS [1] - 5:7
BOOING [1] - 23:2
BOOST [1] - 28:25
BORDER [1] - 14:25
BOUNDARIES [1] - 9:15
BRIEF [3] - 7:21, 8:5, 22:19
BRIGHT [1] - 38:14
BRING [2] - 35:5, 40:8
BRINGS [1] - 29:23
BROUSSARD [18] - 2:2, 4:4, 21:10, 23:22, 25:20, 27:4, 29:6, 31:8, 33:3, 34:17, 35:11, 35:14, 36:23, 37:4, 37:20, 38:17, 39:1, 40:12
BROUSSARD [2] - 4:12, 38:20
BUILD [2] - 26:18, 36:8
BUILDING [3] - 20:8, 24:13, 26:20
BUILDING [1] - 1:19
BUILDINGS [1] - 9:9
BUILT [2] - 24:15, 28:4
BUREAU [2] - 4:8, 4:14
BUREAU [1] - 4:15
BUSINESS [3] - 29:17, 32:21, 34:8
BUSINESSES [6] - 28:9, 28:22, 31:19, 31:25, 34:8, 34:13
BUTCHER [1] - 6:14
BY [1] - 2:2

C

C.S.R [1] - 41:4

CA [1] - 4:1
CALDEO [1] - 34:21
CALDEO [2] - 3:11, 34:20
CALDEO[SIC] [1] - 34:18
CALIFORNIA [5] - 1:20, 2:4, 10:15, 36:22, 39:18
CALIFORNIA [2] - 41:1, 41:13
CANNOT [1] - 22:24
CAPACITY [1] - 16:12
CARD [2] - 37:6, 37:15
CARDS [10] - 6:3, 6:4, 6:5, 6:7, 6:8, 6:10, 6:17, 37:7, 37:19
CARE [1] - 29:18
CAREFULLY [1] - 7:14
CARRILLO [2] - 3:15, 38:20
CARRILLO [2] - 38:19, 38:21
CARS [1] - 26:11
CASE [1] - 10:8
CASINO [12] - 9:3, 9:17, 13:10, 15:15, 27:14, 28:1, 28:4, 29:16, 30:2, 33:2, 33:14, 34:25
CASINO [41] - 4:10, 5:4, 5:10, 9:1, 10:16, 12:24, 12:25, 13:4, 15:2, 15:11, 15:25, 16:1, 24:7, 24:15, 26:1, 26:15, 26:17, 26:21, 27:2, 27:23, 28:3, 28:5, 28:12, 28:21, 28:24, 29:3, 33:20, 33:21, 34:1, 34:2, 34:6, 34:9, 35:25, 36:9, 36:11, 36:18, 36:21, 37:3, 40:16
CASINO [1] - 1:9
CASINO-RESORT [1] - 9:1
CELEBRATION [1] - 29:22
CELL [1] - 7:24
CENTER [2] - 28:8, 36:2
CENTER [3] - 9:1, 31:3, 31:6
CERTAIN [1] - 18:4
CERTAINLY [1] - 31:1
CERTIFICATE [1] - 1:24
CERTIFICATE [1] - 41:17

CERTIFY [1] - 41:5
CHAD [6] - 4:12, 8:1, 8:2, 8:8, 21:8, 23:21
CHAD [18] - 2:2, 4:4, 21:10, 23:22, 25:20, 27:4, 29:6, 31:8, 33:3, 34:17, 35:11, 35:14, 36:23, 37:4, 37:20, 38:17, 39:1, 40:12
CHAIRMAN [2] - 24:1, 33:12
CHAIRMAN [1] - 25:20
CHAIRPERSON [1] - 27:8
CHAMBER [4] - 33:13, 33:15, 33:20, 34:15
CHANGE [2] - 21:19, 21:20
CIRCULATION [1] - 16:24
CITIES [1] - 25:8
CITY [32] - 8:21, 9:11, 9:13, 9:15, 13:14, 19:9, 25:6, 25:7, 26:24, 28:25, 29:9, 29:13, 29:21, 30:1, 30:3, 30:5, 30:7, 30:10, 30:14, 30:19, 31:11, 31:24, 32:4, 32:11, 32:14, 32:18, 33:24, 34:22, 35:1, 36:15, 38:24, 40:3
CITY [4] - 9:6, 28:9, 30:6, 39:12
CITY'S [1] - 30:25
CITY'S [12] - 13:12, 13:16, 13:22, 13:24, 14:14, 15:7, 15:20, 26:23, 29:12, 31:14, 32:6, 33:1
CLAPPING [1] - 23:2
CLASS [2] - 31:15, 32:7
CLEANERS [1] - 36:13
CLEAR [1] - 22:19
CLEARLY [2] - 7:7, 22:3
CLOSE [3] - 7:16, 21:16, 24:6
CLOSED [1] - 28:13
CLOSER [1] - 26:9
CLOSING [1] - 11:15
CLOSURE [2] - 13:10, 30:24
COAST [1] - 39:7
COATINGS [1] - 20:11
COLLABORATION [1] - 30:14

COLLECT [1] - 23:14
COMBINED [2] - 8:10, 11:17
COMING [3] - 21:16, 29:4, 40:17
COMMENCED [1] - 11:10
COMMEND [2] - 34:25, 38:23
COMMENT [14] - 5:20, 5:21, 6:4, 6:6, 6:9, 6:25, 7:7, 7:16, 11:3, 11:14, 20:17, 22:11, 25:13, 37:13
COMMENTS [35] - 4:25, 5:18, 5:19, 5:23, 5:24, 6:4, 6:20, 6:24, 7:1, 7:4, 7:5, 7:14, 7:15, 7:17, 8:9, 11:3, 11:12, 20:15, 20:18, 21:6, 21:8, 21:11, 21:12, 21:14, 21:25, 22:9, 22:24, 22:25, 23:5, 23:14, 23:15, 23:17, 33:6, 37:10, 40:13
COMMERCE [3] - 33:13, 33:16, 34:15
COMMISSION [1] - 27:9
COMMISSIONER [1] - 27:10
COMMITTED [2] - 26:19, 31:22
COMMUNITY [13] - 26:5, 26:20, 27:2, 27:25, 29:24, 30:19, 31:7, 31:12, 32:9, 33:17, 34:14, 35:6, 36:18
COMMUTE [3] - 26:9, 28:16, 28:17
COMPACT [3] - 8:15, 10:14, 10:21
COMPACT [4] - 10:16, 10:17, 18:19, 27:12
COMPLETED [1] - 36:10
COMPLETION [1] - 34:6
COMPLEX [1] - 9:12
COMPLIANCE [1] - 27:14
COMPLIANT [1] - 27:11
COMPLY [1] - 17:8
COMPONENT [1] - 15:12
CON [1] - 22:16

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

CONCERNS [2] - 24:19, 35:3
CONCERTS [1] - 28:7
CONCLUDE [2] - 37:23, 40:14
CONCLUDED [1] - 40:19
CONCLUDES [2] - 21:9, 37:9
CONDITION [2] - 12:12, 26:12
CONDITIONS [3] - 11:22, 16:23, 17:17
CONDUCT [1] - 5:12
CONDUCTED [2] - 10:25, 18:6
CONGRESS [1] - 38:22
CONNECT [1] - 13:24
CONNECTING [1] - 14:13
CONNECTION [3] - 13:12, 15:6, 15:20
CONSEQUENCES [4] - 11:23, 12:3, 16:19, 17:4
CONSERVATION [1] - 17:18
CONSIDER [2] - 5:19, 7:14
CONSIDERED [6] - 7:5, 10:22, 11:4, 11:24, 23:16, 32:18
CONSIDERING [2] - 13:9, 30:24
CONSISTENT [2] - 30:7, 32:15
CONSISTS [1] - 9:5
CONSTRAINTS [1] - 6:24
CONSTRUCTED [3] - 14:1, 16:4, 19:21
CONSTRUCTION [15] - 13:15, 14:16, 17:10, 17:22, 18:5, 19:1, 19:7, 19:13, 19:17, 19:20, 20:2, 34:4, 34:5, 36:8, 36:10
CONSULTANT [2] - 4:19, 7:20
CONSULTANTS [1] - 8:4
CONTAINING [1] - 11:21
CONTAINS [1] - 41:5
CONTAINS [1] - 9:8
CONTAMINATION [2] - 17:12, 19:25
CONTINUE [3] - 6:21,

26:3, 33:25
CONTINUES [2] - 29:11, 33:20
CONTINUING [1] - 32:14
CONVENIENCE [2] - 28:23, 36:13
CONVENTION [1] - 36:2
CONVENTION [5] - 13:6, 15:13, 28:8, 31:3, 31:5
CONVERSATIONS [1] - 23:1
CONVINCINGLY [1] - 22:18
COORDINATION [1] - 31:24
CORREA [2] - 25:22, 25:24
CORREA [2] - 3:6, 25:23
CORRECT [2] - 41:6, 41:7
COST [1] - 19:10
COTTAGE [1] - 2:3
COULTER [1] - 30:24
COUNCIL [3] - 25:25, 27:18, 37:1
COUNCIL [2] - 31:11, 39:16
COUNT [1] - 23:12
COUNTRY [2] - 29:20, 29:21
COUNTY [6] - 13:9, 15:5, 16:8, 29:21, 39:12, 40:8
COUNTY [1] - 41:2
COUNTY [11] - 15:18, 19:9, 24:24, 25:7, 30:17, 33:24, 35:2, 36:5, 36:19, 38:24, 40:4
COUPLE [1] - 38:18
COVERED [1] - 26:7
COVERING [1] - 17:14
CREATE [5] - 30:20, 34:4, 34:6, 36:3, 40:7
CREATED [6] - 15:17, 28:20, 32:16, 34:10, 36:9, 36:12
CREATION [2] - 28:22, 36:4
CROW [1] - 9:17
CULTURAL [1] - 18:9
CULTURAL [1] - 16:22
CUMULATIVE [1] - 11:25
CURRENT [4] - 24:11,

28:12, 29:15, 35:25
CUSTOMER [1] - 28:6
CUSTOMERS [2] - 26:8, 29:15
CUT [1] - 20:5
CUT-OFF [1] - 20:5

D

DANGEROUS [1] - 24:18
DATE [1] - 41:9
DATED [1] - 41:12
DAY-TO-DAY [2] - 24:21, 27:13
DAYS [1] - 21:1
DEBATE [2] - 7:12, 7:13
DECADE [2] - 30:4, 32:15
DECEMBER [1] - 11:11
DECIDING [1] - 5:13
DECISION [2] - 11:6, 21:2
DECISION [2] - 11:8, 21:1
DEIS [2] - 1:7, 8:11
DELAYS [1] - 18:22
DELEGATE [1] - 39:6
DELIBERATION [1] - 30:4
DEMANDS [1] - 13:14
DEPARTMENT [3] - 4:16, 31:14, 31:24
DEPARTMENT [3] - 31:16, 32:6
DEPARTMENT [1] - 1:6
DEPARTMENTS [2] - 31:17, 32:8
DESCRIPTION [3] - 11:19, 11:21, 16:17
DESIGN [1] - 20:10
DESPERATELY [1] - 30:23
DESTINATION [1] - 30:18
DETAIL [1] - 35:9
DETERMINATION [2] - 8:22, 12:6
DETERMINED [1] - 18:17
DEVELOP [5] - 8:25, 12:18, 13:3, 15:12, 26:3
DEVELOPED [2] - 14:15, 16:3
DEVELOPER [1] - 32:18

DEVELOPING [1] - 19:8
DEVELOPMENT [12] - 5:4, 5:10, 12:6, 26:7, 30:6, 30:8, 30:10, 30:16, 30:22, 31:2, 32:17, 36:15
DEVICES [1] - 16:2
DEVON [1] - 3:12
DEVON [2] - 35:17, 36:22
DIFFICULT [1] - 39:10
DILIGENCE [1] - 38:25
DINING [3] - 13:5, 15:13, 16:3
DIRECT [2] - 11:24, 30:23
DIRECTLY [6] - 9:11, 9:20, 13:7, 23:8, 30:20, 39:19
DIRECTORS [1] - 33:13
DISAGREE [1] - 22:21
DISCHARGE [1] - 17:9
DISCOVERY [1] - 18:12
DISCUSS [1] - 10:1
DISCUSSION [1] - 30:5
DISCUSSIONS [1] - 26:23
DISPOSED [1] - 14:20
DISTRACT [1] - 22:23
DISTRICT [3] - 34:21, 34:22, 36:22
DISTURBANCE [1] - 19:19
DISTURBANCES [1] - 23:1
DISTURBED [1] - 18:2
DO [1] - 41:4
DOCUMENT [2] - 7:9, 7:14
DOUBLE [2] - 34:1, 36:6
DOUBT [1] - 31:5
DOWN [6] - 7:3, 21:17, 21:18, 24:22, 28:13, 39:17
DOWNCAST [1] - 20:6
DRAFT [20] - 5:14, 5:16, 5:18, 8:10, 10:25, 11:9, 11:13, 11:16, 16:16, 17:1, 18:21, 20:12, 20:17, 20:21, 22:12, 23:15, 28:19, 36:7, 40:14
DRAFT [4] - 5:1, 20:19, 34:3

DRAFTING [1] - 35:9
DRAMATICALLY [1] - 26:10
DRIVEN [1] - 24:17
DRYP [1] - 33:8
DRY [1] - 36:13
DUE [4] - 6:24, 20:15, 28:13, 38:25
DURING [10] - 5:19, 11:2, 11:3, 11:5, 11:12, 17:22, 20:1, 27:18, 30:7, 34:3
DUST [1] - 17:21
DUTY [1] - 27:10

E

EAGLE [12] - 9:3, 9:17, 13:10, 15:14, 27:13, 27:25, 29:15, 30:2, 32:11, 33:2, 33:14, 34:25
EARTH [1] - 20:10
EASTERN [1] - 14:10
EAT [1] - 34:10
ECONOMIC [9] - 12:6, 12:12, 18:16, 28:25, 30:16, 30:22, 33:22, 34:14, 36:3
ECONOMY [3] - 33:23, 34:2, 34:11
EDUCATION [1] - 29:18
EFFECTS [3] - 17:20, 18:8, 20:3
EFFICIENT [2] - 17:25, 29:15
EFFORTS [1] - 33:21
EIS [35] - 4:11, 4:19, 5:14, 5:16, 5:18, 5:22, 7:18, 7:20, 7:22, 8:3, 8:11, 11:1, 11:5, 11:9, 11:13, 11:16, 12:17, 16:16, 16:17, 17:1, 18:5, 18:11, 18:21, 20:12, 20:17, 20:18, 20:20, 20:21, 20:25, 22:10, 22:12, 23:15, 28:19, 36:7, 40:14
EITHER [3] - 15:6, 15:20, 21:6
ELDER [1] - 38:2
ELDER'S [1] - 37:1
ELECTED [1] - 39:6
ELECTRONIC [1] - 16:2
ELEMENTS [1] - 20:9
ELIGIBLE [1] - 8:24
ELIMINATE [1] - 15:11

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

ELIMINATION [1] - 17:9
EMAIL [2] - 21:7, 21:8
EMERGENCY [1] - 4:22
EMISSIONS [1] - 17:23
EMPLOY [3] - 13:7, 15:3, 32:3
EMPLOYEE [1] - 29:1
EMPLOYEES [14] - 13:7, 13:9, 15:5, 15:16, 15:18, 16:7, 17:24, 24:6, 24:20, 25:19, 26:9, 28:17, 30:25, 34:9
EMPLOYERS [1] - 33:18
EMPLOYING [1] - 33:19
EMPLOYMENT [6] - 15:16, 24:25, 27:23, 29:18, 31:1, 40:8
EMPLOYS [1] - 28:1
ENABLE [1] - 12:10
ENCOURAGE [1] - 6:25
ENCOURAGING [1] - 17:24
END [3] - 21:4, 21:22, 25:14
ENDS [2] - 5:20, 5:21
ENERGY [1] - 17:25
ENGAGE [1] - 7:13
ENGINEERING [1] - 18:20
ENHANCE [2] - 31:6, 36:19
ENHANCED [1] - 32:1
ENJOYED [1] - 29:9
ENROLLED [1] - 27:7
ENSURE [3] - 6:18, 13:12, 27:14
ENTER [1] - 19:4
ENTERING [1] - 19:8
ENTERTAINED [1] - 34:10
ENTERTAINMENT [1] - 28:7
ENTRANCE [1] - 4:21
ENVIRONMENT [3] - 10:7, 11:22, 16:18
ENVIRONMENTAL [14] - 5:12, 5:15, 8:6, 8:17, 10:4, 10:5, 10:13, 10:18, 10:21, 11:23, 12:3, 16:19, 16:23, 17:3
ENVIRONMENTAL [11] - 2:3, 4:10, 4:13,

4:18, 5:1, 5:11, 8:3, 8:10, 8:12, 8:15, 10:19
ENVIRONMENTAL [1] - 2:9
EQUAL [1] - 7:2
EQUIPMENT [3] - 17:24, 19:14, 32:6
EQUIPPING [1] - 19:13
EQUIVALENT [4] - 13:9, 15:4, 15:17, 16:7
EROSION [1] - 17:8
ESPECIALLY [4] - 24:18, 30:23, 36:4, 38:4
ESSENTIAL [2] - 12:10, 33:16
ESSENTIALLY [2] - 14:12, 14:23
ESTABLISH [1] - 30:16
ESTABLISHMENT [1] - 15:7
ESTIMATES [1] - 28:19
EUGENE [2] - 3:7, 27:6
EUGENE [2] - 27:5, 27:7
EVENING [13] - 4:4, 23:21, 25:23, 27:6, 28:7, 29:8, 31:10, 34:20, 35:15, 35:18, 38:20, 39:3
EVENING'S [1] - 4:17
EVENT [2] - 18:11, 31:5
EVENT/ CONFERENCE [1] - 9:1
EVENTS [2] - 19:1, 28:9
EXACTLY [1] - 39:14
EXAMPLE [1] - 22:12
EXCEPT [2] - 14:13, 15:2
EXCEPTION [1] - 14:24
EXCEPTIONAL [1] - 31:18
EXCESS [1] - 14:18
EXCUSE [1] - 12:19
EXECUTIVE [1] - 39:6
EXISTING [12] - 9:2, 9:17, 10:16, 11:22, 12:25, 13:10, 15:14, 15:25, 16:1, 16:5, 16:9, 16:12

EXITS [1] - 4:22
EXPANDING [1] - 36:1
EXPANSION [4] - 12:25, 15:24, 16:1, 16:9
EXPECTED [3] - 15:5, 15:18, 32:22
EXPLAINS [1] - 11:18
EXTERIORS [1] - 20:8

F

FACE [1] - 33:25
FACILITATE [2] - 5:17, 12:5
FACILITATOR [1] - 4:16
FACILITIES [7] - 13:5, 14:10, 14:20, 15:13, 16:3, 16:5, 19:11
FACILITY [6] - 13:15, 14:18, 26:24, 27:17, 28:11, 36:1
FAIR [1] - 19:2
FAIR-SHARE [1] - 19:2
FAIRGROUNDS [2] - 9:12, 9:22
FAMILIES [2] - 24:14, 27:25
FAMILY [1] - 27:24
FAR [1] - 39:20
FARM [1] - 9:21
FAST [1] - 28:14
FEATURES [1] - 20:9
FEDERAL [7] - 10:3, 10:4, 10:6, 10:8, 12:4, 20:23, 34:3
FEDERALLY [1] - 5:4
FEE [1] - 1:9
FEE [5] - 4:10, 5:2, 5:5, 5:8, 40:15
FEE-TO-TRUST [1] - 5:8
FEEDBACK [2] - 8:9, 8:14
FEELINGS [1] - 22:16
FEET [2] - 16:3, 20:5
FERTILIZER [1] - 17:17
FEST [1] - 29:22
FETES [1] - 39:20
FEW [1] - 13:25
FEWER [2] - 15:3, 15:16
FIELDS [1] - 14:21
FIGURE [2] - 9:14, 9:18
FILL [3] - 6:9, 37:6, 37:15

FINAL [3] - 20:18, 20:20, 20:25
FINAL [4] - 5:22, 7:18, 11:5, 22:10
FINALLY [2] - 23:11, 28:19
FINISH [1] - 21:24
FIRE [2] - 31:14, 31:24
FIRE [10] - 19:15, 26:20, 31:15, 31:17, 31:20, 31:23, 32:2, 32:3, 32:6, 32:8
FIRES [1] - 28:13
FIRST [9] - 5:15, 7:23, 8:16, 10:22, 21:25, 22:7, 23:20, 38:18, 39:3
FIRST [1] - 41:9
FISCAL [1] - 18:17
FLIES [1] - 9:17
FLOOD [1] - 20:7
FLOODS [1] - 28:14
FLORES [2] - 3:9, 31:10
FLORES [2] - 31:9, 31:10
FLOW [1] - 17:18
FLUSHING [1] - 13:21
FOCUSES [1] - 38:13
FOG [1] - 24:19
FOLLOW [1] - 31:11
FOLLOWING [2] - 17:6, 22:5
FOOT [2] - 13:4, 16:1
FOOTE [2] - 3:13, 36:25
FOOTE [2] - 36:24, 36:25
FORAGING [1] - 18:3
FORCEMAINS [1] - 14:1
FORM [1] - 33:11
FORMAL [1] - 22:4
FORTH [1] - 41:9
FORTH [1] - 38:9
FORUM [1] - 6:24
FORWARD [2] - 40:6, 40:10
FOUR [1] - 35:22
FOURTH [1] - 23:4
FOX [1] - 18:6
FREE [2] - 24:15, 33:8
FREEDOM [2] - 29:22, 29:25
FRONT [1] - 25:21
FUGITIVE [1] - 17:21
FULL [2] - 41:6, 41:7
FULL [8] - 13:8, 15:4, 15:17, 16:7, 28:20,

30:21, 32:3, 35:18
FULL-TIME [7] - 13:8, 15:4, 15:17, 16:7, 28:20, 30:21, 32:3
FULLY [3] - 7:5, 31:22, 34:24
FUNDS [1] - 32:23
FUTURE [1] - 12:16

G

GALLONS [1] - 26:16
GAMBLERS [1] - 18:18
GAMING [7] - 8:24, 12:23, 16:2, 19:11, 27:14, 27:16, 27:21
GAMING [4] - 27:9, 27:11, 39:5, 39:24
GARFIELD [2] - 33:4, 33:12
GARFIELD [2] - 3:10, 33:9
GARY [2] - 39:2, 39:4
GARY [2] - 3:16, 39:3
GAS [2] - 17:23, 28:23
GASES [1] - 16:21
GATHERING [1] - 10:23
GENERAL [2] - 7:23, 17:9
GENERATE [1] - 32:23
GENERATED [1] - 32:19
GEOLOGY [1] - 16:20
GIVEN [3] - 6:17, 6:20, 29:19
GLARE [1] - 20:8
GLASS [1] - 20:8
GOAL [2] - 12:8, 26:2
GOVERNMENT [3] - 9:4, 12:10, 12:13
GOVERNMENTS [1] - 25:7
GRAND [1] - 27:20
GRANDFATHER [1] - 27:17
GRANDMOTHER [1] - 27:19
GREAT [2] - 31:25, 34:17
GREATER [1] - 36:15
GREATLY [1] - 31:21
GREEN [2] - 21:16, 21:18
GREENHOUSE [2] - 16:21, 17:23
GROCERY [1] - 36:13
GROUND [1] - 22:5

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

GROUND BREAKING
 [1] - 27:18
GROWTH [1] - 34:2
GUERRA [3] - 1:23,
 41:4, 41:16

H

HABITAT [1] - 18:3
HAD [1] - 41:8
HALF [2] - 14:10, 40:5
HAND [2] - 6:1, 7:3
HANDLING [1] - 20:1
HAY [1] - 17:14
HAZARDOUS [3] -
 16:25, 19:24, 20:1
HEALTH [1] - 29:18
HEAR [2] - 22:25, 23:5
HEARING [15] - 4:9,
 4:17, 5:17, 5:25, 6:9,
 6:15, 6:23, 7:11, 8:8,
 21:22, 23:2, 23:11,
 23:14, 37:24, 40:15
HEARING [1] - 1:7
HEARING [2] - 2:2,
 22:4
HEATING [1] - 18:1
HEAVILY [1] - 18:2
HELLO [1] - 36:25
HELP [4] - 18:18,
 21:14, 21:15, 33:22
HELPING [1] - 26:19
HELPS [2] - 26:8,
 26:14
HEREBY [1] - 41:5
HEREOF [1] - 41:10
HIGH [1] - 24:25
HISTORY [1] - 28:3
HOLD [1] - 5:9
HOMES [4] - 24:13,
 24:14, 24:16, 26:18
HONOR [1] - 29:20
HONORED [1] - 29:2
HOPEFULLY [1] -
 6:13
HOST [1] - 28:9
HOTEL [9] - 13:5,
 15:13, 28:5, 28:21,
 34:6, 36:2, 36:8,
 36:11, 36:18
HOURS [1] - 19:17
HUNDREDS [1] - 40:7
HUNTER [2] - 37:25,
 38:1
HUNTER [2] - 3:14,
 38:1

I

IDENTICAL [3] - 14:7,

14:12, 14:23
IDENTIFIED [3] - 17:5,
 18:21, 20:2
IDENTIFIES [1] - 17:1
IDLING [1] - 17:24
IGRA [2] - 8:24, 12:8
ILLUMINATION [1] -
 20:6
ILLUSTRATES [2] -
 10:20, 14:8
IMPACT [3] - 10:4,
 26:23, 32:20
IMPACT [6] - 4:10,
 5:1, 8:10, 8:12, 10:5,
 10:19
IMPACTED [1] - 19:2
IMPACTING [1] - 10:7
IMPACTS [9] - 10:18,
 11:25, 17:7, 17:15,
 18:17, 18:21, 32:14,
 32:16, 32:24
IMPENDING [1] -
 30:24
IMPLEMENT [2] -
 17:18, 18:18
IMPLEMENTATION
 [2] - 10:5, 17:21
IMPLEMENTED [1] -
 18:8
IMPORTANT [2] -
 33:17, 36:5
IMPORTANTLY [2] -
 26:11, 32:9
IMPROVE [3] - 12:11,
 12:14, 19:2
IMPROVED [2] - 12:9,
 30:19
IMPROVEMENTS [2] -
 10:1, 14:3
IN [1] - 41:8
INADVERTENT [1] -
 18:11
INCLUDE [7] - 5:22,
 13:14, 14:15, 16:20,
 17:10, 20:18, 36:1
INCLUDED [3] -
 18:25, 19:7, 20:4
INCLUDES [2] - 16:17,
 21:2
INCLUDING [3] - 9:20,
 11:24, 13:5
INCOME [1] - 12:9
INCORPORATING [1] -
 20:9
INCREASE [7] - 13:8,
 13:13, 16:6, 18:23,
 19:10, 19:22, 34:8
INCREASED [2] -
 31:1, 36:4
INDEPENDENCE [1] -

29:24
INDIAN [4] - 4:8, 4:14,
 27:7, 27:11
INDIANS [1] - 38:22
INDICATE [1] - 9:24
INDICATION [1] -
 21:15
INDIRECT [3] - 11:24,
 30:22, 36:12
INDIVIDUALS [1] -
 37:9
INDOOR [1] - 13:21
INDUSTRIAL [1] -
 9:13
INFORMATION [4] -
 5:6, 10:23, 11:1,
 21:5
INFORMATION-
GATHERING [1] -
 10:23
INFORMED [1] - 35:24
INFRASTRUCTURE
 [6] - 9:2, 9:25, 13:12,
 14:14, 15:7, 15:21
INPUT [2] - 8:14,
 10:23
INSTEAD [3] - 7:13,
 14:13, 15:12
INSURANCE [2] -
 31:21, 32:2
INSURANCE [1] -
 31:15
INTEGRAL [2] - 8:14,
 36:17
INTENT [1] - 11:11
INTERESTED [1] -
 20:24
INTERIOR [3] - 4:16,
 8:23, 10:11
INTERIOR [1] - 1:6
INTERSECTION [1] -
 19:3
INTERSECTIONS [1] -
 18:23
INTRODUCTION [2] -
 11:17, 20:4
INVARIABLY [1] -
 30:12
INVEST [1] - 34:13
INVOLVEMENT [1] -
 36:15
IRRIGATE [1] - 13:20
IRRIGATION [2] -
 13:18, 17:16
ISO [1] - 32:7
ISSUANCE [2] - 8:22,
 10:10
ISSUE [1] - 21:1
ISSUES [6] - 16:16,
 16:19, 20:1, 25:9,

35:2, 35:23
ITSELF [2] - 24:15,
 24:25

J

JOAQUIN [1] - 18:6
JOB [3] - 26:6, 28:22,
 36:3
JOBS [15] - 24:23,
 24:24, 25:2, 28:20,
 30:21, 30:22, 34:5,
 34:7, 34:10, 35:5,
 36:8, 36:9, 36:11,
 36:12, 40:7
JUSTICE [1] - 16:23

K

KEEP [1] - 40:6
KEY [2] - 10:20, 22:21
KIDS [1] - 38:8
KIND [3] - 7:12, 24:4,
 38:12
KIT [1] - 18:6
KNOWN [5] - 4:11,
 4:14, 5:11, 18:9,
 19:24
KNOWS [1] - 24:17

L

LADDER [1] - 32:4
LAND [5] - 5:2, 5:13,
 12:7, 16:24, 30:2
LANDSCAPE [2] -
 17:16, 20:10
LANDSCAPING [1] -
 13:20
LARGE [1] - 5:6
LARGEST [1] - 33:18
LAST [4] - 35:6, 37:8,
 39:2, 40:4
LASTLY [1] - 24:23
LEACH [1] - 14:21
LEAD [1] - 33:18
LEADING [1] - 28:15
LEAN [1] - 23:25
LEAST [2] - 35:6,
 39:19
LEAVE [1] - 25:17
LEDS [1] - 20:5
LEGIBLY [1] - 6:12
LENGTHY [2] - 6:24,
 6:25
LENSES [1] - 20:6
LETTER [5] - 6:1, 7:1,
 33:10, 35:8, 35:18
LETTERS [1] - 25:15
LEVEL [2] - 13:17,

18:22
LEVELS [1] - 19:23
LIBRARY [1] - 20:14
LIEU [1] - 32:19
LIFE [1] - 38:6
LIGHT [2] - 20:5,
 21:13
LIGHTING [3] - 18:1,
 19:11, 20:4
LIGHTS [4] - 20:7,
 38:15
LIKELY [1] - 32:6
LIMIT [2] - 17:17,
 23:17
LIMITED [3] - 19:17,
 21:12, 28:12
LIMITING [2] - 17:23,
 20:4
LIMITS [1] - 30:3
LINE [1] - 23:10
LIST [2] - 24:13, 37:9
LISTED [2] - 12:18,
 17:6
LISTEN [1] - 7:13
LISTS [1] - 12:1
LIVE [2] - 24:21, 26:9
LIVES [1] - 24:21
LOCAL [5] - 20:23,
 25:7, 27:25, 33:23,
 34:7
LOCATED [1] - 9:10
LOCATION [1] - 1:18
LOCATION [5] - 5:5,
 14:2, 24:10, 27:3,
 35:25
LOCATIONS [1] - 9:25
LONG-TERM [1] -
 12:12
LONGSTANDING [1] -
 33:15
LOOK [4] - 25:1, 34:9,
 34:13, 35:2
LOOKING [2] - 26:22,
 35:24
LOOKS [3] - 14:7,
 14:23, 37:22
LOW [3] - 17:18, 18:3,
 20:8
LOW-GLARE [1] -
 20:8

M

MA'AM [2] - 37:21,
 38:17
MAIL [1] - 21:6
MAILED [1] - 21:6
MAILINGS [1] - 20:24
MAIN [3] - 22:7, 24:10,
 38:13

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

MAJOR [2] - 10:6, 10:8
MAJORITY [2] - 28:22, 36:10
MANAGEMENT [6] - 12:1, 17:2, 17:12, 19:1, 19:8, 27:21
MANNER [1] - 22:21
MARK [1] - 21:3
MARTHA [5] - 1:23, 3:9, 31:10, 41:4, 41:16
MARTHA [2] - 31:9, 31:10
MASTER [1] - 9:10
MATERIAL [2] - 19:24, 20:1
MATERIALS [1] - 16:25
MATHIS [1] - 3:12
MATHIS [2] - 35:17, 36:22
MATTER [1] - 23:16
MATTER [1] - 41:8
MAXED [1] - 24:12
MAYOR [1] - 31:12
MEASURES [8] - 12:2, 17:2, 17:5, 17:18, 17:21, 17:22, 18:7, 19:6
MEETING [2] - 28:8, 39:18
MEMBER [5] - 27:7, 27:18, 29:1, 38:2, 39:4
MEMBERS [7] - 12:14, 12:15, 24:5, 24:13, 29:23, 33:15, 39:16
MEMBERSHIP [3] - 12:11, 24:20, 25:19
MEMORANDUM [1] - 30:11
MEMORIAL [1] - 1:19
MENTIONED [3] - 8:2, 8:8, 35:4
MICROPHONE [1] - 23:9
MIGHT [2] - 21:15, 22:16
MIGRATORY [1] - 18:7
MILES [1] - 9:16
MILESTONES [1] - 10:20
MILT [1] - 29:7
MILT [2] - 3:8, 29:8
MINIMUM [1] - 20:25
MINOR [1] - 13:25
MINUTE [3] - 21:17, 22:8, 37:17

MINUTES [7] - 6:18, 6:21, 21:13, 21:19, 21:24, 24:4, 37:14
MITIGATE [2] - 25:10, 32:23
MITIGATION [6] - 12:2, 17:2, 18:25, 19:6, 32:16, 32:20
MONDAY [1] - 1:11
MORATORIUM [1] - 24:12
MOST [3] - 14:9, 18:16, 33:17
MOUNTAIN [12] - 9:3, 9:17, 13:10, 15:14, 27:13, 28:1, 29:16, 30:2, 32:11, 33:2, 33:14, 34:25
MOVE [3] - 23:22, 24:7, 25:10
MOVING [2] - 40:6, 40:10
MUNICIPAL [1] - 5:3
MUTUAL [3] - 22:21, 29:10, 30:12
MY [1] - 41:6

N

NAME [13] - 4:12, 6:13, 7:6, 22:2, 23:25, 25:23, 27:6, 33:12, 34:21, 35:15, 36:25, 38:1, 38:21
NATION [2] - 29:24, 40:1
NATIONAL [3] - 34:1, 36:6, 40:9
NATIONAL [5] - 5:11, 17:8, 38:22, 39:5, 39:24
NATIONWIDE [1] - 39:25
NATURAL [1] - 20:9
NEAR [4] - 4:21, 5:2, 9:11, 35:25
NECESSARY [1] - 32:23
NEED [7] - 7:22, 11:18, 12:4, 12:8, 16:10, 21:22, 23:19
NEEDED [4] - 28:24, 30:23, 31:4, 36:8
NEGOTIATED [1] - 10:14
NEIL [3] - 3:5, 23:21, 23:23
NEIL [3] - 23:20, 23:25, 26:7
NEPA [7] - 5:11, 8:15,

10:3, 10:12, 10:21, 13:2, 21:4
NET [3] - 13:8, 13:13, 26:22
NEW [13] - 15:4, 15:16, 16:3, 26:21, 28:11, 30:21, 31:23, 32:3, 32:5, 34:6, 34:7, 35:5, 36:11
NEXT [11] - 20:15, 23:10, 25:22, 27:4, 29:6, 31:8, 33:3, 34:18, 35:11, 36:23, 37:4
NIGHT [1] - 40:18
NIGHTTIME [1] - 19:19
NO [1] - 41:17
NOISE [5] - 16:25, 19:16, 19:20, 19:23
NOISE-REDUCTION [1] - 19:20
NOISES [1] - 22:22
NON [2] - 12:23, 20:8
NON-GAMING [1] - 12:23
NON-REFLECTIVE [1] - 20:8
NONE [1] - 39:12
NORTH [1] - 9:24
NOTES [1] - 41:7
NOTICE [2] - 11:10, 20:22
NOTIFIED [1] - 18:13
NOVEMBER [3] - 5:20, 11:15, 20:16
NUISANCES [1] - 19:19
NUMBER [4] - 17:1, 18:21, 23:12, 26:11

O

O'CLOCK [1] - 4:6
OBTAIN [1] - 8:9
OBTAINED [3] - 10:23, 11:1, 11:3
OCCUPANCY [1] - 32:22
OCCUR [1] - 18:4
OCCURRED [1] - 30:5
OCTOBER [1] - 1:11
OF [5] - 1:6, 41:1, 41:2, 41:6, 41:8
OFF-RESERVATION [1] - 10:18
OFF-SITE [1] - 9:25
OFFER [2] - 22:5, 28:5
OFFERING [1] - 19:3
OFFICE [2] - 20:13,

31:15
OFFICE [3] - 21:7, 35:8, 35:16
OFFICER [1] - 2:2
OFFICES [1] - 9:8
OFFICIAL [1] - 27:21
OFFICIALS [1] - 18:13
OLIVE [1] - 1:19
ON [2] - 41:9
ON-SITE [3] - 12:21, 15:8, 15:21
ONCE [1] - 36:9
ONE [12] - 4:23, 4:24, 6:6, 6:9, 24:9, 31:16, 33:17, 33:18, 35:7, 35:9, 37:22, 38:13
ONGOING [1] - 32:23
OOO [4] - 1:5, 1:12, 3:17, 4:3
OPENING [1] - 27:20
OPERATED [1] - 27:16
OPERATION [3] - 10:15, 27:20, 27:21
OPERATIONAL [1] - 15:15
OPERATIONS [1] - 12:14
OPPORTUNITIES [3] - 27:24, 31:2, 35:5
OPPORTUNITY [8] - 6:19, 22:18, 25:5, 27:1, 30:14, 30:22, 32:25, 35:21
OPPOSED [1] - 39:21
OPPOSITION [5] - 39:11, 39:15, 39:19, 40:3, 40:11
ORAL [1] - 33:8
ORDER [3] - 6:16, 13:24, 23:3
OUTLINE [1] - 11:16
OUTLINED [1] - 16:17
OUTLYING [1] - 26:22
OVERSEES [1] - 27:13
OWNED [3] - 9:7, 27:16, 30:3

P

P.M [3] - 19:17, 19:18, 40:20
P.M [1] - 4:2
PACIFIC [6] - 4:13, 20:13, 21:7, 38:22, 39:6, 39:7
PACKAGE [1] - 14:17
PAGE [2] - 3:2, 41:9
PAINTS [1] - 20:11

PALEONTOLOGICA [2] - 16:22, 18:10
PAPER [1] - 20:23
PARAPHRASE [1] - 24:4
PARCELS [1] - 9:6
PARK [3] - 9:21, 9:23, 13:23
PARKING [4] - 14:11, 14:21, 16:4, 16:14
PART [8] - 8:14, 8:22, 10:10, 29:2, 30:21, 31:3, 33:16, 36:17
PART-TIME [1] - 30:21
PARTICIPATE [1] - 22:4
PARTICIPATION [1] - 40:17
PARTIES [2] - 20:24, 30:13
PARTNER [2] - 29:21, 30:13
PARTNERSHIP [2] - 29:11, 29:13
PAST [2] - 32:15, 35:22
PATROL [2] - 19:12, 32:4
PATRON [1] - 17:25
PATRONS [3] - 24:22, 26:4, 34:9
PAYMENT [1] - 32:21
PAYMENTS [3] - 19:2, 19:10, 32:19
PEOPLE [6] - 15:3, 23:13, 25:5, 28:1, 28:14, 33:19
PEOPLE'S [1] - 28:4
PER [1] - 17:17
PERCENT [2] - 25:1, 31:17
PERIOD [10] - 5:20, 5:21, 7:16, 11:4, 11:6, 11:12, 11:14, 20:17, 22:8, 34:5
PERMIT [1] - 17:10
PERSON [1] - 37:1
PERSONAL [1] - 22:15
PERSONNEL [2] - 32:3, 32:5
PERSPECTIVE [1] - 33:1
PEYRON [2] - 23:20, 24:1
PEYRON [3] - 3:5, 23:21, 23:23
PHASE [1] - 34:4
PHONES [1] - 7:24
PHOTOGRAPH [1] -

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

9:18
PLACE [2] - 18:14, 28:6
PLACES [1] - 34:9
PLACING [2] - 31:16, 32:7
PLAN [9] - 14:8, 14:22, 14:25, 15:10, 15:23, 16:10, 16:15, 18:13, 19:8
PLAN [2] - 9:10, 17:11
PLANS [2] - 19:1, 30:10
PLANT [3] - 13:17, 13:19, 14:17
PLUMBING [1] - 13:21
PODIUM [1] - 21:14
POINT [3] - 4:20, 23:18, 40:10
POINTS [1] - 22:7
POLES [1] - 20:5
POLICIES [1] - 18:18
POLICY [1] - 5:11
POLICY [2] - 12:7, 19:13
POLLUTANT [1] - 17:9
POLLUTANT [1] - 17:23
POLLUTION [1] - 17:11
PORTERVILLE [28] - 1:20, 5:2, 8:22, 9:7, 9:12, 20:13, 28:10, 28:25, 30:17, 31:4, 31:6, 31:11, 31:20, 32:1, 32:9, 32:12, 33:13, 33:15, 33:19, 33:24, 34:13, 34:15, 35:2, 35:22, 36:1, 36:5, 36:16, 38:24
PORTERVILLE [1] - 4:1
POSITIONS [1] - 15:16
POSITIVE [1] - 18:17
POSSIBLE [3] - 6:12, 7:8, 22:3
POSSIBLY [2] - 15:25, 35:12
POTABLE [1] - 13:22
POTENTIAL [8] - 9:25, 12:1, 17:3, 17:15, 18:4, 20:1, 20:3, 26:22
POTENTIALLY [2] - 11:21, 19:4
PRACTICES [3] - 12:2, 17:2, 17:12
PRE [1] - 18:5

PRE-CONSTRUCTION [1] - 18:5
PREMIUMS [2] - 31:21, 32:2
PREPARATION [2] - 10:19, 17:11
PREPARE [1] - 20:17
PREPARED [5] - 5:14, 8:13, 11:1, 18:20, 24:3
PREPARING [1] - 18:25
PRESENT [1] - 2:8
PRESENTATION [8] - 7:21, 8:6, 8:12, 10:2, 21:9, 22:19, 25:2, 29:22
PRESENTATIONS [1] - 3:2
PRESIDENT [1] - 38:21
PRESSURE [1] - 26:15
PRETTY [6] - 4:22, 24:18, 24:25, 25:3, 40:10
PREVENT [5] - 17:7, 17:12, 17:15, 19:14, 19:18
PREVENTION [1] - 17:11
PREVENTION [1] - 17:21
PRIDE [1] - 29:20
PRINCIPLE [1] - 12:7
PRIVACY [1] - 38:7
PRIVILEGE [1] - 39:5
PRO [1] - 22:16
PROBLEM [1] - 18:18
PROCEED [2] - 7:25, 21:11
PROCEEDINGS [1] - 40:19
PROCEEDINGS [1] - 41:8
PROCESS [1] - 8:15
PROCESS [13] - 5:16, 7:22, 8:6, 8:17, 10:21, 10:22, 11:2, 11:9, 11:18, 21:4, 22:4, 35:9, 39:22
PRODUCE [1] - 14:17
PRODUCED [2] - 13:16, 13:19
PROGRAMS [1] - 17:25
PROHIBITING [1] - 20:6
PROJECT [53] - 4:10,

8:4, 8:7, 8:13, 8:18, 9:16, 9:23, 10:12, 10:24, 11:7, 12:3, 12:20, 13:13, 13:14, 13:20, 13:24, 14:2, 14:9, 14:10, 15:2, 15:12, 17:4, 18:2, 18:10, 18:24, 19:25, 22:17, 23:13, 24:2, 24:7, 26:2, 26:4, 26:5, 27:1, 29:3, 30:20, 31:3, 31:5, 31:12, 31:22, 32:14, 32:17, 32:20, 33:22, 34:11, 34:24, 35:5, 35:10, 38:23, 39:9, 39:10, 40:16
PROJECT [1] - 1:9
PROJECTS [3] - 10:5, 30:15, 32:24
PROMOTE [1] - 12:12
PROMOTION [1] - 30:15
PRONE [1] - 26:12
PROPERTY [7] - 5:6, 5:9, 9:5, 9:14, 9:19, 30:3, 32:21
PROPOSAL [2] - 34:16, 36:2
PROPOSE [1] - 30:15
PROPOSED [41] - 4:9, 5:1, 5:3, 5:5, 5:8, 7:21, 8:7, 8:13, 8:18, 9:5, 9:19, 10:8, 11:19, 11:20, 12:4, 12:20, 13:20, 14:9, 14:20, 15:1, 15:25, 21:3, 22:17, 30:6, 30:8, 30:20, 31:2, 31:5, 31:22, 32:16, 32:18, 32:24, 33:1, 33:21, 34:1, 36:14, 36:18, 36:20, 38:3, 40:16
PROPOSED [1] - 1:8
PROPOSES [1] - 8:25
PROPOSING [1] - 24:7
PROSPERITY [1] - 36:3
PROTECTION [2] - 2:3, 4:13
PROUD [1] - 28:3
PROVIDE [9] - 6:20, 7:20, 12:9, 12:10, 18:3, 24:11, 26:21, 32:25, 35:6
PROVIDED [7] - 13:11, 14:3, 15:6, 15:19, 16:8, 27:23,

31:19
PROVIDES [6] - 9:18, 11:16, 11:17, 11:19, 21:5, 29:13
PROVIDING [1] - 29:14
PUBLIC [1] - 20:13
PUBLIC [2] - 1:7, 3:4
PUBLIC [25] - 4:9, 4:17, 5:18, 5:20, 5:21, 6:23, 7:18, 8:9, 8:14, 10:24, 11:2, 11:5, 13:11, 15:5, 15:19, 16:8, 16:24, 19:7, 19:10, 20:16, 20:20, 21:11, 31:18, 32:1, 40:14
PUBLISH [1] - 5:22
PUBLISHED [3] - 5:16, 11:13, 20:22
PUMP [1] - 14:1
PURPOSE [8] - 5:17, 7:10, 7:22, 8:8, 11:18, 12:4, 12:8, 23:13
PURPOSED [1] - 9:4
PURPOSES [1] - 26:18
PURSUANT [1] - 27:14
PUT [2] - 18:14, 26:8

Q

QUALITY [4] - 10:7, 16:21, 17:20, 18:3
QUESTION-AND-ANSWER [1] - 7:11
QUESTIONS [2] - 7:12, 25:14
QUICK [1] - 4:20
QUICKLY [2] - 17:7, 33:5
QUIETNESS [1] - 38:14

R

RACHEL [2] - 35:11, 35:15
RACHEL [3] - 3:12, 35:13, 35:15
RAIN [1] - 24:19
RAMIREZ [2] - 37:5
RATE [3] - 24:25, 36:6, 40:8
RATED [1] - 31:14
RATES [1] - 33:25
RATING [2] - 31:20, 32:7

RAUL [2] - 37:5
RAY [2] - 35:11, 35:16
RAY [3] - 3:12, 35:13, 35:15
RE [1] - 1:8
RE [1] - 9:4
RE-PURPOSED [1] - 9:4
REACHED [1] - 25:6
READ [2] - 33:9, 35:19
REAL [1] - 4:20
REALLY [4] - 24:11, 24:24, 33:5, 39:11
REASON [1] - 22:13
REASONS [5] - 24:9, 24:10, 26:25, 34:14, 36:20
RECEIVE [4] - 6:17, 7:2, 7:15, 32:7
RECEIVED [4] - 5:19, 5:23, 11:12, 25:15
RECENTLY [2] - 11:13, 31:14
RECLAMATION [1] - 13:15
RECOGNIZE [1] - 29:24
RECOGNIZED [2] - 5:4, 30:18
RECOMMENDED [4] - 12:2, 18:25, 19:6, 19:16
RECOMMENDS [2] - 18:5, 18:11
RECORD [5] - 7:4, 7:5, 7:6, 22:24, 23:7
RECORD [2] - 11:7, 21:1
RECORDING [1] - 23:8
RECOVERY [1] - 18:14
RECYCLED [4] - 13:18, 13:19, 14:18, 14:19
RECYCLING [1] - 19:7
RED [1] - 21:20
REDUCE [4] - 12:2, 17:3, 17:22, 32:2
REDUCED [6] - 12:22, 15:2, 17:20, 26:10, 28:18, 31:21
REDUCES [1] - 26:11
REDUCTION [1] - 19:20
REFER [1] - 8:11
REFERENCE [1] - 32:10
REFERENDUM [1] - 23:12

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

REFLECTIVE [1] - 20:8
REGARD [2] - 31:12, 32:12
REGARDING [1] - 22:17
REGARDS [1] - 33:1
REGION [2] - 4:14, 38:22
REGION [2] - 18:5, 36:3
REGIONAL [2] - 20:13, 21:7
REGISTER [1] - 20:23
REGULAR [1] - 19:12
REGULATIONS [1] - 27:15
REGULATORY [1] - 27:11
REGULATORY [1] - 27:12
REHABILITATION [1] - 19:5
RELATED [5] - 10:15, 10:24, 18:16, 19:16, 22:20
RELATION [1] - 9:14
RELATIONSHIP [1] - 29:10
RELAX [1] - 34:10
RELEASE [1] - 20:25
RELEASED [4] - 11:2, 11:5, 11:11, 11:14
RELIEF [1] - 35:6
RELINQUISH [1] - 23:9
RELOCATED [1] - 28:24
RELOCATING [4] - 26:16, 28:4, 28:16, 35:24
RELOCATION [12] - 26:2, 28:21, 29:3, 30:1, 33:21, 34:2, 34:4, 34:24, 36:14, 36:21, 37:2, 38:4
REMAIN [1] - 15:15
REMAINED [2] - 30:7, 32:15
REMAINING [1] - 9:9
REMARKS [2] - 6:18, 6:21
REMEMBER [2] - 21:12, 22:2
RENDERING [4] - 14:6, 15:9, 15:22, 16:13
REPEAT [1] - 23:19
REPLACE [1] - 13:22
REPORT [2] - 11:11,

34:3
REPORT [2] - 8:12, 10:19
REPORTED [1] - 1:22
REPRESENTATIVE [3] - 6:2, 34:21, 35:16
REPRESENTED [1] - 35:21
REPRESENTING [1] - 34:22
REPUTATION [1] - 28:3
REQUESTED [1] - 10:9
REQUESTING [1] - 8:20
REQUIRE [4] - 10:17, 22:22, 23:4, 23:9
REQUIRED [2] - 10:6, 13:2
REQUIREMENTS [3] - 10:13, 17:10, 18:19
REQUIRES [2] - 5:12, 10:3
RESERVATION [3] - 9:3, 24:10, 26:18
RESERVATION [12] - 9:15, 10:18, 12:15, 24:25, 26:11, 28:15, 29:14, 29:17, 29:19, 35:7, 38:5, 38:12
RESIDENCE [1] - 19:21
RESIDENCES [1] - 19:22
RESIDENTS [6] - 29:12, 29:16, 30:19, 30:25, 31:19, 31:25
RESORT [1] - 33:2
RESORT [2] - 9:1, 13:4
RESOURCE [1] - 18:15
RESOURCES [5] - 11:25, 16:20, 16:21, 16:22, 17:16
RESOURCES [1] - 18:10
RESPECT [3] - 12:13, 22:22, 29:10
RESPOND [4] - 7:12, 7:16, 22:14, 31:23
RESPONDED [2] - 11:4, 22:9
RESPONSE [2] - 20:18, 32:2
RESPONSES [1] - 5:22
RESPONSIBLE [1] - 19:12

RESTATE [1] - 7:6
RESTAURANTS [3] - 9:2, 28:23, 36:12
RESTORED [1] - 23:3
RESTROOMS [1] - 4:21
RESULT [6] - 13:13, 15:18, 16:6, 18:23, 28:20, 34:12
RESULTING [2] - 17:4, 18:24
RETAIL [1] - 29:18
REVIEW [11] - 5:12, 5:15, 5:18, 7:19, 10:13, 10:21, 11:3, 11:4, 20:12, 20:16, 20:21
REVIEW [1] - 8:15
REVISED [1] - 20:19
RHODA [2] - 37:25, 38:1
RHODA [2] - 3:14, 38:1
RIDESHARE [1] - 17:25
RIVER [1] - 1:8
RIVER [19] - 4:9, 5:5, 8:19, 11:9, 24:1, 25:24, 27:7, 27:8, 29:1, 33:14, 33:16, 35:1, 36:17, 37:1, 37:2, 38:24, 39:4, 39:16, 40:15
ROAD [3] - 19:21, 26:12, 28:15
ROAD [7] - 9:20, 24:17, 24:20, 24:22, 28:13, 38:7
ROADS [1] - 9:9
ROADWAY [1] - 19:3
ROADWAYS [2] - 18:23, 19:23
ROD [3] - 11:8, 21:2, 21:3
ROGELIO [2] - 34:18, 34:21
ROGELIO [2] - 3:11, 34:20
ROGULIO[SIC] [1] - 34:19
ROOM [4] - 4:23, 5:7, 14:4, 37:16
ROOM [1] - 2:4
ROUGHLY [1] - 33:19
RULES [1] - 22:5
RUN [2] - 17:6, 17:13
RUN-OFF [1] - 17:13
RYAN [6] - 4:18, 7:25, 8:2, 21:10, 25:2, 26:7

RYAN [3] - 2:9, 3:3, 8:1

S

SACRAMENTO [1] - 2:4
SAFE [1] - 29:14
SAFELY [1] - 38:8
SAFER [2] - 28:11, 28:16
SAFETY [4] - 24:16, 24:19, 31:18, 32:1
SALES [1] - 32:21
SAN [1] - 18:6
SANTOS [2] - 3:16, 39:3
SANTOS [2] - 39:2, 39:4
SATISFYING [1] - 12:6
SAWYER [3] - 2:9, 3:3, 8:1
SAWYER [2] - 4:18, 8:2
SCOPE [1] - 23:15
SCOPING [4] - 10:21, 11:2, 11:9, 11:11
SCRANTON [1] - 19:22
SCREENING [1] - 20:9
SECOND [2] - 22:15, 23:24
SECONDARY [1] - 13:16
SECONDS [1] - 21:18
SECRETARY [1] - 25:24
SECRETARY [2] - 8:23, 10:11
SECTION [3] - 11:17, 11:20, 11:22
SECTION [3] - 10:17, 11:19, 12:1
SECURITY [1] - 19:12
SEE [4] - 9:19, 14:9, 25:9, 34:8
SEEK [1] - 25:8
SEGMENTS [1] - 19:3
SELF [3] - 12:5, 12:6, 12:13
SELF-DETERMINATION [1] - 12:6
SELF-SUFFICIENCY [2] - 12:5, 12:13
SENATOR [3] - 34:22, 34:23, 34:25
SENATOR [1] - 3:11
SENATOR'S [1] - 35:10

SENT [1] - 35:18
SEPTEMBER [2] - 5:16, 11:14
SERVE [1] - 29:11
SERVED [2] - 27:17, 29:11
SERVICE [7] - 9:4, 18:22, 19:10, 29:14, 29:15, 30:19, 31:19
SERVICES [4] - 12:11, 16:24, 19:7, 29:19
SERVICES [3] - 4:18, 8:3, 31:15
SERVICES [1] - 2:9
SERVING [2] - 32:9, 39:5
SESSION [1] - 7:11
SET [1] - 21:13
SET [1] - 41:9
SEVERAL [5] - 9:9, 14:16, 35:23, 39:25, 40:7
SHARE [2] - 19:2, 37:10
SHARING [1] - 30:10
SHOP [1] - 34:10
SHORT [1] - 12:11
SHORT-TERM [1] - 12:11
SHORTHAND [1] - 41:7
SHOWING [2] - 16:14, 29:4
SHOWN [3] - 9:16, 9:24, 14:3
SHOWS [2] - 9:14, 28:7
SIDE [3] - 4:23, 9:22, 22:25
SIGNED [2] - 6:6, 37:10
SIGNIFICANTLY [2] - 10:7, 34:12
SILATATION [1] - 17:13
SILENT [1] - 7:24
SIMILAR [4] - 12:21, 15:1, 15:20, 20:21
SIMPLY [1] - 23:14
SINGLE [1] - 6:15
SISTER [1] - 25:8
SITE [31] - 5:10, 8:21, 8:23, 9:1, 9:8, 9:16, 9:20, 9:23, 9:25, 10:10, 12:19, 12:21, 13:3, 14:2, 14:8, 14:10, 14:15, 14:22, 14:25, 15:8, 15:10, 15:21, 15:23, 16:4, 16:11, 16:15, 18:2,

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

18:10, 19:25, 26:10, 26:21
SIZE [1] - 15:2
SLEEP [1] - 19:19
SLIDE [7] - 10:20, 11:16, 12:18, 14:3, 14:8, 16:17, 21:5
SLIDES [1] - 17:6
SMALL [1] - 6:10
SOCIOECONOMIC [1] - 16:22
SOCIOECONOMICS [1] - 18:16
SOIL [1] - 17:7
SOILS [1] - 16:20
SOLAR [1] - 9:21
SOLID [1] - 19:8
SOMEONE [1] - 23:18
SORRY [1] - 27:22
SOURCE [1] - 12:9
SOUTH [1] - 9:23
SOUTHEASTERN [1] - 30:17
SOUTHERN [1] - 9:6
SPACE [6] - 13:6, 15:13, 15:14, 16:5, 28:8
SPARK [1] - 19:14
SPEAKER [20] - 6:8, 6:10, 6:17, 23:10, 23:20, 25:22, 27:4, 29:6, 31:9, 33:4, 34:18, 35:11, 36:23, 37:4, 37:6, 37:7, 37:8, 37:15, 38:18, 39:2
SPEAKER'S [1] - 22:25
SPEAKERS [4] - 6:16, 6:19, 37:23, 38:18
SPEAKERS [1] - 3:4
SPEAKING [2] - 22:3, 22:8
SPECIAL [1] - 19:1
SPECIALIST [2] - 2:3, 4:13
SPECIES [2] - 18:4, 18:8
SPECIFIC [3] - 22:8, 22:13, 22:14
SPECIFICALLY [2] - 17:5, 23:5
SPEND [1] - 28:6
SPOKEN [7] - 5:24, 6:8, 7:2, 7:4, 7:15, 21:23, 37:13
SPORTS [3] - 9:12, 9:23, 13:23
SPOT [2] - 20:7, 39:14
SPUR [1] - 34:2

SQUARE [3] - 13:4, 16:1, 16:3
STABLE [1] - 12:9
STAFF [1] - 31:23
STAGE [1] - 10:23
STAND [2] - 39:14, 39:23
STANDPOINT [2] - 39:10, 40:9
START [2] - 21:16, 21:17
STARTED [2] - 4:7, 8:16
STATE [1] - 41:1
STATE [5] - 22:2, 22:11, 22:18, 34:23, 39:17
STATE [5] - 10:14, 18:19, 27:12, 34:22
STATEMENT [3] - 24:3, 33:6, 33:8
STATEMENT [3] - 4:11, 5:1, 8:10
STATEMENTS [1] - 10:6
STATES [3] - 4:15, 31:18, 32:8
STATION [4] - 26:20, 31:23, 32:3, 32:5
STATIONS [2] - 14:1, 28:23
STAY [1] - 27:11
STENOGRAPHER [4] - 7:3, 7:8, 23:6, 23:8
STENOGRAPHER'S [1] - 22:23
STEP [2] - 5:15, 10:22
STEPS [1] - 20:15
STILL [5] - 26:12, 27:19, 27:21, 27:22, 39:22
STIMULATE [1] - 34:11
STOCKPILES [1] - 17:14
STOP [2] - 23:2, 23:8
STOPPED [1] - 18:12
STORES [3] - 28:23, 36:13
STORM [1] - 17:11
STORM [1] - 17:13
STOWE [2] - 3:8, 29:8
STOWE [2] - 29:7, 31:12
STREET [2] - 9:11, 9:22
STREET [1] - 19:4
STROBE [1] - 20:7
STRONG [3] - 22:16, 29:10, 30:15

STRONGLY [1] - 39:8
STRUCTURE [2] - 16:4, 16:14
STUDY [1] - 18:20
STUFF [1] - 39:17
SUBJECT [1] - 10:13
SUBMIT [5] - 6:1, 7:1, 21:6, 33:7, 33:10
SUBMITTED [2] - 8:19, 24:9
SUBSEQUENT [1] - 5:3
SUBSEQUENTLY [2] - 8:25, 15:3
SUBSTANCE [1] - 23:17
SUBSTANTIVE [4] - 5:23, 7:17, 22:9, 22:14
SUFFICIENCY [2] - 12:5, 12:13
SUGGESTIONS [1] - 22:6
SUIT [1] - 31:11
SUITABLE [1] - 13:18
SUMMARIZE [1] - 22:7
SUMMARIZED [1] - 11:7
SUMMARIZES [1] - 11:23
SUMMARIZING [1] - 11:12
SUPPORT [13] - 18:21, 25:9, 25:16, 29:2, 29:4, 33:20, 35:10, 36:20, 37:2, 38:23, 39:9, 39:18, 40:6
SUPPORTIVE [1] - 30:1
SUPPORTS [2] - 30:14, 34:24
SURELY [1] - 36:19
SURFACE [1] - 14:11
SURROUNDING [2] - 9:19, 19:11
SURVEYS [1] - 18:6
SUSTAIN [1] - 33:23
SYSTEM [4] - 13:25, 17:9, 24:12, 26:15
SYSTEMS [6] - 12:22, 14:14, 15:8, 15:21, 16:12, 18:1

T

TABLE [3] - 4:17, 6:5, 6:11
TABLES [1] - 6:2

TALL [1] - 20:5
TAXES [2] - 32:19, 32:22
TEAMS [1] - 33:17
TEIR [2] - 8:13, 11:17
TERM [2] - 12:11, 12:12
TERMINATION [1] - 10:10
TERMS [1] - 20:15
TERTIARY [3] - 13:17, 14:17, 26:24
THAT [1] - 41:5
THE [7] - 1:6, 1:8, 41:5, 41:8, 41:9
THIRD [1] - 22:20
THOMAS [2] - 3:7, 27:6
THOMAS [2] - 27:5, 27:6
THOUSANDS [3] - 26:16, 28:2, 29:23
THREE [10] - 6:17, 6:20, 19:21, 21:12, 21:19, 21:24, 22:8, 24:3, 37:14, 40:5
THREE-MINUTE [1] - 22:8
THROUGHOUT [2] - 8:11, 40:1
TIMER [1] - 21:13
TO [1] - 1:9
TODAY [6] - 25:16, 27:20, 27:22, 27:25, 35:21, 36:20
TOGETHER [2] - 29:21, 29:23
TOILET [1] - 13:21
TONES [1] - 20:10
TONIGHT [3] - 4:25, 6:9, 8:9
TONIGHT'S [3] - 5:17, 5:25, 7:10
TOP [2] - 31:16, 32:8
TOUCHED [1] - 25:3
TOURISM [3] - 30:18, 31:6, 36:4
TOWARDS [1] - 30:6
TRAFFIC [6] - 18:20, 18:24, 18:25, 19:23, 35:4, 38:9
TRANSCRIPT [3] - 41:5, 41:6, 41:8
TRANSIENT [1] - 32:21
TRANSIT [1] - 29:13
TRANSPARENT [1] - 30:9
TRANSPORTATION [1] - 16:23

TRAVEL [3] - 24:20, 28:14, 38:7
TRAVELED [1] - 39:17
TREAT [1] - 13:16
TREATMENT [5] - 13:17, 14:17, 14:25, 16:9, 26:24
TREMENDOUS [1] - 40:2
TREMENDOUSLY [1] - 40:9
TRIBAL [12] - 9:4, 12:5, 12:10, 12:15, 18:13, 27:12, 27:25, 28:16, 37:1, 38:2, 39:4
TRIBAL [5] - 8:12, 10:14, 25:24, 27:8, 27:18
TRIBAL-STATE [1] - 10:14
TRIBE [5] - 28:2, 29:9, 30:3, 39:12, 39:21
TRIBE [40] - 4:9, 5:5, 5:9, 8:19, 8:25, 9:7, 10:9, 10:15, 17:8, 17:16, 18:18, 24:1, 24:7, 25:12, 26:4, 26:14, 26:17, 26:19, 27:1, 27:8, 27:15, 27:16, 29:2, 29:13, 29:21, 30:6, 30:9, 30:11, 30:13, 31:22, 33:14, 33:16, 33:18, 35:1, 35:23, 35:24, 36:17, 38:24, 39:16, 40:3
TRIBE'S [19] - 9:3, 9:15, 10:12, 10:16, 12:8, 12:19, 12:25, 15:24, 16:9, 16:12, 24:2, 26:1, 26:15, 29:12, 30:1, 30:8, 32:21, 33:1, 40:15
TRIBE'S [1] - 1:8
TRIBES [4] - 25:8, 39:7, 39:18, 40:1
TRIED [1] - 39:13
TRUCK [1] - 32:4
TRUCKED [1] - 16:11
TRUE [2] - 41:6, 41:7
TRUST [11] - 4:10, 5:2, 5:6, 5:8, 5:9, 5:14, 8:20, 9:5, 9:19, 10:9, 40:15
TRUST [1] - 1:9
TRY [2] - 17:6, 35:3
TRYING [2] - 25:8, 40:1
TULARE [1] - 41:2

OCTOBER 15, 2018 - BIA PUBLIC HEARING / TULE RIVER TRIBE CASINO PROJECT

TULARE [7] - 24:23, 30:17, 33:24, 35:2, 36:5, 36:19, 38:25
TULE [20] - 4:9, 5:5, 8:19, 11:9, 24:1, 25:24, 27:7, 27:8, 29:1, 33:14, 33:16, 35:1, 35:23, 36:17, 37:1, 37:2, 38:24, 39:4, 39:16, 40:15
TULE [1] - 1:8
TURN [1] - 7:24
TURNED [1] - 30:9
TWO [11] - 4:23, 8:22, 9:8, 10:10, 11:10, 26:2, 35:23, 37:18, 37:22, 40:4, 40:5
TWO-AND-A-HALF [1] - 40:5
TWO-PART [2] - 8:22, 10:10

U

U.S [1] - 1:6
UMTAS[SIC] [1] - 24:5
UNDER [3] - 15:3, 15:15, 16:10
UNEMPLOYMENT [2] - 33:25, 36:6
UNFORTUNATELY [1] - 28:14
UNITED [3] - 4:15, 31:18, 32:8
UP [12] - 21:13, 21:19, 21:21, 23:22, 24:15, 24:22, 25:4, 25:21, 37:10, 39:8, 39:17, 40:8
UPGRADES [1] - 13:25
UPHOLD [1] - 27:10
URGES [1] - 34:15
USER [1] - 32:22
USES [6] - 9:4, 9:20, 9:21, 12:16, 13:21, 26:16
UTILITIES [5] - 13:11, 15:6, 15:19, 16:8, 16:24
UTILITY [1] - 32:22
UTILIZED [3] - 13:19, 14:19, 32:20

V

VACANT [1] - 9:10
VARIOUS [1] - 18:22
VEHICLE [4] - 9:21, 17:24, 18:24, 32:4

VERSION [2] - 12:22, 20:19
VETERANS [1] - 1:19
VICE [1] - 38:21
VICINITY [1] - 14:2
VIDAK [1] - 34:22
VIDAK [1] - 3:11
VIEWING [1] - 30:13
VIEWS [1] - 22:18
VISALIA [1] - 41:13
VISITORS [2] - 28:2, 28:17
VOICE [1] - 37:19

W

W-2619 [1] - 2:4
WADDLES [1] - 17:14
WAITING [3] - 11:6, 24:13, 24:14
WALK [1] - 38:8
WALL [1] - 19:20
WANTS [1] - 25:13
WAREHOUSE [1] - 9:8
WASTE [2] - 19:7, 19:8
WASTEWATER [7] - 12:22, 13:16, 13:17, 13:25, 14:14, 14:24, 16:9
WATER [1] - 17:11
WATER [25] - 12:14, 12:21, 13:14, 13:15, 13:18, 13:19, 13:22, 14:14, 14:16, 14:18, 14:19, 16:10, 16:20, 17:13, 17:15, 17:18, 24:10, 24:11, 24:15, 26:15, 26:16, 26:17, 26:23, 32:10, 35:4
WEATHER [1] - 17:17
WEEKDAYS [1] - 19:18
WEEKENDS [1] - 19:18
WEIGHT [1] - 7:2
WELCOMES [1] - 4:8
WELLS [2] - 14:16, 14:24
WENDY [2] - 25:22, 25:23
WENDY [2] - 3:6, 25:23
WEST [2] - 9:11, 14:11
WEST [2] - 9:11, 9:22
WESTERN [1] - 14:25
WHOLE [2] - 22:13, 33:10
WILDLIFE [1] - 38:15

WILLIAM [2] - 3:10, 33:9
WILLIAM [2] - 33:4, 33:12
WILLIE [2] - 38:18, 38:21
WILLIE [2] - 3:15, 38:20
WIN [2] - 27:1
WIN-WIN [1] - 27:1
WINDY [2] - 24:18, 28:13
WISH [1] - 40:18
WITHIN [1] - 41:5
WITNESS [1] - 39:25
WOMAN [1] - 31:11
WORD [2] - 7:4
WORD-FOR-WORD [1] - 7:4
WORDS [4] - 7:9, 22:10, 23:7, 35:20
WORKS [2] - 27:21, 27:22
WRITE [2] - 6:6, 6:12
WRITTEN [10] - 5:24, 5:25, 6:3, 6:4, 6:6, 7:1, 7:2, 7:15, 33:6, 33:7
WWW.
TULERIVEREIS.COM [1] - 20:14

Y

YEAR [1] - 30:25
YEARS [8] - 11:10, 26:2, 27:17, 29:9, 30:4, 35:22, 35:23, 40:5
YELLOW [3] - 6:10, 9:24, 21:19

Z

ZERO [1] - 26:22
ZONED [1] - 9:13

SECTION 3.0

RESPONSE TO COMMENTS

SECTION 3.0

RESPONSE TO COMMENTS

This section contains responses to comments that were received during the public comment period on the Draft Environmental Impact Statement (EIS) and included in **Section 2.0**. Based on the comments received on the Draft EIS, revisions have been made in the Final EIS (Volume II) to improve language, enhance data, and provide clarification. The changes made to the Draft EIS are consistent with the President's Council on Environmental Quality (CEQ) Regulation 40 CFR § 1503.4 and the Bureau of Indian Affairs (BIA) National Environmental Policy Act (NEPA) Guidebook (59 IAM 3-H), Section 8.5.3.

3.1 RESPONSES TO WRITTEN COMMENTS FROM GOVERNMENT AGENCIES

Comment Letter A1 Porterville Unified School District

Response to Comment A1-1

Comment noted. Commenter expresses support for the Proposed Project and discusses how positive socioeconomic effects of the Proposed Project will benefit students and schools in the School District. The socioeconomic effects of the project alternatives were discussed in the Draft EIS, Section 4.7.

Comment Letter A2 California Assembly District 26

Response to Comment A2-1

Comment noted. Commenter expresses support for the Proposed Project and its potential to promote development and job creation throughout the Porterville area. The socioeconomic effects of the project alternatives were discussed in the Draft EIS, Section 4.7.

Comment Letter A3 U.S. EPA

Response to Comment A3-1

Comment noted. Commenter describes the Proposed Project and underscores the importance of the proposed Water Reclamation Facility (WRF) discussed in the Draft EIS, Section 2.3.3.

Response to Comment A3-2

Comment noted. The commenter encourages the Tribe to incorporate renewable energy and solar power into the Proposed Project. Currently, the Proposed Project alternatives are not assumed to include any on-site solar power generation; however, the Tribe may consider pursuing roof top solar as an option in the future. It should be noted that a utility scale solar power generation facility operated by Southern

California Edison is located directly south of the Airpark Site. Information on energy-efficient lighting and appliances to be incorporated in the Proposed Project are described in the Draft EIS, Section 5.0.

Response to Comment A3-3

Comment is not regarding the Proposed Action or Draft EIS; no response is required.

Comment Letter A4 California Department of Transportation***Response to Comment A4-1***

Recommended measures to mitigate impacts to local roadways, including the State Highway System, from the operation of each alternative under opening day conditions are listed in the Draft EIS, Section 5.8.2. As stated therein, while the timing for the off-site roadway improvements is not within the Tribe's jurisdiction or ability to control, the Tribe shall make good faith efforts to assist the County and City with implementation of the improvements prior to opening day. The Traffic Impact Study (TIS) identifies improvements recommended to be in place by opening-day for each alternative under the subheadings that contain "Opening Year" in the "Recommended Mitigation Measures" section, which starts on page 105.

Response to Comment A4-2

Refer to **Response to Comments A4-3 to A4-29** below. Although responses to Caltrans comments on the Administrative Draft EIS dated August 30, 2017 were not provided in direct correspondence, revisions were made in response to those comments, where appropriate, in the TIS included as Appendix I to the Draft EIS dated February 2018.

Response to Comment A4-3

The use of 10 percent diverted link trips for casino uses (which includes retail and restaurant facilities) is explained on page 35 of the TIS. The 10 percent reduction was conservatively estimated based upon Table F.29 the Institute of Transportation Engineers (ITE) Trip Generation Handbook (3rd Edition). Table F.29 identifies a range of pass-by reductions that average 44 percent. Diverted link data is derived from pass-by trip studies as a result of the type of land use and trip purpose. Based upon the estimated square footage from the architectural plans, approximately 25 percent of the casino and retail/dining facility will be occupied by retail, food, and beverage space as identified on page 32 of the TIS. It is further anticipated that as this project and surrounding areas are developed (with agricultural and industrial uses as designated in the 2030 General Plan – page 35 of TIS), the increase in background traffic will further the rate of diverted trips to the proposed facilities. In addition, Tulare County commented in a letter dated August 17, 2017 that, "The diverted-link trip reduction of 10% seems reasonable due to the Project's vicinity to two state highways that carry significant traffic." The commenter does not specify why they believe the diverted link reduction is not appropriate given the project location or land use, or whether it should be increased or decreased. As described above, the 10 percent reduction is justified; therefore, no revisions to the TIS or Draft EIS are warranted.

Response to Comment A4-4

As described in the Draft EIS, Section 4.8.1, and on page 32 of the TIS, the trips generated by the proposed casino facilities under Alternatives A, B and C have been estimated based upon the square footage of the gaming floor area; however, the total number of estimated trips includes mixed uses that are related to these types of facilities, including restaurant and retail uses at the site. As stated in the Draft EIS, Section 4.8.1, "The casino trip generation rate is based on trip counts collected at similar casino facilities that also included restaurant and retail uses and thus the rate also factors in trips from the proposed restaurant and retail facilities." Therefore, the casino trip generation rate includes the associated dining facilities, and double counting of restaurant trips would occur if an additional line for restaurant trips were added to the trip generation tables in the TIS.

Response to Comment A4-5

As described in the Draft EIS, Section 2.7.1, under Alternative E, the proposed 20,000-square-foot expansion would include 16,500 square feet of casino floor space and 3,500 square feet of food and beverage facilities. The trip generation rate calculated for Alternative E was based on actual peak hour and daily traffic counts conducted for the Eagle Mountain Casino Site divided by the total existing square footage of the facility, including restaurant space (versus gaming floor; see page 46 of TIS); thus the trip generation rate was appropriately applied to the total proposed square footage of the expansion.

Response to Comment A4-6

Comment noted. The TIS includes a description of Intersection Control Evaluation (ICE) reports on page 115. ICEs are a design-level analysis, necessary to determine the appropriate intersection control type at a given location. Because ICEs have not yet been completed for the various state highway system intersections identified as needing improvements within the Draft EIS, the mitigation measures for these locations indicate that either signals or roundabouts should be installed, pending the outcome of the ICE analysis which must be completed prior to detailed design. Once a preferred alternative has been approved and mitigation improvements go into the design stage, ICE reports will be prepared as required by the agency having jurisdiction over the improvements.

Response to Comment A4-7

As stated under the subheading Renovation of Existing Casino for Tribal Governmental Uses in the Draft EIS, Section 4.8.1 (page 4.8-2), and page 36 of the TIS, "While the location of tribal governmental and service facilities may shift within the Reservation, no new trips would be created. Therefore, there would be no expected increase in traffic due to this component, and no associated potential for impacts to transportation networks."

Response to Comment A4-8

The Synchro output files were included in the appendix of the TIS (starting on page 298) included as Appendix I of the Draft EIS.

Response to Comment A4-9

The Synchro worksheets were included as an appendix of the TIS included as Appendix I of the Draft EIS.

Response to Comment A4-10

The NEPA process does not require cost estimates or financial considerations regarding mitigation measures, as long as such measures are feasible. Therefore, cost estimates are not included in the TIS or appendices. Cost estimates will be developed as a part of the negotiation process between the City, County, and Tribe. The pro-rata shares of suggested mitigation measures have been provided.

Response to Comment A4-11

Pro rata shares are only necessary for intersections which require improvements as a result of the Proposed Project. For intersections that do not require mitigation to operate acceptably with the addition of the Proposed Project, no pro rata shares are required to be paid by the Tribe.

Response to Comment A4-12

The select zone model runs for each alternative are included in the appendix of the TIS (starting on page 298) included as Appendix I of the Draft EIS.

Response to Comment A4-13

As requested, the TIS included as Appendix I of the Draft EIS clarified the discussion of Opening Year (without Project). Per Caltrans' Guide for the Preparation of Traffic Impact Studies, an opening year is not required to be specified in a TIS; however, in the Draft EIS, Section 4.8, the opening year is defined as 2021.

Response to Comment A4-14

As requested, the title of Figure 5 is Opening Year Without Project in the TIS included as Appendix I of the Draft EIS.

Response to Comment A4-15

As requested, the figures and tables within the opening year discussion of the TIS included as Appendix I of the Draft EIS specify whether or not they include traffic generated by the various alternatives. As noted in the Draft EIS, Section 4.8, 2021 is assumed to be the opening year (refer to **Response to Comment A4-14**). The cumulative year is defined in both the TIS and the Draft EIS, Section 4.8, as 2040.

Response to Comment A4-16

The TIS included as Appendix I of the Draft EIS includes a section regarding the analysis scenarios included within the TIS. As noted in the Draft EIS, Section 4.8, 2021 is assumed to be the opening year. The cumulative year is defined in both the TIS and the Draft EIS, Section 4.8, as 2040.

Response to Comment A4-17

Trip generation and forecasting methodology is provided on page 32 and 72, respectively, of the TIS included as Appendix I of the Draft EIS, after the existing conditions are described.

Response to Comment A4-18

The TIS uses 2040 traffic forecasts from the Tulare County Association of Governments (TCAG) Regional Travel Demand Forecast Model, and not growth rates, to determine the cumulative year 2040 baseline traffic conditions. The TCAG Model is based upon the most current General Plans from the eight incorporated cities and the County. As a result, the projects in the TCAG model may result in higher back-calculated growth rates than historical growth rates; however, this methodology was coordinated with TCAG and provides for a conservative analysis. No revisions to the TIS or Draft EIS are warranted.

Response to Comment A4-19

See **Response to Comment A4-4**. As detailed therein, the casino trip generation rate includes the associated dining facilities, and double counting of restaurant trips would occur if an additional line for restaurant trips were added to the trip generation tables in the TIS.

Response to Comment A4-20

Mixed use developments have the following characteristics, as defined ITE Trip Generation Handbook: single real-estate project, between 100,000 and 2,000,000 square feet, contains two or more land uses, some trips are between on-site land uses, and trips between land uses do not travel on a major street. The Proposed Project meet these specifications; therefore, in accordance with the ITE Trip Generation Handbook, the Proposed Project is considered a Mixed Use Development.

Response to Comment A4-21

Trip generation for the proposed 250-room hotel is calculated based upon data from the Trip Generation Manual and adjusted to account for assumptions that hotel guests would also be utilizing the casino, conference center, multi-purpose events center, restaurant, and retail facilities. In general, it has been assumed that the majority of hotel guests would also make use of the casino and related facilities. The hotel is not a destination; it is a convenience and an amenity to patrons of the casino, convention space, and event center. The proposed casino/hotel complex is vastly different from a hotel that has a cocktail lounge or pool, and 50 percent reduction is appropriate.

Further, as noted in the comment, the hotel trip generation rate in the ITE manual is based on counts conducted at hotels that offer additional amenities, including bars and conference centers – thus the rate likely includes more, not fewer trips, than would be solely attributed to the hotel. Because the TIS applies a separate rate for the others uses that the hotel would serve, including the casino and convention center, this further justifies the need to apply a reduction to the rate.

Additionally, reducing the rate is consistent with hotel trip generation adjustment documented in traffic studies in California gaming facilities, including the Red Hawk Casino, Graton Springs, and Wilton

Rancheria Casino. However, these reductions were 66 percent to 75 percent for hotel rates, which is higher than those assumed for this study. Thus, 50 percent hotel rate reduction is conservative relative to similar casino/hotel projects.

Response to Comment A4-22

In March 2003, the San Diego Association of Governments (SANDAG) updated the *Traffic Needs Assessment of Tribal Development Projects in the San Diego Region*. The SANDAG study evaluated traffic conditions near eight Indian Tribal Gaming projects in operation at the time in San Diego County. Traffic counts were obtained from the County of San Diego's Master Traffic Census and from environmental assessments/evaluations prepared for various Indian projects. In the study, the trip generation rate for Resort Hotels was reduced from the standard SANDAG rate of 8 trips per occupied room to 3 trips per occupied room. This represents a hotel trip reduction of over 60 percent. The reduction in Resort Hotel trip generation rates recognized that guests of Indian casino hotels are primarily attracted by the casino facilities, and the hotel facilities are a secondary attraction. The conclusions of this study further support the conservative 50 percent trip reduction applied to hotel trips in the TIS.

Response to Comment A4-23

As stated on page 35 of the TIS, simultaneous events are unlikely to occur, as the convention space is more likely to be used during typical business hours, while event center events would likely be in the evening. In the unlikely scenario that simultaneous events would occur at the convention and event center, the Tribe shall notify the City of Porterville and meet with the local agencies charged with traffic enforcement to obtain necessary permits and identify any necessary traffic control measures to be implemented. If determined to be necessary, a Traffic Management Plan (TMP) shall be prepared. Mitigation Measure 5.8.2 (B) has been revised accordingly.

Response to Comment A4-24

Refer to **Response to Comment A4-23**.

Response to Comment A4-25

As requested, the TIS included as Appendix I of the Draft EIS clarified the discussion of the trip generation methodology for the Event Center (refer to page 34 of the TIS).

Response to Comment A4-26

As discussed on page 35 of the TIS, diverted link data in the ITE Trip Generation Handbook (3rd Edition) is derived from pass-by trip studies as a result of the nature (type) of the land use and trip purpose. The TIS does not use the terms "diverted link" and "pass-by trips" interchangeably but rather defines diverted link trips as derived from pass-by trip studies. No pass-by reductions are assumed in the TIS. Refer to Response to Comment A4-3 regarding diverted link reductions.

Response to Comment A4-27

Refer to **Responses to Comment A4-21 to Comment A4-26** regarding why no revision to the trip generation calculations is warranted.

Response to Comment A4-28

As requested, page 49 of the TIS included as Appendix I of the Draft EIS states that "trip assignment is as follows: Driveway #1: 40%; Driveway #2: 35%; and, Driveway #3: 25%." A figure identifying the different driveways is included on page 39 of the TIS (Appendix I of the Draft EIS).

Response to Comment A4-29

Future expansion is not proposed under Alternative D. Please see Section 2.0 page 2-31 of the Draft EIS for a full description of Alternative D.

Comment Letter A5 County of Tulare***Response to Comment A5-1***

A detailed analysis of the Proposed Project's aesthetic impacts is located in Section 4.13 of the Draft EIS. As described therein, the project alternatives would not be out of character with typical development in the Airpark Master Plan and vicinity, nor would they alter any scenic vistas or resources. The Proposed Project would have a less than significant aesthetic impact, and therefore there are no requirements to mitigate under NEPA. However, the Tribe may voluntarily work with the County and/or City on aesthetic enhancements at its discretion.

Response to Comment A5-2**Analysis of Potential Impacts on Law Enforcement Services**

As noted by the commenter, demands for law enforcement services are based in part on the anticipated increase in crime from the proposed land use. An analysis of the effect of casino gambling on local crime rates included in the Draft EIS, Section 4.7.1, and explains that literature on the relationship between gambling and crime rates suggests that communities with gaming facilities are as safe as communities without. The commenter did not provide the sources for the statistical information they believe exists; therefore, these could not be reviewed and incorporated into the analysis of the Final EIS. However, the Final EIS, Volume II, Section 4.7.1 has been expanded to add some additional studies, including a study published in 2011, which compared crime effects from different forms of tourism growth. The study revealed that ski tourism resulted in a larger increase in crime than casino development (Park and Stokowski, 2011). In addition, Nichols and Tosun (2017) examined casinos and crime rates across the United States from 1994 to 2012. They found that on average there was an increase in crime in counties that opened Tribal casinos for the first two years and after there was a decreased crime rate from pre-casino levels. There was no long-term increase in crime resulting from casinos (Nichols and Tosun, 2017).

Although, the analysis concludes that there is no definitive link between casinos and crime, the analysis within the Draft EIS, Section 4.7.1 and 4.10.1, acknowledges that an increased concentration of people

caused by development of the Airpark Site could lead to an increase in the number of service calls to local law enforcement. However, because the Proposed Project involves the relocation of an existing casino in the area, there would not be as much of an increase in net calls for law enforcement as if a new casino were being introduced to the area. The number of additional calls per month were estimated based on actual call data from the Eagle Mountain Casino. Based on data from 2018, incidents at the existing Eagle Mountain Casino generated an average of approximately 8 calls per month that were responded to by the TCSD, and 3.5 calls per month that were responded to by the Tribal Police Department (for a total average of 11.5 calls per month). It is estimated that the number of calls for service at the Casino would increase proportionally from an average of 11.5 calls per month to 33 calls per month, based on the estimated increase in traffic to the Airpark Site over the existing traffic to the existing Eagle Mountain Casino (refer to Sections 3.8 and 4.8 of the EIS). Although there would be an increase in the number of calls due to the Proposed Project, the proximity of the Airpark Site to law enforcement stations, compared to the existing facility, would reduce the amount of time it would take to respond to incidents at the casino compared to existing conditions. Regardless, given the potential for increase in crime and associated calls for law enforcement, the Draft EIS, Section 4.10.1 determined potential impacts to law enforcement from development of the Airpark Site to be potentially significant. Proposed mitigation measures related to potential law enforcement impacts were included in Draft EIS, Section 5.10. As described below, potential impacts to law enforcement would be mitigated to less-than-significant levels by the implementation of a service agreement with local law enforcement agencies, as well as payments to local jurisdictions. These impacts are not understated.

Timing of Measures to Mitigate Potential Impacts on Law Enforcement Services

As described in the Draft EIS, Section 1.1, the Draft EIS, was prepared pursuant to NEPA and the anticipated requirements of the Tribal-State Compact, which requires analysis of potentially significant off-reservation environmental impacts, including law enforcement services. The Council on Environmental Quality (CEQ) Final Guidance for Federal Departments and Agencies on the Appropriate use of Mitigation and Monitoring (76 FR 3843, 2011), which is included as Attachment 21 to the BIA NEPA Guidebook (59 IAM 3-H) states that "...mitigation commitments should be carefully specified in terms of measurable performance standards or expected results, so as to establish clear performance expectations. The agency should also specify the timeframe for the agency action and the mitigation measures in its decision documents, to ensure that the intended start date and duration of the mitigation commitment is clear."

The measures included in Draft EIS, Section 5.10.3 to mitigate potential law enforcement impacts meet all proper mitigation standards set forth by both NEPA. Mitigation Measure 5.10(G) expressly requires that the law enforcement service agreement be agreed upon prior to operation of the Proposed Project. As such, this mitigation is not deferred and would be in place before any impacts would have potential to occur. Additionally, Mitigation Measure 5.10(J) identifies minimum performance standards for the service agreement that must be met to offset any potential impacts. These minimum payments offer a starting point for the required agreement, and are based on the recommended budget for Tulare County emergency service costs, while also accounting for the estimated incremental attendance from outside of Tulare County that would be generated by the Proposed Project. The final fair share payments will be determined by negotiations between the Tribe and the Porterville Police Department (PPD) and/or Tulare

County Sheriff's Department (TCSD) and written into the agreement as required by the mitigation measure.

Although the Proposed Action itself is not directly subject to the requirements of CEQA, the measures included in Draft EIS, Section 5.10.3 to mitigate potential law enforcement impacts meet all proper mitigation standards set forth CEQA Guidelines 15126.4(b), which states "The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure."

Adequacy of Measures to Mitigate Potential Impacts on Law Enforcement Services

Mitigation Measures in Draft EIS, Section 5.10.3 would require the Tribe would enter into a service agreement with PPD and/or TCSD to fully reimburse the affected department for quantifiable direct and indirect costs incurred in conjunction with the provision of law enforcement services. Through the implementation of this service agreement and the other mitigation described in Draft EIS, Section 5.10.3, including payments to local jurisdictions to offset increased costs as well as the on-site security measures, impacts would be addressed and Alternative A would result in a less-than-significant effect on law enforcement services.

As described in a footnote within Draft EIS, Section 5.10.3, the methodology for the minimum payments set forth in Mitigation Measure 5.10.3 (J) were described in a 2017 Klas Robinson Memo, intended to be included in Draft EIS, Appendix B. The BIA received a request from the County for the 2017 Klas Robinson Memo on October 18, 2018. As noted by the commenter, the County was then provided a copy of the memo as well as a Klas Robinson letter mentioned in the 2017 Memo on October 22, 2018. Appendix B of the Draft EIS available online was subsequently corrected to include the 2017 Klas Robinson Memo on October 22, 2018, approximately 14 days prior to the close of the comment period. The County was the only party that requested a copy of the 2017 Klas Robinson Memo.

As described in the 2017 Klas Robinson Memo, the minimum payments for law enforcement and fire services were based on the recommended budget for Tulare County for total emergency service cost and the estimated incremental attendance from outside of Tulare County that would be generated by the Proposed Project. This methodology is sufficient for determining the minimum payments the Tribe should pay the City and/or County for providing law enforcement and fire services. The ultimate amount for the annual payment to be included in the agreement(s) required under Mitigation Measure 5.10.3 G will be based on several considerations potentially including, but not limited to, whether the County or City will provide services to the Airpark Site itself, the costs of services currently being provided to the existing casino to determine the incremental increase for the proposed casino, and terms of mutual aid agreements between Tribal Police Department and surrounding law enforcements. It would be speculative for the EIS to assume the outcome of the negotiations between the Tribe and the City and County; therefore, Mitigation Measure 5.10.3 G appropriately requires that the Tribe enter into agreements with the PPD and/or the TCSD for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement service and Mitigation Measure 5.10.3 J requires that the

Tribe make annual payments to the City and/or County to offset the cost of increased provision of law enforcement and fire services.

While the information provided by the County details the cost of providing patrol services 24 hours per day/365 days per year in the vicinity of the Airpark Site, it does not provide information of the current level of patrol in the vicinity of the Airpark Site or in the vicinity of the existing casino. Therefore, the incremental increase in cost for providing law enforcement in the County cannot be discerned. Further, it does not provide justification for the 20 percent increase in its staff at the Porterville Substation, which as noted in the letter currently staffs 48 sheriff personnel, given the current level of service to the existing casino. Additionally, local law enforcement services would have significant assistance from the Tule River Tribal Gaming Security service. Under Alternative A, the Tribe would hire 50 additional security staff and would provide 24/7 security patrol and monitoring of the casino complex. Tribal security personnel would work cooperatively with local law enforcement agencies, and the need for PPD or TCSD assistance would likely be required only in situations where a serious threat to life or property is present, or if arrests are necessary. These considerations, as well as others, should be part of the negotiations for services and financial contributions between the County and the Tribe to fulfill the mitigation recommended in the EIS.

Response to Comment A5-3

The EIS determined potential impacts to fire protection/emergency medical services from development of the Airpark Site to be potentially significant, with impacts mitigated to less-than-significant levels by the implementation of a service agreement with local fire protection agencies, as well as payments to local jurisdictions. Refer to **Response to Comments A5-2** regarding the adequacy of these measures to reduce potential impacts.

As stated in Section 2.0 of the EIS, the Proposed Project includes the construction of a tribal fire department on the Airpark Site, which would provide fire protection and emergency medical services to the project. This would be supplemented by mutual aid agreements with other local fire departments for additional fire and emergency services, if required. Further, while backup fire protection and emergency medical services may occasionally be required from the City or County at the Airpark Site, the tribal fire department would in turn occasionally provide services to the City and/or County (hence "mutual aid"). Therefore, the impact would be neutral and no mitigation is required. While the existing tribal facilities may not be adequate, this new facility would be staffed as needed to serve the project as needed. Additionally, it is not reasonably foreseeable that a major conflagration would occur on the Airpark Site more often than in other developed areas within the local fire department jurisdictions due to the new building being constructed to meet current International Building Code (Draft EIS, Section 2.3.3) and including fire safety features such as an indoor sprinkler system (Draft EIS Section 4.10). Such incidents would be responded to similarly on-site and off-site, which is why mutual aid agreements between fire departments are common, to address incidents that cannot be controlled by one department's resources alone.

Response to Comment A5-4

Please refer to **Response to Comments A5-2** through **A5-3**. The provision of public safety services by agencies other than the TCSD will be part of the negotiations for services and financial contributions between the County and the Tribe in accordance with mitigation recommended in Section 5.10.3 of the Draft EIS. Additionally, it is anticipated that the terms of the Tribal-State Compact for the proposed casino will be similar to the terms of the 2017 Compact for the existing casino, which provides for the creation and use of a Special Distribution Fund to compensate State and local governments for law enforcement services. Therefore, the Tribe likely will be required to compensate local law enforcement services as a condition of the Tribal-State Compact for the proposed casino, as well as would be required by the EIS mitigation.

Response to Comment A5-5

Effects associated with problem and pathological gambling were discussed in Section 4.7 of the Draft EIS (including the conjunction with other problems, such as substance abuse), and were determined to be less-than-significant given, among other factors, the current exposure of residents to gaming facilities. Additionally, mitigation in Section 5.7 of the Draft EIS involving the implementation of policies similar to those in effect at the existing Eagle Mountain Casino, which include employee training; self-help brochures available on-site; signage near ATMs and cashiers which advertise the problem gambler hotline and website; and self-banning procedures to help those who may be affected by problem gaming, would further reduce this less-than-significant impact.

The Eagle Mountain Casino currently offers training in accordance with State requirements provided by the California Office of Problem Gambling. The State does not require identification or diagnosis of problem gamblers, including using loyalty cards; rather, access to help through the problem gambler hotline and website should be provided. With the implementation of mitigation in Section 5.7 of Draft EIS, continuation of these programs would occur, as stated above. The problem gambling resources described above are available to all patrons of the existing Eagle Mountain Casino and would also be available at the proposed facility, regardless of race or nationality.

Response to Comment A5-6

Refer to Mitigation Measure 5.10.3 (I) regarding the responsible alcoholic beverage policy. Additionally, crisis calls will be covered (along with other emergency response calls) in the agreement with Tulare County and/or the City of Porterville described in Mitigation Measure 5.10.3 (J).

Response to Comment A5-7

The Tribe's current 2017 Gaming Compact with the State of California requires that the Tribe's gaming facility include a non-smoking area and a ventilation system that exhausts tobacco smoke to the extent reasonably feasible under state-of-the-art technology existing as of the date of the construction or significant renovation of the gaming facility. As with the existing Eagle Mountain Casino, there would be designated non-smoking areas provided within the proposed casino – this has been clarified through revisions to the Final EIS, Volume II, Section 2.0. Although the Occupational Safety and Health Administration (OSHA) has no regulations specifically addressing tobacco smoke, 29 CFR 1910.1000 *Air contaminants*, limits employee exposure to several of the main chemical components found in tobacco

smoke. During operation of the Proposed Project, exposure to indoor air contaminants will not exceed the permissible exposure limits (PELs) established by OSHA to protect the health and safety of employees. Proper air ventilation and filters as required for adherence to applicable building codes and OSHA standards and the use of updated technology as required by the Compact, such as carbon filters or bipolar ionization to control indoor odors, will reduce potential health effects associated with exposure to tobacco smoke.

Response to Comment A5-8

As described in Section 4.10 of the DEIS, emergency medical services and injury/disease surveillance will be provided by the on-site tribal fire department and by on-site security staff trained to provide EMS services. Additionally, as described in Section 4.10.1, wall-mounted defibrillators will be present, similar to the existing Eagle Mountain Casino. Emergency response plans and hazard mitigation plans would be developed once a design-level plan is finalized to fulfill requirements under Section 12.7 – Emergency Services Accessibility of the Tribal-State Compact.

Response to Comment A5-9

As described in Sections 2.3.3 and 4.10.1 of the Draft EIS, the water and wastewater system will be designed with cross connection control to prevent the mixing of potable and non-potable water (including recycled water used for irrigation). This will be reflected in the final for the casino and off-site recycled water infrastructure plans (it should be noted that the plans for the recycled water system at the Sports Park will be subject to review and inspection by the City).

Response to Comment A5-10

A hazardous waste generator identification number is required from the U.S. Environmental Protection Agency (USEPA) if a facility would generate more than 220 lbs (100 kg) of hazardous waste in any calendar month or if more than 1,000 lbs of hazardous waste would accumulate at any one time. As stated in Section 4.12 of the EIS, "During operation of the facilities proposed under Alternative A, the majority of waste produced would be non-hazardous. The amount and types of hazardous materials that would be generated are common to commercial sites and do not pose unusual storage, handling, or disposal issues." The project would not be producing sufficient quantities of hazardous waste to result in the need for a hazardous waste generator identification number.

While fuel may be stored onsite for emergency generators in excess of 1,320 gallons, the Project is unlikely to require a Spill Prevention, Control, and Countermeasure (SPCC) plan in accordance with the EPA's SPCC rule (40 CFR part 112) as any spill within the Airpark Site would be unlikely to discharge to a navigable waters of the U.S. as there are none within proximity to the Airpark Site. Further, emergency generator fuel tanks would be dual-walled for spill containment. This has been clarified in Volume II of the FEIS, Section 2.3.3.

Response to Comment A5-11

Comment regarding diverted-linked trip reduction noted.

As described on page 32 of the TIS included as Appendix I of the Draft EIS, the trip generation rate for the casino was based on studies completed for similar casino projects; not, as the commenter suggests, from counts taken at the existing Eagle Mountain Casino. Specifically, the trip generation rate for the Proposed Project was based on professional judgement and counts conducted at similar facilities as referenced within previous traffic studies completed for similar projects. Therefore, the trip generation rate for the proposed casino did not already account for the use of transit to the existing casino and the use of a five percent reduction in transit/bike/pedestrian transportation does not constitute double counting of reductions.

In regards to why a five percent reduction was used, the footnote on page 36 of the TIS explains that the *Summary of Travel Trends 2009 National Household Travel Survey* shows the distribution of workers by usual commute mode to include 5.1 percent on public transit, 2.8 percent walking, and 2.7 percent using other forms of transportation (includes bicycling). Additionally, according to the most recent *California Household Travel Survey Final Report* prepared by Caltrans in June 2013, 75.2 percent of trips were auto/van/truck; 16.6 percent were walking trips; 4.4 percent of trips were from public transportation; and 1.5 percent were from bicycle trips.¹ Although the survey was conducted statewide and may not be specific to Porterville, it supports the notion that alternative modes of travel have become more popular.

The use of a five percent reduction due to transit/bike/pedestrian transportation is further supported by current statistics that show that there is a high demand for City transit services to/from the Tule River Indian Reservation, which includes the Eagle Mountain Casino. The most current City of Porterville Short Range Transit Plan (SRTP) shows that Route 9 – Tule Indian Reservation boarded more customers in 2016 (132,384) than any other route in the City of Porterville.² Additionally, based upon information received from the City Manager, “The City of Porterville anticipates beginning regular transit service to the area, instead of only for special events as is currently the practice. The anticipated employment center and recreation opportunities created by the casino resort will almost certainly prompt regular transit service to the Airport area. In addition, the City anticipates continued regular transit service to the Tule River Reservation, in continued partnership with the Tule River Tribe.”³ Therefore, it is expected that strong transit ridership will continue and has support of local transit providers.

Given the above, assuming a 5 percent reduction in trips (applied to casino use only) from transit, bike and pedestrian modes of travel is conservative and reasonable.

Although transit is included in the discussion of non-automobile trips, it is actually a form of automobile. However, past transportation planning efforts generally lump transit, bicycle and pedestrian modes of travel into a group more broadly defined as alternative, or non-automotive, trips for discussion purposes.

¹ Caltrans, 2013. *2010-2012 California Household Travel Survey Final Report*. June 2013. Available online at: http://www.dot.ca.gov/hq/tp/offices/omsp/statewide_travel_analysis/Files/CHTS_Final_Report_June_2013.pdf. Accessed January 10, 2019.

² Porterville Transit, 2018. *Short Range Transit Plan (SRTP) Draft Final Report*. March 2018. Available online at: <http://www.ci.porterville.ca.us/depts/PortervilleTransit/documents/DraftSRTP-March2018.pdf>. Accessed January 10, 2019.

³ Lollis, John, 2018. Email correspondence with John Lollis, City Manager for the City of Porterville. December 3, 2018.

The reasoning is that transit riders are making this trip as opposed to driving in a single occupancy vehicle, thus reducing vehicle trips and emissions.

As noted by the commenter, Table 4.8.4 of the Draft EIS, which included information from Table 8 of the TIS, was incorrect. The analysis in the TIS identified more weekend trips (fewer reductions) and overestimated the number of trips by 260 daily and 40 PM peak hour trips under this weekend scenario. Effectively, the TIS only assumed a 0.7 percent reduction for transit/bike/pedestrian transportation, which provides an even more conservative analysis than the use of a 5.0 percent reduction used for the weekday calculations. As the error results in a more conservative analysis, no change to the TIS or Draft EIS is warranted.

Response to Comment A5-12

Throughout the Draft EIS and TIS, State Route 190 is abbreviated to SR-190. Please note in Section 3.8.2 of the Draft EIS, SR-190 is still referred to as a freeway in the context of the roadway type and not the name of the roadway itself.

As shown in the TIS (refer to Table 2), the descriptor “freeway” is a roadway segment type that is assigned to determine the LOS threshold of the roadway. While state routes discussed in the TIS and traffic analysis may be referred to as a “freeway”, they are still described as SR-65, etc. (which identifies the roadway as a State Route [SR]), instead of Freeway 65, etc. See the “Freeway Ramp Conditions” section within the TIS regarding SR-190 at SR-65 ramps and SR-65 at SR-190 ramps.

Additionally, freeways are described in the County General Plan as follows: “Freeways provide for the ability to carry large traffic volumes at high speeds for long distances. Access points are fully controlled. Freeways connect points within the County and link the County to other parts of the State.”

Response to Comment A5-13

The trip distribution methodology was described on page 49 of the TIS (Appendix I of the Draft EIS). Trip distribution was based upon use of Tulare County Association of Government’s (TCAG’s) select zone model runs and input from both Caltrans and the County. At the request of the County, new intersections were added along SR 137 and Spruce Road (Road 204) to identify potential impacts to/from the northern part of the study area. Adjustments to the TIS methodology that were made to accommodate the additional intersections and involved adjusting distribution to show more trips coming from the north, especially via the Visalia area. The percent trips assigned to areas west and southwest of the project via SR 190 and SR 99 was 12 percent, while the trips on SR 65 remained at 9 percent. The Airpark Site is closer to SR 99 than the existing casino, which has higher speeds and more capacity than SR 65, thus increasing the desirability of the SR 99 freeway for travelers coming from the south. Overall, this trip distribution is generally consistent with TCAG’s model and therefore, no changes to the trip distribution shown in the TIS are warranted.

Response to Comment A5-14

Shuttle service will be provided by the Tribe, similar to existing services provided at the Eagle Mountain Casino on the Reservation (this information is included in Draft EIS, Sections 2.3.3 and 2.5.1).

Mitigation found in Section 5.8.2 of the EIS involves fair share contributions to street rehabilitation for roadways in the vicinity of the Airpark Site. Projects to construct planned bicycle or pedestrian facilities would be City/County projects not under the jurisdiction of the Tribe. Additionally, as shown in the TIS and Draft EIS, Section 4.8, no potentially significant impacts to transit, bicycle, or pedestrian facilities would result from the implementation of any of the project alternatives. Therefore, mitigation measures requiring a fair-share contribution for off-site transit, bicycle, or pedestrian facilities are not warranted.

Response to Comment A5-15

Refer to **Response to Comment A4-5** regarding the need to complete an ICE for improvements to intersections within Caltrans jurisdiction. Improvements to intersections within the City and/or County's jurisdiction are subject to input from those respective agencies. Mitigation within the Final EIS, Volume II, Section 5.8, has been revised to include installation of a roundabout as a potential mitigation option for intersections within the City or County's jurisdiction, including the intersection of Scranton and West.

Response to Comment A5-16

Refer to **Response to Comment A5-13** regarding trip distribution. The select zone model runs are a tool used to provide a starting point for development of trip distribution. Unfortunately, the select zone model run primarily focuses on trips in Tulare County. There are functions used in the model to account for Internal-Internal, External to Internal, and Internal to External (I-I, X-I and I-X) trips. Adjustments were made to account for trips to/from surrounding counties.

Response to Comment A5-17

At the time of data collection, the intersection of SR 190/Road 284 operated as a two-way stop-controlled intersection. As such, it was analyzed in that manner. Language is included in the TIS (page 67 and throughout the TIS) and Draft EIS, Sections 3.8 and 4.8 that acknowledges this intersection has since been converted to a roundabout. The roundabout was designed and constructed by Caltrans. Traffic operations at this intersection have been designed to accommodate planned growth for at least the next 20 years. If the Proposed Project is constructed at the Airpark Site, travel demand at this intersection will decrease as less cars would be traveling on Road 284 to get to the existing casino. Therefore, because the configuration of the SR 190/Road 284 intersection was the unimproved and, therefore, more impacted configuration, the TIS includes a conservative analysis and no changes to the EIS or TIS is warranted.

Response to Comment A5-18

The 39 percent of traffic noted by the commenter as coming from the north and northwest, is not limited to the cities of Tulare and Lindsay shown on the trip distribution figure in the TIS appendix, but includes all traffic coming from the north and northwest including the cities of Visalia, northern Tulare County, Farmersville, and Exeter. The discussion of trip distribution in the Final EIS, Volume II, Section 4.8.2 has been revised to clarify the trip distribution of the project alternatives, including the addition of new Figures 4.8-1b and 4.8-1c.

Response to Comment A5-19

The Porterville Fairgrounds are currently operational, and existing daily operations were considered as part of the analysis, e.g., background traffic counts in the TIS. Traffic impacts from special events at the fairgrounds would be mitigated by the Porterville Fairgrounds itself through traffic calming measures. Therefore, no analysis of traffic at Porterville Fairgrounds for their special events was performed.

Response to Comment A5-20

Peak-hour traffic volumes generated by the project were provided in Tables 4.8-4, 4.8-10, 4.8-13, and 4.8-16 of the Draft EIS. In addition, figures for project only volumes have been created to show peak hour turning movements at the study intersections. These include the following figures:

- Figure 25 - Alternatives A & B Weekday Project Only Volumes;
- Figure 26 - Alternatives A & B Weekend Project Only Volumes;
- Figure 27 - Alternative C Weekday Project Only Volumes;
- Figure 28 - Alternative C Weekend Project Only Volumes;
- Figure 29 - Alternative D Weekday Project Only Volumes;
- Figure 30 - Alternative D Weekend Project Only Volumes;
- Figure 31 - Alternative E Weekday Project Only Volumes; and,
- Figure 32 - Alternative E Weekend Project Only Volumes.

Project only volumes would be the same under Existing and Cumulative conditions for each of the alternatives.

Response to Comment A5-21

Heavy duty trucks at intersections along State and County roadways are evaluated in the TIS (see page 11). The TIS incorporated actual heavy-vehicle percentages and adjustment factors, and peak hour factors using HCM-2010 methodologies. Synchro 9 integrated computer software program was utilized to implement the HCM-2010 analysis methodologies. This is documented in the Synchro worksheets included in the appendix of the TIS.

Response to Comment A5-22

Future trip distribution was based upon use of TCAG's Regional Travel Demand Forecast Model. As such, the 2040 select zone model run includes all future improvements in the TCAG Model, including new roads, roadway widening, future crossings, etc. Therefore, the grade separation has already been taken into account in the cumulative analysis.

Response to Comment A5-23

The cross sections were removed from the TIS before it was published along with the Draft EIS.

Response to Comment A5-24

As shown in Tables 33 and 34 of the TIS and Table 4.8-6 of the Draft EIS, with-project traffic does not reduce Newcomb Street to an unacceptable level of service (LOS); therefore, no discussion of mitigation is required.

Response to Comment A5-25

The Synchro output worksheets (provided in the Appendix of the TIS included as Appendix I of the Draft EIS) provide the mitigated lane geometries and control.

Response to Comment A5-26

Mitigation Measures 5.4.1 (A) #1-8 have been revised in the Final EIS, Volume II, Section 5.4.1, to be more consistent with the Air District guidelines provided in SJVAPCD Rule 8021. Additional mitigation measures have been added to Mitigation Measure 5.4.1 (A) to reflect the Air District's Regulation VIII; these include the requirement for a CARB approved Visible Emissions Evaluation person and the requirement to not have fugitive dust emissions greater than 20 percent opacity, which is consistent with SJVAPCD Rule 8021 5.2. With the inclusion of additional construction mitigation measures and revisions to existing mitigation measures, the dust suppression measures presented in Section 5.4.2 (A) are consistent with SVJAPCD Rule 8021 Construction, Demolition Excavation, Extraction, and Other Earthmoving Activities.

Response to Comment A5-27

If the Airpark Site is taken into federal trust, it would not be subject to CARB's jurisdiction. Regardless, mitigation measures have been recommended to reduce GHG emissions and mitigation measures 5.4.1 (B) #1 and #3, regarding idling time and Tier 3 engines, would adequately reduce DPM consistent with Air District and CARB requirements. Additionally, CARB's Regulation for In-Use Off-Road Diesel-Fueled Fleets provides performance requirements for diesel-fueled off-road vehicle engine with maximum power of 25 horsepower (hp) or greater. As of January 1, 2018, medium (2,501 - 5,000 hp) and large (greater than 5,000 hp) fleets are prohibited from adding any vehicles without a Tier 3 or higher engine to the fleet. Therefore, as construction of the project would take place in California and be subject to this CARB regulation, DPM emissions would be adequately reduced. No additional mitigation beyond those recommended in the Final EIS are warranted.

Response to Comment A5-28

Mitigation 5.4.1 (B)(5) is not required to reduce emissions below a certain level and thus performance standards for this measure are not required. Regardless, this mitigation measure has been retained in an effort to further reduce the air quality effect of the project to the extent feasible.

Response to Comment A5-29

Once the Airpark Site is taken into federal trust, California state goals and regulations will not apply. The Tribe has committed to a 50 percent reduction through Mitigation Measure 5.4.2 (C)(6); however, an increase to 75 percent is not required. Furthermore, no significant solid waste impacts to local landfills

and solid waste service providers are anticipated as a result of any project alternatives, as discussed in Section 4.10 of the Draft EIS.

Response to Comment A5-30

Mitigation Measure 5.4.2 (C)(10) and the Conformity Determination specify that emissions reduction credits (ERCs) shall be purchased in accordance with 40 CFR 93 Subpart B, which requires the purchase of ERCs within the air pollution control district or an adjacent district with a designation equal to or less than that of the SJVAPCD (i.e. NO_x, nonattainment extreme). Air pollution originating within a region, such as the SJVAB, is transported throughout the region and in some cases out of or into the region and air pollutants do not recognize city or county boundaries. ERCs are not available from Tulare County or the City of Porterville; however, they are available and sold by the SJVAPCD. By purchasing the ERCs through the SJVAPCD or adjacent air basin, regional air pollution would be reduced, including within Tulare County. Therefore, purchasing ERCs specific to Tulare County may be infeasible and would not specifically reduce locale pollutants.

Response to Comment A5-31

Comment noted.

Response to Comment A5-32

County and City road maintenance is funded primarily through the accrual of excise tax on gasoline and bonds approved by State voters. Trucks and other vehicles driving to and from the project site will contribute to County and City roadway maintenance funds when purchasing gasoline within the City and the County, similar to other developments in the region. As needed, the City and County will perform maintenance activities on roadways affected by trips to and from the project site, as is typical for all roadways within the City and County. Impact fees paid by new developments are typically identified for construction of new facilities or for operational enhancements, such as the addition of travel lanes. Impact fees are not typically utilized for pavement maintenance (refer to **Appendix S** of the Final EIS). Operation of the Proposed Project would not generate a large volume of truck traffic that would increase the rate of roadway deterioration. Therefore, the need for ongoing roadway maintenance would not be considered a significant impact that would warrant mitigation.

Response to Comment A5-33

The TIS included as Appendix I to the Draft EIS included a discussion of potential impacts to roadway conditions as a result of the Proposed Project based on information provided by County staff (refer to page 107 of the TIS). Based on this discussion and information provided by the County, Mitigation Measure Section 5.8.2 (K) of the Draft EIS required that the Tribe offer to enter into an agreement with the appropriate jurisdiction regarding financial responsibility for improving the current conditions of West Street, Scranton Avenue, Teapot Dome Avenue, and Westwood Street, which are the primary, local County and City roads leading to the project site from SR-190 and SR-65.

Following the release of the Draft EIS, an analysis of project impacts on the pavement structural section of local roadways leading to the project site was conducted and is provided within the Final EIS, Volume II, **Appendix S**. The results of this analysis have been incorporated into the Final EIS, Volume II,

Sections 3.8 and 4.8. In summary, the analysis identified that the pavement conditions along West Street, Scranton Avenue, Teapot Dome Avenue, and Westwood Street varied from good (no visible distress) to poor (major structural distress); although the Tribe should not be responsible for correcting existing deficiencies, the increase in passenger vehicles is likely to exacerbate the distress and reduce the life of the pavements where the condition of the pavement is already severely distressed, especially in areas where cracks in the pavement allow water to infiltrate the subgrade. Such pavement degradation may affect the safety of the roadway. As such, the project could reduce the pavement life and result in safety concerns in areas where major structural distress already exists (see red areas in Figure 1 of the **Appendix S** of the Final EIS). Mitigation Measure 5.8.2(K) within the Final EIS has been revised to refine the extent of mitigation required along these roadways. Additionally, the Final EIS, Volume II, Section 5.8 has been revised to clarify that traffic mitigation would be required under the terms of the Compact (see also the Final EIS, Volume II, Sections 1.5.1 and 5.1).

Response to Comment A5-34

Refer to **Response to Comment A5-32**.

Response to Comment A5-35

The Responsible Alcoholic Beverage Policy will be consistent with the requirements of the Tribal-State Compact, which requires compliance with State law. Additional measures may be added to the policy at the Tribe's discretion, but are not necessary to reduce impacts.

Response to Comment A5-36

Under any of the proposed alternatives, the development would be located on trust land, and thus is not subject to the local authority of the fire marshal. Additionally, inspection by the fire marshal is not necessary as mitigation for any project impacts. Further, as described in Draft EIS, Section 2.3.3 the proposed facilities would be built to comply with the International Building Code in accordance with the Tribal-State Compact requirements.

Comment Letter A6 City of Porterville***Response to Comment A6-1***

Comment noted.

Response to Comment A6-2

Comment noted.

Comment Letter A7 San Joaquin Valley Air Pollution Control District***Response to Comment A7-1***

Comment noted, the commenter's description of the Proposed Project and its location is accurate.

Response to Comment A7-2

As required in 40 CFR 93.158 (a)(5)(D)(iii) and stated in the Draft EIS, NO_x emissions require full mitigation. The commenter states that “for projects that the District has jurisdiction over, we require that once a pollutant exceeds the general conformity threshold for operations, all criteria pollutant emission from the project be mitigated, such that there is no net increase in emissions from the project”. As stated on page 3.4-5 of the Draft EIS, once the land is taken into trust, state and local agencies, including the San Joaquin Valley Air Pollution Control District (SJVAPCD) would not have jurisdiction over the Airpark Site; instead, the USEPA and the Tribe would have jurisdiction over issues related to air quality resulting from operations within the Airpark Site and only federal standards and requirements would apply. In accordance with the federal Clean Air Act (CAA) general conformity requirements, mitigation in Section 5.4.2 of the Draft EIS requires that the Tribe reduce project related NO_x emissions to zero through purchase of emission reduction credits or a combination of measures, including the option to enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD.

Response to Comment A7-3

The commenter states that the use of ERCs to reduce emissions is not an acceptable approach for a development project involving non-permitted mobile sources, such as the Proposed Project. The commenter notes that mobile emissions are outside the scope of the District's ERC equivalency tracking program as they do not align with stationary source emissions and associated ERCs. The commenter states the SJVAPCD does not allow the use of ERCs for this project because ERCs must be specifically used in accordance with SJVAPCD Rule 2301 to mitigate emission increases from new stationary source that are subject to SJVAPCD permitting and Rule 2201.

As stated on page 3.4-5 of the Draft EIS and **Response to Comment A7-2**, once the Airpark Site is taken into trust, the USEPA and the Tribe would have jurisdiction over air quality; therefore, the emissions from the project would not be subject to SJVAPCD permitting or Rules 2301 and 2201.

ERCs can be used to mitigate emissions from the Proposed Project in accordance with 40 CFR 158, general conformity regulations. ERCs represent real and quantifiable reductions that have been completed and verified (versus the future theoretical reductions that would be provided through the VERA Program). ERCs can be retired through various methods including surrender to the SJVAPCD, putting the credits in trust, or donation to a non-profit environmental organization. The USEPA has required that mobile source emissions be considered in general conformity determinations, and has previously accepted ERCs as an appropriate mitigation approach for mobile emissions.

Prior to operation of the Proposed Project, the Tribe will have the option to either purchase ERCs or participate in the VERA program, to reduce project-related NO_x emissions to zero in accordance with the Draft EIS mitigation requirements.

Comment Letter A8 Department of California Highway Patrol***Response to Comment A8-1***

Traffic that would be generated by the proposed alternatives was analyzed in the TIS prepared by Omni-Means (Appendix I of the Draft EIS). The results of the TIS were summarized in Sections 4.8 and 4.15 of

the Draft EIS. The increase in traffic generated by the project alternatives would contribute to unacceptable traffic operations at certain study locations. Mitigation measures have been recommended within the TIS and included within the Final EIS, Volume II, Section 5.8, to reduce these impacts to a less-than-significant level.

Comment Letter A9 Tulare County Administration Office

Response to Comment A9-1

Comment noted. Commenter provides property tax information for the Airpark Site. The information provided is consistent with property tax information provided in Table 3.7-4 of the Draft EIS. Commenter confirms that the Airpark Site is entirely within the City of Porterville and therefore subject to zoning by the City. This information is consistent with the land use information provided in Section 3.9 of the Draft EIS.

Comment Letter A10 City of Porterville

Response to Comment A10-1

Comment noted. Commenter provides property tax information for the Airpark Site. The information provided is consistent with property tax information provided in Table 3.7-4 of the Draft EIS. Commenter confirms that the Airpark Site is entirely within the City of Porterville and therefore subject to zoning by the City. This information is consistent with the land use information provided in Section 3.9 of the Draft EIS.

3.2 RESPONSES TO WRITTEN COMMENTS FROM ORGANIZATIONS

Comment Letter O1 Stand Up for California

Response to Comment O1-1

The following response addresses the commenter's comments regarding the Notice of Availability (NOA) of the Draft EIS and Draft Conformity Determination. The comments regarding the Notice of Application are separate from the NEPA process and therefore will be addressed in that process.

The NOA contained sufficient information, as required by NEPA and the BIA NEPA Guidebook (59 IAM 3-H). The Background section of the NOA stated that "The Tribe submitted an application to the Department of the Interior (Department) requesting the placement of approximately 40-acres of fee land in trust by the United States upon which the tribe would construct a casino resort." This statement clearly identifies that gaming will occur on land to be acquired in trust rather than on established Indian lands. Further Sections 1.1, 2.2, and 2.3 of the Draft EIS detailed the proposed actions and applicable regulations.

As discussed in Section 1.1 of the Draft EIS, the Tribe is seeking to establish a gaming facility within a 40-acre site to be acquired into trust after 1988. The proposed federal action triggering NEPA and preparation of this EIS includes the decision by the Secretary of the Interior (Secretary) to issue a two-part determination under Section 20 of the Indian Gaming Regulatory Act (IGRA) that the Airpark Site is eligible for gaming.

As discussed in detail within Section 1.1 of the Draft EIS, a Secretarial two-part determination may only be made after consultation with the Tribe and appropriate state and local officials, including officials of other nearby tribes. This process is independent from the NEPA process. As stated within 40 CFR 1500.1(c), “the NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment”. In order to fully analyze the potential physical environmental effects of the Proposed Action, the EIS must assume that the Airpark Site can be utilized for gaming in accordance with federal law. The specific processes associated with the fee-to-trust and Secretarial two-part determination and any associated litigation are not necessary to determine the potential physical environmental effects of the Proposed Project or its alternatives.

Although the EIS will provide the Secretary information on the potential physical environmental effects of the proposed federal action which must be considered in its decision, further evidence to support or reject a “two-part determination” will be obtained through the mandatory consultation with the Tribe and appropriate state and local officials in accordance with IGRA Section 20. The EIS is not the decision document which concludes whether or not the project will be detrimental to the surrounding community or beneficial to the Tribe. These determinations require consideration of a number of economic and social effects that are beyond the scope of NEPA.

Federal agencies must follow the requirements in the President’s Council on Environmental Quality (CEQ) NEPA Regulations, 40 CFR Part 1500, when responding to comments. The CEQ Regulations generally recommend that comments be addressed if they are: “1) Substantive and relate to inadequacies or inaccuracies in the analysis or methodologies used; 2) Identify new impacts or recommend reasonable new alternatives or mitigation measures; 3) Involve substantive disagreements on interpretations of significance and scientific or technical conclusions.” According to 40 CFR 1500.1 and 1500.4, the goal of NEPA is to improve decision-making by providing decision makers and the public with pertinent and accessible information on potential project impacts on the environment. Responses are not required for comments that do not raise a substantive environmental issue, such as comments related to compliance with the provisions of IGRA. However, such comments have been included within the administrative record and thus will be considered by the BIA in its decision on the project.

Comment Letter O2 Tulare Chamber of Commerce

Response to Comment O2-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to promote economic growth in the County of Tulare. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS.

Comment Letter O3 Porterville Chamber of Commerce

Response to Comment O3-1

Commenter's support of the Proposed Project and its potential to promote economic growth in the City of Porterville is noted. The beneficial economic effects of the project alternatives were addressed in Section 4.7 of the Draft EIS.

Comment Letter O4 Green Power Bus

Response to Comment O4-1

Comment noted. Commenter expresses support for the Proposed Project and cites the potential beneficial effects to unemployment and water supply in the area. Further discussion of these effects can be found in Sections 4.3 and 4.7 of the Draft EIS.

Comment Letter O5 California Nations Indian Gaming Association

Response to Comment O5-1

Comment noted. Commenter expresses support for the Proposed Project and cites the potential beneficial effects to water supply. Further discussion of these effects can be found in Section 4.3 of the Draft EIS.

Comment Letter O6 Association of Gaming Equipment Manufacturers

Response to Comment O6-1

Comment noted. The commenter notes the beneficial effects the Proposed Project would have on water supply, road safety, and job creation. Further discussion of these effects can be found in Sections 4.3, 4.7, and 4.8 of the Draft EIS.

Comment Letter O7 Native American Heritage Commission

Response to Comment O7-1

Commenter's review of the Notice of Application is noted; however, please note that the notice specified that it is a Notice of (Gaming) Application, not a non-gaming application as the comment suggests.

3.3 RESPONSES TO WRITTEN COMMENTS FROM INDIVIDUALS

3.3.1 INDIVIDUAL COMMENTS

Comment Letter I1 Robert and Rebecca Ruckman

Response to Comment I1-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response. The Draft EIS includes an evaluation of Alternative E, Expansion of the Existing Eagle Mountain Casino (no development at the Airport Site).

Comment Letter I2 Jill Ruckman

Response to Comment I2-1

Comment noted. Community effects associated with crime were addressed in Section 4.7 of the Draft EIS (refer to page 4.7-11 of the Draft EIS). As described therein, criminal incidents would increase in the vicinity of the Airpark Site, as would be expected with a large development of any type. The Tribe would comply with mitigation measures described in Sections 5.7 and 5.10 of the Draft EIS, including entering into a service agreement with the Porterville Police Department (PPD) and/or Tulare County Sheriff's Department (TCSD). Through the implementation of this agreement, the on-site security measures, and the mitigation described in Section 5.10.3 of the Draft EIS, impacts would be addressed and the project alternatives would result in a less-than-significant effect on law enforcement services and crime.

Problem gambling is also analyzed in Section 4.7 of the Draft EIS. The Draft EIS states that the most prevalent forms of gambling include scratch-off lottery cards, lotto, and video lottery terminals- not casino gambling. In addition, residents of Tulare County have already been exposed to gaming facilities as the existing Eagle Mountain Casino is approximately 17 miles from the Airpark Site. As a result, there would not be a significant increase in availability of gaming venues to persons at risk of problem gambling. The Tribe will also implement mitigation described in Section 5.7 to provide self-help information and advertising for the problem gambler hotline and website.

Comment Letter I3 Ryan Ruckman

Response to Comment I3-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I4 Jaime Bay

Response to Comment I4-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I5 Alec Garfield

Response to Comment I5-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I6 Cindy Kelly

Response to Comment I6-1

Comment noted. Commenter expresses support for the project and potential for road improvements. Refer to Section 5.8 of the Draft EIS for measures recommended to mitigate the anticipated transportation effects of the Proposed Project.

Comment Letter I7 Don and Rebecca Bay

Response to Comment I7-1

Comment noted. Commenter expresses concern about crime and traffic increases due to the Proposed Project. Refer to **Response to Comment I2-1** regarding crime. Refer to **Response to Comment A8-1** regarding traffic impacts.

Comment Letter I8 Maria Tapia

Response to Comment I8-1

Comment noted. Commenter expresses support for the Proposed Project and notes the potential beneficial effects it will have on traffic and public safety. For more information on project effects on these issue areas refer to the Draft EIS, Section 4.8 - Transportation and Section 4.10 - Public Services.

Comment Letter I9 Darla Bush

Response to Comment I9-1

Comment noted. The commenter expresses support and notes the beneficial effects the Proposed Project would have on water supply, road safety, and job creation. Further discussion of these effects can be found in Section 4.3, 4.7, and 4.8 of the Draft EIS.

Comment Letter I10 Yesica Magdaleno

Response to Comment I10-1

Comment noted. The commenter expresses support and notes the beneficial effects the Proposed Project would have on water supply, road safety, and job creation. Further discussion of these effects can be found in Section 4.3, 4.7, and 4.8 of the Draft EIS.

Comment Letter I11 Gary Santos

Response to Comment I11-1

Comment noted. The commenter expresses support and notes the beneficial effects the Proposed Project would have on water supply, road safety, and job creation. Further discussion of these effects can be found in Section 4.3, 4.7, and 4.8 of the Draft EIS.

Comment Letter I12 Adam Christman

Response to Comment I12-1

Comment noted. Commenter expresses support for the Proposed Project and notes the potential beneficial impacts it will have on traffic and public safety. For more information on project effects refer to Section 4.8 - Transportation and Section 4.10 - Public Services.

Comment Letter I13 Susan Williams***Response to Comment I13-1***

Comment noted. The commenter expresses support and notes the beneficial effects the Proposed Project would have on water supply, road safety, and job creation. Further discussion of these effects can be found in Section 4.3, 4.7, and 4.8 of the Draft EIS.

Comment Letter I14 Lisandro Sandoval***Response to Comment I14-1***

Comment noted. The commenter expresses support and notes the beneficial effects the Proposed Project would have on road safety and job creation. Further discussion of these effects can be found in Section 4.7 and 4.8 of the Draft EIS.

Comment Letter I15 Christina Jaquez***Response to Comment I5-1***

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I16 Michael Maldonado***Response to Comment I16-1***

Comment noted. Commenter expresses support for the Proposed Project and notes the potential beneficial effects it will have on traffic and public safety. For more information on project effects refer to Section 4.8 - Transportation and Section 4.10 - Public Services.

Comment Letter I17 Hmong Thao***Response to Comment I17-1***

Comment noted. The commenter expresses support and notes the beneficial effects the Proposed Project would have on road safety and job creation. Further discussion of these effects can be found in Section 4.7 and 4.8 of the Draft EIS.

Comment Letter I18 Herman Ecobiza***Response to Comment I18-1***

Comment noted. The commenter expresses support and notes the beneficial effects the Proposed Project would have on road safety and job creation. Further discussion of these effects can be found in Section 4.7 and 4.8 of the Draft EIS.

Comment Letter I19 Joe and Darla McCowan***Response to Comment I19-1***

Comment noted. Refer to **Response to Comment I2-1** regarding crime and problem gambling.

Comment Letter I20 Robert Buck

Response to Comment I20-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I21 Bob and Becky Ruckman

Response to Comment I21-1

Comment noted. Refer to **Response to Comment I2-1** regarding crime and problem gambling.

Comment Letter I22 Eric Sapien

Response to Comment I22-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I23 Darren Bay

Response to Comment I23-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I24 Darrell Goings

Response to Comment I24-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I25 Hatti Shepard

Response to Comment I25-1

Comment noted. The commenter expresses concern about addiction and negative economic impacts of the Proposed Project. Refer to **Response to Comment I2-1** regarding problem gambling. In addition, for Alternative A, net increases in indirect outputs within Tulare County are estimated to be \$19.3 million annually (Section 4.7). More information about economic effects of the Proposed Project and the alternatives is located in Section 4.7.

Comment Letter I26 Randy Goings

Response to Comment I26-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I27 Rhonda Bakalian

Response to Comment I27-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to promote economic growth. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS.

Comment Letter I28 Anthony Cota

Response to Comment I28-1

Comment noted. Commenter expresses concern about social costs related to the Proposed Project, including crime. Refer to **Response to Comment I2-1** regarding crime. In addition, Section 4.7 describes why the socioeconomic impacts are found to be less-than-significant.

Comment Letter I29 Joseph Lindvall

Response to Comment I29-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I30 Norma Goings

Response to Comment I30-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I31 Frank Shepard

Response to Comment I31-1

Comment noted. Refer to **Response to Comment I2-1** regarding crime.

Comment Letter I32 Amy McDarment

Response to Comment I32-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to improve socioeconomic conditions and quality of life for the Tribe. For further discussion of socioeconomic effects see Section 4.7.

Comment Letter I33 John Focke

Response to Comment I33-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to provide job opportunities. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS.

Comment Letter I34 Petition

Response to Comment I34-1

Comment noted. This petition does not express a substantive comment and does not require a response.

Comment Letter I35 Alexandra Maldonado

Response to Comment I35-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to improve housing conditions on the reservation and improve road safety and economic conditions for surrounding areas. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS. The safety issues on the route to the existing Eagle Mountain Casino are described in the Background (Section 1.3) of the Draft EIS.

Comment Letter I36 Brian Ridenour

Response to Comment I36-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to provide job opportunities. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS.

Comment Letter I37 Vincent Salinas

Response to Comment I37-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to promote economic growth in the County of Tulare. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS.

Comment Letter I38 Daneil Valh

Response to Comment I38-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to provide job opportunities, improve traffic conditions, and improve water availability for the Tribe. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS. The safety issues on the route to the existing Eagle Mountain Casino and water availability issues are described in the Background (Section 1.3) of the Draft EIS.

Comment Letter I39 Susie Montijo Moore

Response to Comment I39-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I40 Jose E. Gomez

Response to Comment I40-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I41 Jesse Hulguin

Response to Comment I41-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I42 Julia M. Flores

Response to Comment I42-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to provide jobs for the Central Valley. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS.

Comment Letter I43 Glorianna Montijo

Response to Comment I43-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I44 Jesse F. Montijo

Response to Comment I44-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I45 Elaine Flores

Response to Comment I45-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Comment Letter I46 Delmar Smith

Response to Comment I46-1

Commenter's opposition to the Proposed Action is noted. Alternative A (Proposed Project) includes the development of a WRF and recycled water infrastructure to offset groundwater pumping demand for the project. These facilities result in a net decrease in groundwater pumping in the Tule Groundwater Sub-basin, so no adverse impacts to regional groundwater levels would occur. Further discussion about groundwater impacts from the Proposed Project and other alternatives are found in Section 4.3.

Response to Comment I46-2

The commenter expresses concern about the potential impacts from the Proposed Project on existing hotels in the region. Non-gaming substitution effects from the Proposed Project are analyzed in Section 4.7.1 of the Draft EIS. As the hotel component of the Proposed Project would be an integral part of the gaming venue, it is expected that patrons to the hotel would primarily be casino patrons, which is a distinct market segment from those patrons who stay at the existing non-gaming hotels in the vicinities of the Airpark Site. Therefore, there would not be a significant effect on competing hotel facilities.

3.3.2 FORM LETTERS

Form Letter 1

Response to Comment F1-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to provide job opportunities and improve road safety. For further discussion of growth-inducing effects of all project alternatives refer to Section 4.14 of the Draft EIS. The safety issues on the route to the existing Eagle Mountain Casino are described in the Background (Section 1.3) of the Draft EIS.

Form Letter 2

Response to Comment F2-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to improve road safety, quality of life for the Tribe, and fire protection. For further discussion of socioeconomic effects of all project alternatives for the Tribe refer to Section 4.7 of the Draft EIS and refer to Section 4.10 for more information about fire protection. The safety issues on the route to the existing Eagle Mountain Casino are described in the Background (Section 1.3) of the Draft EIS.

Form Letter 3

Response to Comment F3-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to improve road safety, quality of life for the Tribe, and fire protection. For further discussion of socioeconomic effects of all project alternatives for the Tribe refer to Section 4.7 of the Draft EIS and refer to Section 4.10 for more information about fire protection. The safety issues on the route to the existing Eagle Mountain Casino are described in the Background (Section 1.3) of the Draft EIS.

Form Letter 4

Response to Comment F4-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to improve road safety, quality of life for the Tribe, and economic growth in Tulare County. For further discussion of socioeconomic effects of all project alternatives for the Tribe refer to Section 4.7 of the Draft EIS and refer to Section 4.14 for more information about economic growth effects. The safety issues on the route to the existing Eagle Mountain Casino are described in the Background (Section 1.3) of the Draft EIS.

Form Letter 5

Response to Comment F5-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to improve road safety and economic growth in Tulare County. For further discussion of economic growth effects of all project alternatives refer to Section 4.14 of the Draft EIS. The safety issues on the route to the existing Eagle Mountain Casino are described in the Background (Section 1.2) of the Draft EIS.

Form Letter 6

Response to Comment F6-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to improve road safety and economic growth in Tulare County. For further discussion of economic growth effects of all project alternatives refer to Section 4.14 of the Draft EIS. The safety issues on the route to the existing Eagle Mountain Casino are described in the Background (Section 1.3) of the Draft EIS.

Form Letter 7

Response to Comment F7-1

Comment noted. Commenter expresses support of the Proposed Project and its potential to improve road safety, quality of life for the Tribe, and fire protection. For further discussion of socioeconomic effects of all project alternatives for the Tribe refer to Section 4.7 of the Draft EIS and refer to Section 4.10 for more information about fire protection. The safety issues on the route to the existing Eagle Mountain Casino are described in the Background (Section 1.3) of the Draft EIS.

3.4 RESPONSES TO ORAL COMMENTS FROM THE PUBLIC HEARING

Public Hearing Comment PH1

Response to Comment PH1-1

Comment noted. The commenter is a representative for the Tribe and notes the beneficial effects the Proposed Project would have on water supply, road safety, and job creation. Further discussion of these effects can be found in the Draft EIS, Section 4.0.

Public Hearing Comment PH2

Response to Comment PH2-1

Comment noted. The commenter is a representative for the Tribe and reiterates the beneficial effects the Proposed Project would have on water supply, road safety, and job creation. Further discussion of these effects can be found in the Draft EIS, Section 4.0.

Public Hearing Comment PH3

Response to Comment PH3-1

Comment noted. The commenter is a representative for the Tribe and reiterates the beneficial effects the Proposed Project would have on water supply, road safety, and job creation. Further discussion of these effects can be found in the Draft EIS, Section 4.0.

Public Hearing Comment PH4

Response to Comment PH4-1

Comment noted. The commenter represents the City of Porterville and expresses support for the Proposed Project. The commenter notes potential employment and regional development effects from the Proposed Project, for further discussion of growth-inducing effects and socioeconomic effects of all project alternatives, refer to the Draft EIS, Section 4.14 and Section 4.7, respectively.

Public Hearing Comment PH5

Response to Comment PH5-1

Comment noted. Commenter notes the potential public safety benefits of the project's proposed fire station. Refer to the Draft EIS, Section 2.0, for more information about the tribally-staffed fire station proposed under Alternatives A, B, and C. Commenter also discusses agreements between the City of Porterville and the Tribe for funding impact mitigation. More information on this topic can be found in the Draft EIS, Section 5.0 and Appendix B.

Public Hearing Comment PH6

Response to Comment PH6-1

Commenter is Chairman of the Porterville Chamber of Commerce, Board of Directors. Refer to **Response to Comment O3-1**.

Public Hearing Comment PH7

Response to Comment PH7-1

Comment noted. Commenter expresses support for the Proposed Project on behalf of State Senator Andy Vidak. Refer to the Draft EIS, Section 4.0, for further discussion of potential project effects to traffic, water, and jobs mentioned in the comment.

Public Hearing Comment PH8

Response to Comment PH8-1

Commenter is a representative for the office of Assemblyman Devon Mathis. Refer to **Response to Comment A2-1**.

Public Hearing Comment PH9

Response to Comment PH9-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Public Hearing Comment PH10

Response to Comment PH10-1

Comment noted. Commenter expresses support for the Proposed Project citing traffic, noise, and wildlife effects. Refer to the Draft EIS, Section 4.0, for discussion on the environmental consequences of the Proposed Project.

Public Hearing Comment PH11

Response to Comment PH11-1

Comment noted. This comment expresses the opinion of the commenter and does not require a response.

Public Hearing Comment PH12

Response to Comment PH12-1

Comment noted. Commenter expresses support for the Proposed Project and reiterates potential employment effects. For further discussion of growth-inducing effects and socioeconomic effects of all project alternatives, refer to the Draft EIS, Section 4.14 and Section 4.7, respectively.

SECTION 4.0

REFERENCES

SECTION 4.0

REFERENCES

- Caltrans, 2013. *2010-2012 California Household Travel Survey Final Report*. June 2013. Available online at: http://www.dot.ca.gov/hq/tpp/offices/omsp/statewide_travel_analysis/Files/CHTS_Final_Report_June_2013.pdf. Accessed January 10, 2019.
- Caltrans, 2016. TIS Trip Generation and Distribution. Correspondence with Michael Navarro, Chief Planning North Branch. June 27, 2016.
- Porterville Transit, 2018. *Short Range Transit Plan (SRTP) Draft Final Report*. March 2018. Available online at: <http://www.ci.porterville.ca.us/depts/PortervilleTransit/documents/DraftSRTP-March2018.pdf>. Accessed January 10, 2019.
- Lollis, John, 2018. Email correspondence with John Lollis, City Manager for the City of Porterville. December 3, 2018.
- Mills, Gary, 2017. *Memorandum of Assumptions, Eagle Mountain Casino Relocation Project Traffic Impact Study*. February 24, 2017.



FINAL ENVIRONMENTAL IMPACT STATEMENT

TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT

VOLUME II – REVISED EIS AND APPENDICES

APRIL 2019

LEAD AGENCY:

U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Region Office
2800 Cottage Way # W2820
Sacramento, CA 95825



Estimated Total Costs Associated with
Developing and Producing this EIS - \$469,000

FINAL ENVIRONMENTAL IMPACT STATEMENT

TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT

VOLUME II – REVISED EIS AND APPENDICES

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TABLE OF CONTENTS

TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT

VOLUME I – RESPONSE TO COMMENTS

1.0	Introduction	1-1
2.0	Comment Letters.....	2-1
3.0	Response to Comments.....	3-1
4.0	References.....	4-1

VOLUME II – FINAL EIS AND APPENDICES

ES	EXECUTIVE SUMMARY	I
ES.1	Introduction.....	i
ES.2	Purpose and Need	i
ES.3	Summary of the Proposed Action and Alternatives.....	i
ES.4	Issues and Concerns.....	iv
ES.5	Summary Matrix	iv
1.0	INTRODUCTION.....	1-1
1.1	Summary of the Proposed Action and EIS Process	1-1
1.2	Purpose and Need	1-2
1.3	Background.....	1-2
1.4	Overview of the Environmental Review Process	1-3
	1.4.1 National Environmental Policy Act.....	1-4
	1.4.2 Tribal-State Compact Environmental Review Requirements.....	1-5
1.5	Agreements with State and Local Governments.....	1-5
	1.5.1 Tribal-State Compact.....	1-6
	1.5.2 Cooperation Agreement Between the City of Porterville and the Tribe	1-6
1.6	Regulatory Requirements, Permits, and Approvals	1-6
2.0	ALTERNATIVES	2-1
2.1	Introduction.....	2-1
2.2	Alternative Site Locations.....	2-1
	2.2.1 Airpark Site – Alternatives A, B, C, and D.....	2-1
	2.2.2 Off-Site Improvement Areas – Alternatives A, B, C, and D	2-6
	2.2.3 Eagle Mountain Casino Site – Alternative E	2-7
2.3	Alternative A – Proposed Project	2-7
	2.3.1 Fee-to-Trust Transfer	2-7
	2.3.2 Two-Part Secretarial Determination	2-10

2.3.3	Alternative A Project Components	2-10
2.4	Alternative B – Proposed Project with On-site Water and Wastewater Systems	2-21
2.4.1	Water Supply	2-21
2.4.2	Wastewater Treatment and Disposal	2-23
2.4.3	Grading and Drainage	2-23
2.5	Alternative C – Reduced Intensity Hotel and Casino	2-24
2.5.1	Casino-Resort.....	2-24
2.5.2	Water Supply	2-28
2.5.3	Wastewater Treatment and Disposal	2-29
2.5.4	Grading and Drainage.....	2-30
2.5.5	Public Services.....	2-31
2.5.6	Renovation of Existing Casino for Tribal Government Uses	2-31
2.5.7	Construction and Best Management Practices.....	2-31
2.6	Alternative D – Non-Gaming Hotel and Conference Center	2-31
2.6.1	Hotel and Convention Center.....	2-31
2.6.2	Water Supply	2-35
2.6.3	Wastewater Treatment and Disposal	2-35
2.6.4	Grading and Drainage.....	2-36
2.6.5	Public Services.....	2-36
2.6.6	Construction and Best Management Practices.....	2-36
2.7	Alternative E – Expansion of Existing Eagle Mountain Casino	2-37
2.7.1	Casino Expansion	2-37
2.7.2	Water Supply	2-40
2.7.3	Wastewater Treatment and Disposal	2-40
2.7.4	Grading and Drainage.....	2-41
2.7.5	Public Services.....	2-41
2.7.6	Energy.....	2-41
2.7.7	Construction and Best Management Practices.....	2-41
2.8	Alternative F – No Action Alternative.....	2-42
2.9	Alternatives Eliminated From Consideration	2-42
2.9.1	Alternative Sites.....	2-42
2.9.2	Expanded Site Alternative	2-44
2.9.3	Alternative Scenarios for Wastewater Treatment and Recycled Water Use.....	2-44
2.9.4	Indian Reservation Road Widening and Improvements Alternative	2-45
2.10	Comparison of Alternatives	2-45
2.10.1	Summary of Alternatives	2-45
2.10.2	Comparison of Environmental and Economic Consequences	2-47
2.11	Preferred Alternative.....	2-49
3.0	AFFECTED ENVIRONMENT	3.1-1
3.1	Introduction.....	3.1-1
3.2	Geology and Soils.....	3.2-1
3.2.1	Regulatory Setting	3.2-1
3.2.2	Environmental Setting	3.2-2
3.3	Water Resources	3.3-1
3.3.1	Regulatory Setting	3.3-1
3.3.2	Environmental Setting	3.3-6

3.4	Air Quality	3.4-1
	3.4.1 Regulatory Context	3.4-1
	3.4.2 Air Quality Environmental Setting	3.4-8
	3.4.3 Climate Change Environmental Setting	3.4-12
3.5	Biological Resources	3.5-1
	3.5.1 Regulatory Setting	3.5-1
	3.5.2 Airpark Site	3.5-4
	3.5.3 Off-site Improvement Areas	3.5-13
	3.5.4 Eagle Mountain Casino Site	3.5-18
3.6	Cultural and Paleontological Resources	3.6-1
	3.6.1 Regulatory Setting	3.6-1
	3.6.2 Regional Environmental Setting	3.6-4
	3.6.3 Background Research	3.6-7
	3.6.4 Site Specific Cultural Studies	3.6-8
	3.6.5 Native American Coordination	3.6-9
	3.6.6 Paleontological Resources	3.6-10
3.7	Socioeconomic Conditions	3.7-1
	3.7.1 Regional Socioeconomic Conditions	3.7-1
	3.7.2 Socioeconomic Characteristics of Tule River Indian Tribe	3.7-6
	3.7.3 Environmental Justice	3.7-8
3.8	Transportation/Circulation	3.8-1
	3.8.1 Level of Service Standards	3.8-1
	3.8.2 Existing Circulation Network	3.8-2
	3.8.3 Transit Services	3.8-9
	3.8.4 Bicycle and Pedestrian Facilities	3.8-11
	3.8.5 Tulare County Roadways Environment	3.8-12
3.9	Land Use	3.9-1
	3.9.1 Regulatory Setting	3.9-1
	3.9.2 Environmental Setting	3.9-7
	3.9.3 Agriculture	3.9-10
3.10	Public Services	3.10-1
	3.10.1 Water Supply	3.10-1
	3.10.2 Wastewater Treatment	3.10-5
	3.10.3 Solid Waste Services	3.10-8
	3.10.4 Law Enforcement Services	3.10-9
	3.10.5 Fire Protection and Emergency Medical Services	3.10-11
	3.10.6 Energy and Natural Gas	3.10-13
3.11	Noise	3.11-1
	3.11.1 Acoustical Background and Terminology	3.11-1
	3.11.2 Regulatory Setting	3.11-4
	3.11.3 Environmental Setting	3.11-6
3.12	Hazardous Materials	3.12-1
	3.12.1 Regulatory Setting	3.12-1
	3.12.2 Environmental Setting	3.12-2
3.13	Aesthetics	3.13-1
	3.13.1 Aesthetics Terminology	3.13-1
	3.13.2 Regulatory Setting	3.13-2

3.13.3	Environmental Setting	3.13-3
4.0	ENVIRONMENTAL CONSEQUENCES	4.1-1
4.1	Introduction.....	4.1-1
4.2	Geology and Soils.....	4.2-1
4.2.1	Alternative A – Proposed Project	4.2-1
4.2.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems	4.2-5
4.2.3	Alternative C – Reduced Intensity Hotel and Casino	4.2-5
4.2.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.2-7
4.2.5	Alternative E – Expansion of Existing Eagle Mountain Casino	4.2-8
4.2.6	Alternative F – No Action Alternative.....	4.2-9
4.3	Water Resources	4.3-1
4.3.1	Alternative A – Proposed Project	4.3-1
4.3.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems	4.3-7
4.3.3	Alternative C – Reduced Intensity Hotel and Casino	4.3-10
4.3.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.3-12
4.3.5	Alternative E – Expansion of Existing Eagle Mountain Casino	4.3-14
4.3.6	Alternative F – No Action Alternative.....	4.3-16
4.4	Air Quality	4.4-1
4.4.1	Methodology.....	4.4-1
4.4.2	Alternative A – Proposed Project	4.4-4
4.4.3	Alternative B – Proposed Project with On-site Water and Wastewater Systems	4.4-8
4.4.4	Alternative C – Reduced Intensity Hotel and Casino	4.4-8
4.4.5	Alternative D – Non-Gaming Hotel and Conference Center.....	4.4-11
4.4.6	Alternative E – Expansion of Existing Eagle Mountain Casino	4.4-13
4.4.7	Alternative F – No Action Alternative.....	4.4-15
4.5	Biological Resources	4.5-1
4.5.1	Alternative A – Proposed Project	4.5-1
4.5.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems	4.5-4
4.5.3	Alternative C – Reduced Intensity Hotel and Casino	4.5-5
4.5.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.5-6
4.5.5	Alternative E – Expansion of Existing Eagle Mountain Casino	4.5-7
4.5.6	Alternative F – No Action Alternative.....	4.5-7
4.6	Cultural and Paleontological Resources	4.6-1
4.6.1	Alternative A – Proposed Project	4.6-1
4.6.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems	4.6-2
4.6.3	Alternative C – Reduced Intensity Hotel and Casino	4.6-2
4.6.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.6-2
4.6.5	Alternative E – Expansion of Existing Eagle Mountain Casino	4.6-2
4.6.6	Alternative F – No Action Alternative.....	4.6-3
4.7	Socioeconomic Conditions	4.7-1
4.7.1	Alternative A – Proposed Project	4.7-2
4.7.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems	4.7-14
4.7.3	Alternative C – Reduced Intensity Hotel and Casino	4.7-14
4.7.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.7-17
4.7.5	Alternative E – Expansion of Existing Eagle Mountain Casino	4.7-20
4.7.6	Alternative F – No Action Alternative.....	4.7-23

4.8	Transportation/Circulation.....	4.8-1
4.8.1	Analysis Methodology.....	4.8-1
4.8.2	Alternative A – Proposed Project.....	4.8-7
4.8.3	Alternative B – Proposed Project with On-site Water and Wastewater Systems.....	4.8-18
4.8.4	Alternative C – Reduced Intensity Hotel and Casino.....	4.8-19
4.8.5	Alternative D – Non-Gaming Hotel and Conference Center.....	4.8-23
4.8.6	Alternative E – Expansion of Eagle Mountain Casino.....	4.8-27
4.8.7	Alternative F – No Action Alternative.....	4.8-32
4.9	Land Use.....	4.9-1
4.9.1	Alternative A – Proposed Project.....	4.9-1
4.9.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems.....	4.9-5
4.9.3	Alternative C – Reduced Intensity Hotel and Casino.....	4.9-5
4.9.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.9-5
4.9.5	Alternative E – Expansion of Existing Eagle Mountain Casino.....	4.9-5
4.9.6	Alternative F – No Action Alternative.....	4.9-6
4.10	Public Services.....	4.10-1
4.10.1	Alternative A – Proposed Project.....	4.10-1
4.10.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems.....	4.10-10
4.10.3	Alternative C – Reduced Intensity Hotel and Casino.....	4.10-14
4.10.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.10-18
4.10.5	Alternative E – Expansion of Existing Eagle Mountain Casino.....	4.10-21
4.10.6	Alternative F – No Action Alternative.....	4.10-26
4.11	Noise.....	4.11-1
4.11.1	Alternative A – Proposed Project.....	4.11-1
4.11.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems.....	4.11-8
4.11.3	Alternative C – Reduced Intensity Hotel and Casino.....	4.11-8
4.11.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.11-11
4.11.5	Alternative E – Expansion of Eagle Mountain Casino.....	4.11-13
4.11.6	Alternative F – No Action Alternative.....	4.11-15
4.12	Hazardous Materials.....	4.12-1
4.12.1	Alternative A – Proposed Project.....	4.12-1
4.12.2	Alternative B – Proposed Project with On-site Water and Wastewater Systems.....	4.12-4
4.12.3	Alternative C – Reduced Intensity Hotel and Casino.....	4.12-5
4.12.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.12-6
4.12.5	Alternative E – Expansion of Existing Eagle Mountain Casino.....	4.12-6
4.12.6	Alternative F – No Action Alternative.....	4.12-7
4.13	Aesthetics.....	4.13-1
4.13.1	Alternative A – Proposed Project.....	4.13-1
4.13.2	Alternative B – Proposed Project with On-site Water and Wastewater System.....	4.13-5
4.13.3	Alternative C – Reduced Intensity Hotel and Casino.....	4.13-6
4.13.4	Alternative D – Non-Gaming Hotel and Conference Center.....	4.13-7
4.13.5	Alternative E – Expansion of Existing Eagle Mountain Casino.....	4.13-8
4.13.6	Alternative F – No Action Alternative.....	4.13-9
4.14	Indirect and Growth-Inducing Effects.....	4.14-1
4.14.1	Indirect Effects from Off-site Traffic Mitigation and Gas and Electrical Utility Improvements.....	4.14-1
4.14.2	Growth-Inducing Effects.....	4.14-8

4.15	Cumulative Effects.....	4.15-1
4.15.1	Introduction.....	4.15-1
4.15.2	Cumulative Setting	4.15-1
4.15.3	Alternative A – Proposed Project	4.15-3
4.15.4	Alternative B – Proposed Project with On-site Water and Wastewater Systems	4.15-25
4.15.5	Alternative C – Reduced Intensity Hotel and Casino	4.15-27
4.15.6	Alternative D – Non-Gaming Hotel and Conference Center	4.15-30
4.15.7	Alternative E – Expansion of Existing Eagle Mountain Casino	4.15-35
4.15.8	Alternative F – No Action Alternative.....	4.15-44
5.0	MITIGATION MEASURES	5-1
5.1	Introduction.....	5-1
5.2	Geology and Soils.....	5-2
5.3	Water Resources	5-3
5.4	Air Quality	5-4
5.4.1	Construction.....	5-4
5.4.2	Operation and Climate Change.....	5-6
5.5	Biological Resources	5-8
5.6	Cultural and Paleontological Resources	5-11
5.7	Socioeconomics	5-12
5.8	Transportation.....	5-12
5.8.1	Construction.....	5-13
5.8.2	Operation (Opening Year 2021)	5-13
5.8.3	Operation (Cumulative Year 2040)	5-15
5.9	Land Use.....	5-18
5.10	Public Services.....	5-18
5.10.1	Water and Wastewater Services.....	5-18
5.10.2	Solid Waste.....	5-18
5.10.3	Law Enforcement, Fire Protection, and Emergency Medical Services	5-19
5.10.4	Electricity and Natural Gas.....	5-20
5.11	Noise	5-21
5.11.1	Construction.....	5-21
5.11.2	Operation	5-21
5.12	Hazardous Materials	5-21
5.13	Aesthetics.....	5-23
6.0	CONSULTATION AND COORDINATION/LIST OF PREPARERS	6-1
6.1	Lead Agency.....	6-1
6.2	Cooperating Agencies.....	6-1
6.3	Federal Agencies.....	6-2
6.4	State and Local Agencies and Utilities	6-2
6.5	Environmental Consultants.....	6-3
7.0	ACRONYMS	7-1
8.0	REFERENCES.....	8-1

LIST OF TABLES

Table 1-1	Potential Permits and Approvals Required	1-7
Table 2-1	Airpark Site Parcels	2-4
Table 2-2	Alternatives A and B – Project Program.....	2-13
Table 2-3	Net Change in City’s Potable Water Demand – Alternative A.....	2-16
Table 2-4	Alternative C – Reduced Intensity Alternative	2-27
Table 2-5	Net Change in City’s Potable Water Demand – Alternative C.....	2-29
Table 2-6	Alternative D – Non-Gaming Alternative.....	2-34
Table 2-7	Alternative E – Existing Casino Expansion Alternative.....	2-37
Table 3.2-1	Airpark Site Soil Properties	3.2-3
Table 3.2-2	Eagle Mountain Casino Site Soil Properties.....	3.2-10
Table 3.3-1	Water Quality Standards for California Surface Waters.....	3.3-2
Table 3.3-2	Groundwater Elevations in the Vicinity of the Airpark Site.....	3.3-10
Table 3.3-3	Groundwater Beneficial Uses for DAU 423.....	3.3-11
Table 3.3-4	Water Quality Objectives for Groundwater within the Tulare Lake Basin Plan	3.3-11
Table 3.4-1	National Ambient Air Quality Standards.....	3.4-2
Table 3.4-2	Tribal Minor New Source Review Thresholds	3.4-4
Table 3.4-3	NAAQS Attainment Status for SJVAB	3.4-9
Table 3.4-4	Tulare County Estimated Annual Average Emissions – 2012.....	3.4-11
Table 3.5-1	Potentially Occurring Special-Status Species on the Airpark Site.....	3.5-8
Table 3.5-2	Potentially Occurring Special-Status Species on the Off-site Improvement Areas	3.5-14
Table 3.5-3	Potentially Occurring Special-Status Species on the Eagle Mountain Casino Site	3.5-20
Table 3.7-1	Regional Population.....	3.7-1
Table 3.7-2	Regional Housing Stock	3.7-1
Table 3.7-3	Household Income and Poverty Thresholds by Census Tract	3.7-4
Table 3.7-4	2016 to 2017 Airpark Site Property Tax Information.....	3.7-5
Table 3.7-5	Competitive Environment.....	3.7-6
Table 3.7-6	Tule River Indian Tribe and Reservation Population	3.7-7
Table 3.7-7	Minority Population – Airpark and Eagle Mountain Casino Sites and Adjacent Census Tracts.....	3.7-10
Table 3.8-1	Intersection Level of Service Criteria	3.8-1
Table 3.8-2	Roadway Level of Service Criteria.....	3.8-2
Table 3.8-3	Existing Conditions – Study Intersections.....	3.8-7
Table 3.8-4	Existing Roadway Segment Conditions.....	3.8-9
Table 3.8-5	Existing Peak Hour Freeway Conditions	3.8-10
Table 3.9-1	Tulare County Airport Compatibility Zones.....	3.9-4
Table 3.9-2	City of Porterville Applicable General Plan and Land Use Policies	3.9-5
Table 3.10-1	TCFD Stations Serving the Eagle Mountain Casino Site	3.10-12
Table 3.11-1	Acoustical Terminology	3.11-2
Table 3.11-2	Typical A-Weighted Sound Levels.....	3.11-2
Table 3.11-3	Federal Construction Noise Thresholds.....	3.11-4
Table 3.11-4	Federal Noise Abatement Criteria Hourly A-Weighted Sound Level Decibels	3.11-5
Table 3.11-5	Construction Vibration Damage Criteria.....	3.11-6

Table 3.11-6	Summary of 15-Minute and 24-Hour Noise Level Measurements at Airpark Site	3.11-8
Table 4.4-1	Alternative A Unmitigated Construction Emissions	4.4-5
Table 4.4-2	Alternative A Unmitigated Operational Emissions	4.4-6
Table 4.4-3	Alternative A Off-site Improvements Emissions Estimates	4.4-7
Table 4.4-4	Alternative C Unmitigated Construction Emissions	4.4-9
Table 4.4-5	Alternative C Unmitigated Operational Emissions	4.4-10
Table 4.4-6	Alternative D Unmitigated Construction Emissions	4.4-11
Table 4.4-7	Alternative D Unmitigated Operational Emissions	4.4-12
Table 4.4-8	Alternative E Unmitigated Construction Emissions	4.4-13
Table 4.4-9	Alternative E Unmitigated Operational Emissions	4.4-14
Table 4.7-1	Annual Operation Economic Impact (Millions) in Tulare County	4.7-3
Table 4.7-2	Estimated Year 1 Gaming Substitution Effects from Alternatives A, B, C, and E	4.7-4
Table 4.7-3	Approximate Projected Annual Changes in Tax Revenue and Government Spending	4.7-6
Table 4.7-4	One-Time Construction Employment and Wage Impacts	4.7-7
Table 4.7-5	Operational Employment and Wage Impacts in Tulare County	4.7-8
Table 4.7-6	Typical Tribal Casino Employment Opportunities	4.7-8
Table 4.7-7	Five Behaviors of Casino Customers	4.7-10
Table 4.7-8	Estimated Year 1 Hotel Substitution Effects from Alternative D	4.7-17
Table 4.8-1	Opening Year Intersection LOS Without Project	4.8-5
Table 4.8-2	Opening Year Roadway Segment LOS Without Project	4.8-6
Table 4.8-3	Opening Year Freeway Conditions Without Project	4.8-7
Table 4.8-4	Alternative A Trip Generation	4.8-8
Table 4.8-5	Opening Year Intersection Conditions – Alternative A	4.8-12
Table 4.8-6	Opening Year Roadway Segment Conditions	4.8-14
Table 4.8-7	Opening Year Freeway Conditions	4.8-15
Table 4.8-8	Alternatives A and B Average Trip Lengths from Nearby Population Centers	4.8-17
Table 4.8-9	Alternatives A and B Annual Vehicle Miles Traveled	4.8-18
Table 4.8-10	Alternative C Trip Generation	4.8-19
Table 4.8-11	Opening Year Intersection Conditions – Alternative C	4.8-20
Table 4.8-12	Alternative C Annual Vehicle Miles Traveled	4.8-23
Table 4.8-13	Alternative D Trip Generation	4.8-24
Table 4.8-14	Opening Year Intersection Conditions – Alternative D	4.8-24
Table 4.8-15	Alternative D Annual Vehicle Miles Traveled	4.8-27
Table 4.8-16	Alternative E Trip Generation	4.8-28
Table 4.8-17	Opening Year Intersection Conditions – Alternative E	4.8-30
Table 4.8-18	Alternative E Annual Vehicle Miles Traveled	4.8-31
Table 4.10-1	Estimated Solid Waste Disposal – Alternatives A and B	4.10-5
Table 4.10-2	Estimated Solid Waste Disposal – Alternative C	4.10-15
Table 4.10-3	Estimated Solid Waste Disposal – Alternative D	4.10-19
Table 4.10-4	Estimated Solid Waste Disposal – Alternative E	4.10-23
Table 4.11-1	Typical Construction Noise Levels	4.11-2
Table 4.11-2	Alternatives A and B Traffic Volumes and Ambient Noise Levels	4.11-4
Table 4.11-3	Alternative C Traffic Volumes and Ambient Noise Levels	4.11-9
Table 4.11-4	Alternative D Traffic Volumes and Ambient Noise Levels	4.11-11
Table 4.11-5	Alternative E Traffic Volumes and Ambient Noise Levels	4.11-15
Table 4.15-1	Cumulative Development in the City of Porterville and Tulare County	4.15-4

Table 4.15-2	Alternative A Unmitigated 2040 Operational Emissions	4.15-7
Table 4.15-3	Greenhouse Gas CO ₂ Equivalent	4.15-10
Table 4.15-4	Project-Related GHG Emissions – Alternative A	4.15-10
Table 4.15-5	Compliance with State Emissions Reduction Strategies	4.15-12
Table 4.15-6	2040 Intersection LOS Without Project	4.15-15
Table 4.15-7	2040 Roadway Segment LOS Without Project	4.15-17
Table 4.15-8	2040 Freeway Conditions Without Project	4.15-18
Table 4.15-9	Alternative A and B 2040 Traffic Volumes and Ambient Noise Levels	4.15-23
Table 4.15-10	Alternative C Unmitigated 2040 Operational Emissions	4.15-27
Table 4.15-11	Alternative C Construction and Operational GHG Emissions	4.15-28
Table 4.15-12	Alternative C 2040 Traffic Volumes and Ambient Noise Levels	4.15-30
Table 4.15-13	Alternative D Unmitigated 2040 Operational Emissions	4.15-31
Table 4.15-14	Alternative D Construction and Operational GHG Emissions	4.15-32
Table 4.15-15	Alternative D 2040 Traffic Volumes and Ambient Noise Levels	4.15-34
Table 4.15-16	Alternative E Unmitigated 2040 Operational Emissions	4.15-37
Table 4.15-17	Alternative E Construction and Operational GHG Emissions	4.15-37
Table 4.15-18	Alternative E 2040 Traffic Volumes and Ambient Noise Levels	4.15-43
Table 5-1	Mitigated Construction Emissions	5-6
Table 5-2	Operational Non-Exempt Emissions after Mitigation Measure 5.4(C) (Prior to Purchase of Emissions Reduction Credits)	5-8

LIST OF FIGURES

Figure 2-1	Regional Location	2-2
Figure 2-2	Airpark Site and Vicinity	2-3
Figure 2-3	Airpark Site Aerial Photograph	2-5
Figure 2-4	Eagle Mountain Casino Site and Vicinity	2-8
Figure 2-5	Eagle Mountain Casino Site Aerial Photograph	2-9
Figure 2-6	Alternative A Site Plan	2-11
Figure 2-7	Alternative A and B Architectural Rendering	2-12
Figure 2-8	Alternative B Site Plan	2-22
Figure 2-9	Alternative C Site Plan	2-25
Figure 2-10	Alternative C Architectural Rendering	2-26
Figure 2-11	Alternative D Site Plan	2-32
Figure 2-12	Alternative D Architectural Rendering	2-33
Figure 2-13	Alternative E Site Plan	2-37
Figure 2-14	Alternative E Architectural Rendering	2-38
Figure 2-15	Sites Considered But Eliminated From Further Consideration	2-42
Figure 3.2-1	Airpark Soil Types	3.2-4
Figure 3.2-2	Regional Fault Map	3.2-7
Figure 3.2-3	Eagle Mountain Soil Types	3.2-9
Figure 3.3-1	Airpark FEMA FIRM Mapping	3.3-7
Figure 3.5-1	Habitat Types	3.5-6
Figure 3.6-1	Tule River Tribal Lands Designated in Painted Rock Treaty	3.6-6
Figure 3.7-1	Census Tracts	3.7-3
Figure 3.8-1	Study Intersections	3.8-4

Figure 3.9-1	City of Porterville Land Use Designations	3.9-3
Figure 3.9-2	City of Porterville Zoning Designations	3.9-6
Figure 3.9-3	Porterville Airport Safety Zones	3.9-9
Figure 3.9-4	Airpark Site FMMP Designations	3.9-12
Figure 3.11-1	Airpark Site Noise Monitoring Sites.....	3.11-7
Figure 3.11-2	Noise Sensitive Receptors in the Vicinity of the Airpark Site.....	3.11-9
Figure 3.13-1	Airpark Site and Off-site Improvement Viewshed Photograph Locations	3.13-4
Figure 3.13-2	Airpark Site Viewshed Photographs.....	3.13-5
Figure 3.13-3	Off-site Improvement Areas Viewshed Photographs	3.13-7
Figure 3.13-4	Eagle Mountain Casino Site Viewshed Photograph Locations	3.13-10
Figure 3.13-5	Eagle Mountain Casino Site Viewshed Photographs.....	3.13-11
Figure 4.8-1a	Airpark Site Trip Distribution.....	4.8-9
Figure 4.8-1b	Airpark Site Trip Distribution.....	4.8-10
Figure 4.8-1c	Airpark Site Trip Distribution.....	4.8-11
Figure 4.14-1	Off-site Traffic Mitigation	4.14-3

APPENDICES

* Appendices printed in gray text (A-M) are attached to the Draft EIS dated May 2018 and are electronically available at [http://www.tulrivereis.com/](http://www.tulriverreis.com/) or by written request. Appendices printed in black text (N-P) are attached to this Final EIS.

Included as Appendices to the Draft EIS:

Appendix A	Off-Reservation Environmental Impact Analysis Checklist
Appendix B	Economic Impact of Planned New Eagle Mountain Casino Complex
Appendix C	Tule River Tribe Casino and Resort Water and Wastewater Study
Appendix D	Tule River Tribe Drainage Report
Appendix E	Air Quality Modeling Files and Calculation Tables
Appendix F	Draft General Conformity Determination
Appendix G	Special-Status Species Searches
Appendix H	Cultural Resources Consultation
Appendix I	Eagle Mountain Casino Relocation Project Traffic Impact Study
Appendix J	Noise Measurement Data
Appendix K	Phase I Environmental Site Assessment
Appendix L	Biological Assessment
Appendix M	NRCS Farmland Conversion Impact Rating Form AD-1006

Included as Appendices to the Final EIS:

Appendix N	Executive Summary Table
Appendix O	Supplemental Traffic Documents
Appendix P	Notice of Availability for Draft EIS
Appendix Q	Final Conformity Determination
Appendix R	Consultation Letters
Appendix S	Pavement Technical Memo

EXECUTIVE SUMMARY

***TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND
EAGLE MOUNTAIN CASINO RELOCATION PROJECT
FINAL ENVIRONMENTAL IMPACT STATEMENT***

EXECUTIVE SUMMARY

TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND EAGLE MOUNTAIN CASINO RELOCATION PROJECT

ES.1 INTRODUCTION

This Environmental Impact Statement (EIS)/Tribal Environmental Impact Report (TEIR), hereinafter referred to as an EIS, has been prepared pursuant to the National Environmental Policy Act (NEPA) and the Tribal-State Gaming Compact to assess the environmental effects of the Tule River Indian Tribe's (Tribe's) proposed Fee-to-Trust and Eagle Mountain Casino Relocation Project, which would involve the transfer of approximately 40 acres (Airpark Site) from fee to federal trust status for the benefit of the Tribe, located within the City of Porterville (City) in Tulare County (County), California. For the purpose of this EIS, the Bureau of Indian Affairs (BIA) serves as the Lead Agency for compliance with NEPA, with the Tribe, the United States Environmental Protection Agency (USEPA), California Department of Transportation (Caltrans), City, and County serving as Cooperating Agencies.

ES.2 PURPOSE AND NEED

The federal Proposed Action is the acquisition of the 40-acre Airpark Site in trust for the Tribe pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC § 5108 and issuing a two-part determination under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719 (b)(1)(A). 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 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.

ES.3 SUMMARY OF THE PROPOSED ACTION AND ALTERNATIVES

This document describes and analyzes five development alternatives and the No Action Alternative, which are described in detail in **Section 2.0** and are summarized below. Other off-site alternatives were considered and then eliminated from further consideration; these alternatives are described in **Section 2.9**.

The Executive Summary Table (**Appendix N**) summarizes potential effects to each environmental issue area from each alternative, mitigation measures to avoid or minimize impacts, and levels of significance for each environmental impact.

ALTERNATIVE A – PROPOSED PROJECT

Alternative A, the Proposed Project, includes the following components:

- Transfer of the 40-acre Airpark Site, currently owned in fee by the Tribe, to federal trust status for the benefit of the Tribe;
- Issuance of a two-part determination by the Secretary of the Interior under the Indian Gaming Regulatory Act (IGRA) that the Proposed Action is in the best interest of the Tribe and not detrimental to the surrounding community, making the site eligible for gaming; and
- Subsequent development of the trust property with a variety of uses including, but not limited to, an approximately 104,637-square foot (sf) casino, 250-room hotel, food and beverage facilities, administrative space, multipurpose events center, conference center, and associated parking and infrastructure;
- Connection to the City’s municipal water supply and wastewater facilities, and associated off-site construction of recycled water, sewer, and stormwater infrastructure; and
- Closure of the existing Casino and conversion of the facility into tribal administrative offices and service uses.

At build out, the gaming component of the casino-resort would include approximately 1,750 electronic gaming devices (EGDs) and 20 table games and would include service bars and lounges. The hotel would be an approximately 100-foot tall, 7-story building with a gross footprint of approximately 151,836 sf and would include a fitness center and outdoor pool. Proposed dining facilities would have a gross footprint of approximately 36,301 sf, with 530 total seats split between diverse dining opportunities. The Proposed Project also includes the construction of a 64,002-sf multi-purpose event center (including a 1,700-seat entertainment venue) and a 29,081-sf convention space (including a 9,000-sf divisible ballroom).

Under Alternative A, a connection would be made to the City’s potable water system to provide all potable water demands for the Proposed Project. Wastewater generated at the Proposed Project would be conveyed to the City’s wastewater treatment plant (WWTP) for primary and secondary treatment. As part of the Proposed Project, a water reclamation facility (WRF) would be constructed on either (1) a 40-acre City-owned property just southwest of the Airpark Site (40-acre site), or (2) an 8-acre City-owned property just east of the Airpark Site (8-acre-site). This proposed WRF would treat secondary effluent produced from the City’s WWTP and provide recycled water to the Proposed Project and for irrigation of the Porterville Sports Complex, located just north of the Airpark Site, which is currently irrigated with potable, well-drawn City water. This use of recycled water at the City’s Sports Complex would fully offset the use of potable water under Alternative A, resulting in a “net-zero” increase in potable water consumption under the Proposed Project. Alternative A would also include the construction of a 200-acre-foot (AF) regional stormwater retention basin in the northern portion of the 40-acre site. Renovation of the existing Casino for tribal government uses under Alternative A would result in beneficial impacts to the surface water supply on the Reservation and to the capacity of the Reservation’s water distribution and wastewater treatment systems due to the decreased demand for potable water at the renovated facility.

ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Alternative B includes all of the same development components as Alternative A, with the exception of instead of connecting to City infrastructure for water supply and wastewater service, Alternative B would utilize on-site water and wastewater treatment facilities. Two on-site wells, along with pumping, storage, and disinfection facilities, would supply potable water. A package WWTP would be constructed on the Airpark Site to treat wastewater to a tertiary level; treated wastewater would then be disposed of through a leach field below the development's parking lot.

ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Alternative C would involve the fee-to-trust transfer of the Airpark Site and the construction of a similar development as that described under Alternatives A and B, but at a smaller scale. Water and wastewater services would be provided either through connection to City facilities (as described under Alternative A) or through development of on-site facilities (as described under Alternative B). As with Alternatives A and B, Alternative C would include the construction of a 200-AF regional stormwater retention basin on the 40-acre site and the renovation of the existing Casino for tribal government uses.

ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Alternative D consists of the transfer of the Airpark Site into federal trust status and the subsequent development of a hotel as described under Alternative A, and a slightly smaller conference center. There would be no casino or multi-purpose events center under Alternative D. As with Alternative C, Alternative D would either connect to City wastewater infrastructure or develop on-site facilities. As with Alternative B, Alternative D would involve the construction of two on-site wells and associated pumping, storage, and disinfection facilities to supply potable water. A 200-AF regional stormwater retention basin would be constructed on the 40-acre site. Under Alternative D, the existing Casino would continue to operate.

ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Alternative E consists of the expansion of the Tribe's existing Casino within the existing Reservation, which is currently held in federal trust for the Tribe. The expanded gaming component of the facility would consist of 16,500 sf of new building space, 350 additional EGDs, and a new 3,500-sf dining venue.

ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, none of the development alternatives considered within this EIS would be implemented. The No Action Alternative assumes that no parcels within the Airpark Site would be taken into trust and the Tribe would continue to operate its existing Casino as it does presently. Under

this alternative, the BIA would not take any actions in furtherance of its obligation to promote tribal self-determination and economic development.

ES.4 ISSUES AND CONCERNS

The BIA published a Notice of Intent (NOI) in the *Federal Register* on December 30, 2016, describing the Proposed Action and announcing the BIA’s intent to prepare an EIS. The results of the scoping period were made available in a scoping report published by the BIA in April 2017. This report is available for review at <http://www.tulerivereis.com/>. Issues raised during scoping generally fell into the following categories.

- Alternatives and Purpose and Need
- Water Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Socioeconomics and Environmental Justice
- Transportation
- Land Use
- Public Services and Utilities
- Hazardous Materials
- Indirect and Growth-Inducing Effects
- Cumulative Impacts
- Procedural and Non-EIS Issues

To the extent required by NEPA, this EIS has incorporated the issues and concerns identified during the scoping process.

ES.5 SUMMARY MATRIX

The potential adverse and beneficial effects, as well as mitigation measures, relevant to each alternative are presented in **Table ES-1**, included as **Appendix N** to this Final EIS. For a detailed discussion of environmental consequences and mitigation measures see **Sections 4.0** and **5.0**.

SECTION 1.0

INTRODUCTION

SECTION 1.0

INTRODUCTION

1.1 SUMMARY OF THE PROPOSED ACTION AND EIS PROCESS

This Environmental Impact Statement/Tribal Environmental Impact Report, hereinafter referred to as an EIS, has been prepared pursuant to the National Environmental Policy Act (NEPA) and the anticipated requirements of the Tribal-State Compact. This EIS assesses the environmental impacts of proposed federal actions intended to improve the long-term economic vitality and self-governance of the Tule River Indian Tribe (Tribe) by taking approximately 40 acres in the City of Porterville (City), California (Airpark Site), into federal trust status for the Tribe and issuance of a two-part determination under Section 20 of the Indian Gaming Regulatory Act (IGRA), making the site eligible for Class II and Class III gaming activities (Proposed Action). Subsequently, the Tribe proposes to develop the Airpark Site with a variety of uses including a casino, hotel, conference and event center, parking, and other supporting facilities (Proposed Project). The existing Eagle Mountain Casino, located within the Tribe's reservation, would be closed and the facilities converted into tribal administrative offices and support services following construction of the Proposed Project.

The statutory authority for acquiring lands in trust status for Indian tribes is provided in the Indian Reorganization Act of 1934 (IRA; 25 United States Code [USC] §5108), with regulations codified as 25 Code of Federal Regulations (CFR) Part 151. Pursuant to 25 CFR §151, the Bureau of Indian Affairs (BIA), as an agency under the authority of the Secretary of the Interior (Secretary), is charged with reviewing and approving tribal applications to take land into federal trust status. The land acquisition policy presented in 25 CFR §151.3 states that, "land may be acquired for a tribe in trust status when that land is within the tribe's reservation boundaries; or is already owned by the tribe; or the Secretary of the Interior determines that land acquisition is necessary to facilitate tribal self-determination, economic development or Indian housing."

Because the Tribe is seeking to acquire land in trust for gaming purposes, the BIA must comply with the Indian Gaming Regulatory Act (IGRA). Section 20 of IGRA generally prohibits gaming on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988 (25 U.S.C. § 2719). However, Congress expressly provided several exceptions to the general prohibition. One such exception, known as the "Secretarial Determination" or "Two-Part Determination," permits an Indian tribe to conduct gaming on newly acquired lands when the Secretary, after consultation with the Indian tribe and appropriate state and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on the newly acquired lands would 1) be in the best interest of the tribe and its members, and 2) not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's Determination.

This EIS has been completed in accordance with the applicable requirements of NEPA, its implementing regulations and guidance, and the BIA NEPA Guidebook (59 IAM 3-H). NEPA requires the Lead Agency to review and analyze the environmental impacts associated with the Proposed Action and alternatives. This document provides a detailed description of a reasonable range of alternatives, including five development alternatives and the no action alternative, an analysis of the potential environmental consequences associated with the six alternatives, and a discussion of avoidance and mitigation measures. Detailed descriptions of the six alternatives are included in **Section 2.0** of this EIS. For the purpose of this EIS, the BIA serves as the Lead Agency for compliance with NEPA, with the Tribe, the United States Environmental Protection Agency (USEPA), California Department of Transportation (Caltrans), the City, and Tulare County serving as Cooperating Agencies. The Federal Aviation Administration (FAA) declined an invitation to serve as a Cooperating Agency.

Additionally, this EIS has been prepared to comply with the expected requirements of a Class III gaming compact with the State of California. Based on the requirements of other California tribal gaming compacts, it is expected that Section 11 of the Tribal-State Compact will require the Tribe to prepare a Tribal Environmental Impact Report (TEIR) assessing the off-reservation environmental impacts of the Proposed Project. To reduce paperwork and eliminate redundancy, the EIS and the TEIR have been prepared in coordination, resulting in a joint EIS/TEIR, hereinafter referred to as an EIS.

1.2 PURPOSE AND NEED

The federal Proposed Action is the acquisition of the 40-acre Airpark Site in trust for the Tribe pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC § 5108 and issuing a two-part determination under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719 (b)(1)(A). 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 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 BACKGROUND

The Tule River tribal government is responsible for providing a full range of services to its membership, including education, health and recreation, public safety and law enforcement, tribal court, public utilities, natural resources management, economic development, and community assistance. The Reservation was established via two Executive Orders in 1873 and 1878 and currently totals 55,396 acres in the foothills of the Sierra-Nevada mountain range. The Tribe has a total of 1,875 enrolled members, of which 1,088 live on the Reservation and 787 live off the Reservation (Tule River Tribe, 2017a). The Tribe has an estimated annual growth rate of 3 percent, but given the age profile of the tribal population, the growth rate may be higher in the near future (Tule River Tribe, 2015).

The unmet needs of the Tribe are presented in the Tule River Tribe Unmet Needs Report (Tule River Tribe, 2017b). This report summarizes information provided by the tribal government regarding the Tribe's vision, goals, present economic situation, and basic needs associated with providing governmental programs for its members, including health care, education, social services, elder services, housing, public utilities, transportation facilities, cultural planning and preservation, and environmental protection. The Tribe wishes to improve its short-term and long-term economic condition and promote self-sufficiency, both with respect to its government operations and its members. The existing Eagle Mountain Casino (Casino) is located within the Tribe's original Reservation and has been owned and operated by the Tribe since its construction in 1996. The facility includes 1,200 electronic gaming devices (EGDs) as well as restaurants and meeting spaces. Several factors limit the economic potential of the existing Casino. The location of the Casino within the Tribe's reservation lands is inconvenient for access and exposure; patrons must drive over 12 miles from State Route (SR) 190 along a steep, winding two-lane road that is devoid of many safety features such as lighting in order to access the facility. The remoteness of the existing casino, a growing tribal population with an increasing need for support services, and the general inflation of program costs have created a situation where revenues from the Casino are no longer able to keep pace with the needs of the Tribe.

Of additional concern are the drought and water availability issues that the Tribe, like much of the rest of the State of California, is facing that limit growth and the provision of tribal housing within the Reservation. Due to lack of water availability, the Tribe has placed a building moratorium on new structures within the Reservation, including tribal housing. The Tribe has a housing waiting list of over 200 members, and this number is expected to grow as the tribal population increases. The Casino is the single largest user of water on the Tribe's trust lands (approximately 30,000 gallons per day [gpd], on average), while many members of the Tribe living on the Reservation do not have access to a reliable supply of water.

In summary, the Proposed Action is needed to promote the Tribe's long-term economic vitality and self-governance capability by providing an improved and more stable income source that will enable the tribal government to provide essential social, housing, educational, health, and welfare programs, thereby improving the quality of life for tribal members and their families. In addition, the Proposed Action is needed to improve water supply reliability within the Reservation.

1.4 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

As mentioned above in **Section 1.1**, this document has been prepared to meet NEPA and Tribal-State Compact environmental review requirements. A brief overview of both processes is provided below.

1.4.1 NATIONAL ENVIRONMENTAL POLICY ACT

NEPA requires that an EIS be prepared for major federal actions that could significantly affect the quality of the human environment. This document has been completed in accordance with applicable requirements, including those set out in NEPA (42 USC §4321 *et seq.*); the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR §1500 – 1508); and the BIA’s NEPA Guidebook (59 IAM 3-H).

Notice of Intent (NOI) and Scoping

The CEQ Regulations for Implementing NEPA require a “scoping” process, to determine and narrow the range of issues to be addressed during the environmental review of a Proposed Action (40 CFR §1501.7). The scoping process entails a determination of the issues that will be addressed in the EIS by soliciting comments from agencies, organizations, and individuals.

The BIA published a Notice of Intent (NOI) in the *Federal Register* on December 30, 2016, describing the Proposed Action and announcing the BIA’s intent to prepare an EIS. The 30-day public comment period announced in the NOI ended on January 30, 2017. In addition to accepting written comments, the BIA held a public scoping hearing on January 23, 2017, at the Porterville Veterans Memorial Building in the City of Porterville to accept comments. Approximately 90 people attended the public hearing and oral comments were transcribed for the administrative record.

The issues that were raised during the NOI comment period have been summarized within the *Scoping Report for the Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project*. This report, dated April 2017, is available for review at <http://www.tulerivereis.com/>. To the extent required by NEPA, this EIS addresses the issues and concerns summarized in the scoping report. The reasonable range of alternatives analyzed in this EIS was developed in part based on comments received during the scoping process as well as consultation with the Tribe.

Draft EIS

The Notice of Availability (NOA) of the Draft EIS was published by the Bureau of Indian Affairs (BIA) and U.S. Environmental Protection Agency (USEPA) in the *Federal Register* on September 21, 2018. Additionally, in accordance with the Gaming Compact, the NOA was filed with the state clearinghouse for distribution to state agencies, was published in local papers, and was mailed to interested parties. The Draft EIS was made available for public comment for a 45-day period that concluded on November 5, 2018. On October 15 2018, a public hearing was held at the Veterans Memorial Building in Porterville, CA, during which verbal and written comments on the Draft EIS were received. Copies of the federal register NOA and newspaper publications are provided in the Final EIS, Volume II, **Appendix P**.

Final EIS

The BIA considered the comments received on the Draft EIS, and revisions were made in this Final EIS to reflect the content of comments received. The Final EIS will be filed with the USEPA, and the USEPA will then publish a NOA for the Final EIS in the *Federal Register*, marking the beginning of a 30-day period after which the BIA may proceed with a decision.

Record of Decision

At the time of the decision, the BIA will prepare a public Record of Decision (ROD), which states what the decision is, identifies all the alternatives considered in reaching the decision, and discusses preferences among alternatives based on relevant factors, including economic and technical considerations and the BIA's statutory mission. The ROD also identifies and discusses all such factors that were balanced and discusses whether all practicable mitigation measures have been adopted to minimize the environmental effects. If all practicable measures are not adopted, the BIA must state why such measures were not adopted. A monitoring and enforcement program shall be adopted and summarized within the ROD where applicable for any mitigation (CEQ Regulations for Implementing NEPA, 40 CFR § 1505.2).

1.4.2 TRIBAL-STATE COMPACT ENVIRONMENTAL REVIEW REQUIREMENTS

The Tribe expects to enter into a new Class III gaming compact with the State of California for the relocation of the Eagle Mountain Casino to the Airpark Site. Based on the requirements of the 2017 Compact between the Tribe and the State, it is expected that the Tribe will be required to prepare a TEIR to analyze the potential off-reservation environmental impacts of the Proposed Project. A TEIR checklist, based on the 2017 Tribal-State Compact, is provided in **Appendix A**. This EIS had been prepared to address all relevant checklist items.

A Notice of Preparation (NOP) of a joint EIS/TEIR was submitted to the State Clearinghouse on January 3, 2017, initiating a comment period that ended February 2, 2017. The NOP was circulated to local, State, and federal agencies, and to other interested parties to solicit comments on the Proposed Project and suggestions for issues to be evaluated. Concerns raised in response to the NOP were considered during preparation of this EIS.

1.5 AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS

The Tribe has entered into several agreements with local governments and agencies regarding the Proposed Project, described below. Additionally, the Tribe is currently in negotiation with both the City of Porterville and Tulare County to reach agreements involving the provision of public services and the mitigation of identified environmental impacts.

1.5.1 TRIBAL-STATE COMPACT

In August 2017, the Tribe and the State of California entered into a Tribal-State 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 lands held in trust for the Tribe at the time that the Compact was signed; however, it indicates that if additional land is placed in trust for the Tribe pursuant to 25 U.S.C. § 2719(b)(1)(A), the Tribe may request and the State shall agree to enter into negotiations to allow the Tribe to operate a gaming facility on that trust land. The 2017 Compact outlines, among other things, the nature and scope of Class III gaming; the licensing and certification requirements and procedures; procedures regarding the enforcement of compact provisions; and regulations for the operation and management of the tribal gaming operation. Section 4.3 of the Compact requires that the Tribe make annual payments into the Special Distribution Fund, which is used by the State for reimbursement of regulatory fees and expenses incurred by the State Gaming Agency, the California Department of Justice and the Office of Problem Gambling, and the Revenue Sharing Trust Fund, which provides for payments to non-gaming Tribes in the State of California. Section 5.3 of the Compact specifies that the Tribe may receive credits for mitigation payments to local jurisdictions related to the provision of public services and infrastructure that would reduce payments into the Revenue Sharing Fund.

1.5.2 COOPERATION AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE TRIBE

A Cooperation Agreement (Agreement) was signed on April 1, 2010, by and between the City of Porterville and the Tribe. The Agreement describes the intent of both parties to enter into a cooperative and mutually respectful relationship regarding the Tribe's proposed development at the Airpark Site. The Agreement, which includes dispute resolution mechanisms, contains several other provisions, including the following:

- The Tribe may not engage in any new development, construction, or operation of any land use without a written agreement with the City;
- The City agrees not to oppose the Tribe's efforts to have the Airpark Site taken into federal trust status;
- The Agreement terminates the 2008 Memorandum of Understanding between the two parties; and
- The Agreement may be terminated if the Tribe withdraws its fee-to-trust application.

1.6 REGULATORY REQUIREMENTS, PERMITS, AND APPROVALS

The Proposed Project, as described in **Section 2.0**, may require federal, State, and local permits and approvals. **Table 1-1** identifies each responsible agency and the potential permit or approval required.

Additionally, approval of the project by the Tribal Council would also be required prior to implementation of the project.

TABLE 1-1
POTENTIAL PERMITS AND APPROVALS REQUIRED

Agency	Permit or Approval	Alternatives
Federal/State		
Secretary of the Interior	Transfer of project site into federal trust status for the Tribe	A, B, C, D
	Issuance of a two-part determination under Section 20 of IGRA to allow gaming on tribal lands acquired after 1988	A, B, C
Governor of the State of California	Concurrence with the Secretary of the Interior's two-part determination and amendment or issuance of a new gaming compact with the Tribe	A, B, C
USEPA	Verification of project coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities as required by the Clean Water Act	A, B, C, D
	General Conformity Determination	A, B, C, D
	Classification of wells as a Non-Transient/Non-Community Public Water System under the Safe Drinking Water Act	B, C, D
	Registration of the sub-surface drainage system with the Underground Injection Control (UIC) program as a Class V injection well	B, C, D
	Issuance of a Tribal New Source Review (NSR) permit under the Clean Air Act	A, B
United States Fish and Wildlife Service (USFWS)	Section 7 consultation under the Federal Endangered Species Act ¹	A, B, C, D
California Office of Historic Preservation	Consultation under Section 106 of the National Historic Preservation Act (NHPA) ²	A, B, C, D
Local		
City of Porterville	Approval of water, wastewater, and/or drainage connections	A, B, C, D
	Approval of construction plans for the proposed water reclamation facility, recycled water infrastructure at the Porterville Sports Complex, and/or upgrades to various sewer and stormwater facilities	A, B, C, D
	Issuance of encroachment permits for frontage and access improvements, and traffic mitigations	A, B, C, D
Regional Water Quality Control Board (RWQCB)	Approval of modifications to City's NPDES permit to adjust the disposal regime for biosolids produced at the City's wastewater treatment plant (WWTP)	A, C, D
	Approval of coverage under General Order WQ 2016-0068-DDW for Recycled Water Use	
Tulare County / City of Porterville	Approval of off-site road improvements	A, B, C, D
Tulare County / City of Porterville	Agreements associated with the provision of public services and the findings included in the EIS	A, B, C, D
1) Consultation completed as of April 18, 2019. See Appendix R .		
2) Consultation completed as of April 16, 2019. See Appendix R .		

SECTION 2.0

ALTERNATIVES

SECTION 2.0

ALTERNATIVES

2.1 INTRODUCTION

Consistent with Council on Environmental Quality (CEQ) guidelines (40 Code of Federal Regulations [CFR] §1502.14), this section includes a detailed description and comparison of the alternatives analyzed in this Environmental Impact Statement (EIS)/Tribal Environmental Impact Report (TEIR), hereinafter referred to as an EIS. These alternatives include five development alternatives, as well as the No Action Alternative. Alternatives that were considered but are not analyzed in this EIS are also described. A reasonable range of alternatives has been selected based on consideration of the purpose and need of the Proposed Action and opportunities for potentially reducing environmental effects. The range of alternatives includes:

Alternative A – Proposed Project on Airpark Site

Alternative B – Proposed Project with On-Site Water and Wastewater Systems

Alternative C – Reduced Intensity Hotel and Casino on Airpark Site

Alternative D – Non-Gaming Hotel and Conference Center on Airpark Site

Alternative E – Expansion of Existing Eagle Mountain Casino

Alternative F – No Action Alternative

2.2 ALTERNATIVE SITE LOCATIONS

Two development site locations are considered for the Proposed Action: the Airpark Site, which is the primary location proposed for development, and the Eagle Mountain Casino Site, where the Tule River Indian Tribe's (Tribe's) existing casino is currently located. Alternatives A, B, C, and D, if chosen, would be built on the 40-acre Airpark Site. Alternative E, if selected, would expand and upgrade the existing casino on the 12-acre Eagle Mountain Casino Site. Both sites, as well as the potential locations of off-site infrastructure improvements, are described below.

2.2.1 AIRPARK SITE – ALTERNATIVES A, B, C, AND D

The Airpark Site is a 40-acre property located within the boundaries of the City of Porterville (City), in Tulare County (County), California, approximately 15 miles west of the Tribe's Reservation and 17 miles west of the Eagle Mountain Casino Site (described in **Section 2.2.3**). The Tribe purchased the Airpark Site from the City in 1988 and currently owns the property in fee. The Airpark Site is in a mixed-use area dominated by agricultural uses adjacent to the Porterville Municipal Airport, and is located within Section 8, Township 22 South, Range 27 East, of the Mount Diablo Base and Meridian. **Figures 2-1 and 2-2**

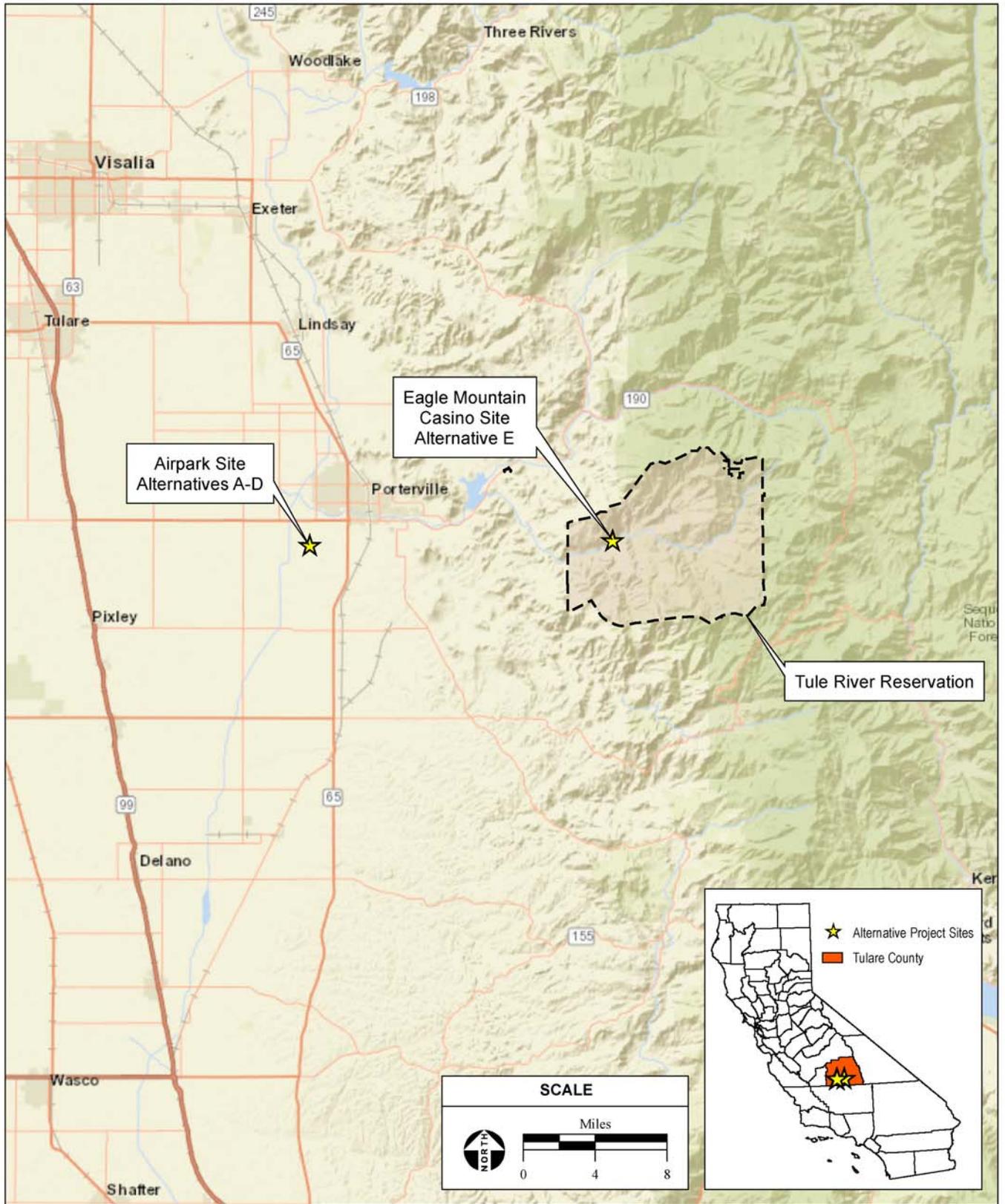
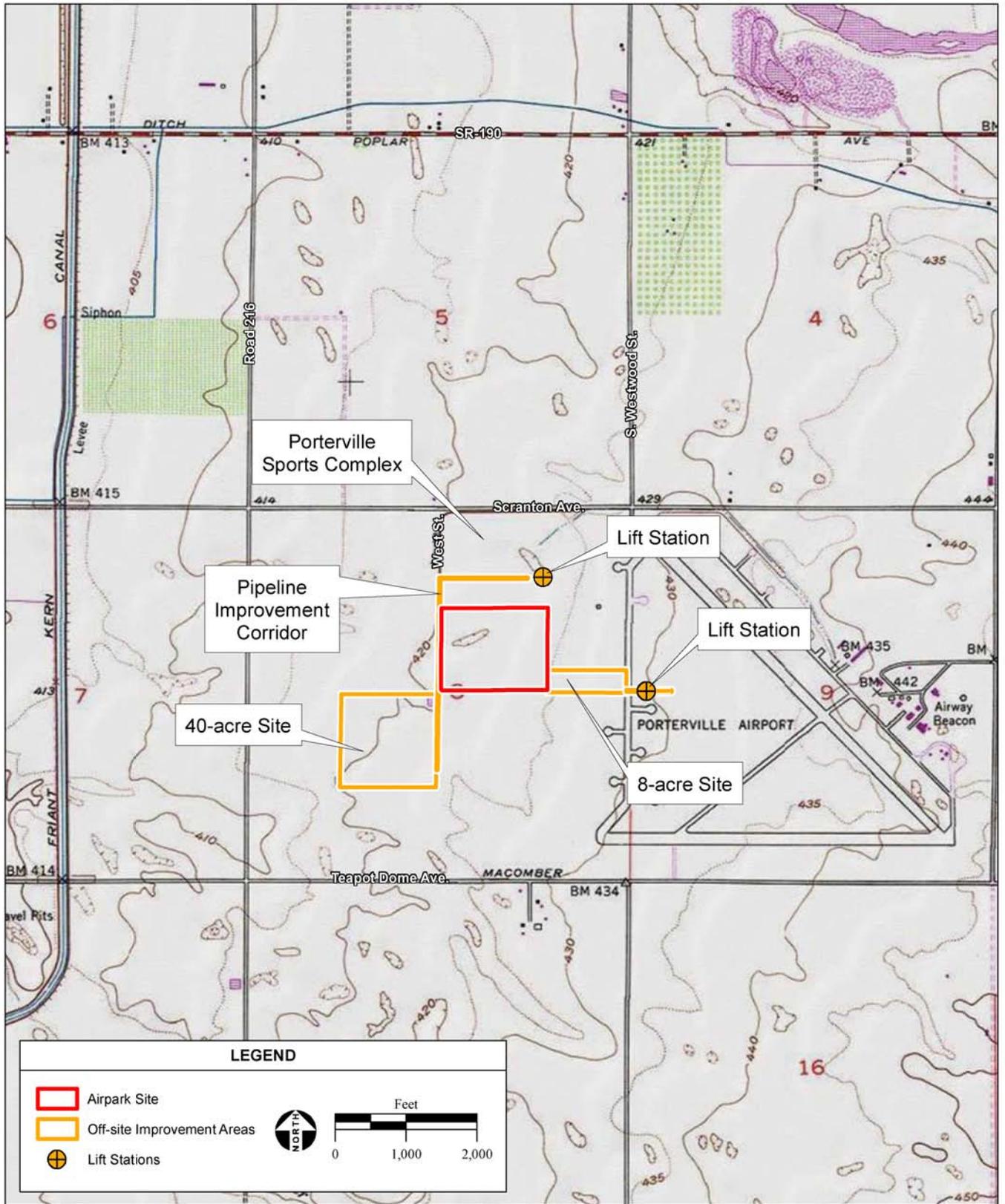


Figure 2-1
Regional Location



SOURCE: "Porterville, CA" USGS 7.5 Minute Topographic Quadrangle, T22S R27E, Section 8, Mt. Diablo Baseline & Meridian; ESRI Data, 2016; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-2
Airpark Site and Vicinity

display the regional location and vicinity of the Airpark Site, while **Figure 2-3** displays an aerial photograph of the Airpark Site and vicinity. The property is composed of 17 parcels, Assessor's Parcel Numbers (APNs) 302-400-001 through 302-400-017, as shown in **Table 2-1**.

TABLE 2-1
AIRPARK SITE PARCELS

Assessor's Parcel Number (APN)	Acreage
302-400-001	2.00
302-400-002	1.02
302-400-003	1.01
302-400-004	1.75
302-400-005	5.06
302-400-006	5.01
302-400-007	5.07
302-400-008	1.76
302-400-009	1.02
302-400-010	1.02
302-400-011	2.01
302-400-012	2.01
302-400-013	2.00
302-400-014	1.00
302-400-015	1.00
302-400-016	2.00
302-400-017	2.01
Roads and right-of-way	3.25
Total	40.00
Source: Tulare County Treasurer-Tax Collector, 2017.	

The northwest quadrants of the site currently contains two office/warehouse buildings. These include offices for the Tule River Economic Development Corporation and the Eagle Mountain Casino Warehouse Facility, which stores non-gaming supplies for operation of the existing Eagle Mountain Casino. Several governmental agencies lease portions of the building space, including the United States Department of Agriculture (USDA) warehouse, Indian Health Services office, and the Sequoia National Forest Emergency Command Center, which coordinates fire protection and firefighting activities among a variety of federal, state, and tribal agencies (Tule River Tribe, 2015). The Airpark Site contains approximately 5.7 acres of paved surfaces, including Yowlumne Avenue, Youdanchie Street, and Wukchumie Avenue, which run through the site; however, the majority is flat and undeveloped. The site is bounded by West Street on the west, an off-highway vehicle (OHV) park owned by the City to the north and east, and a photovoltaic power station (solar farm) operated by Southern California Edison (SCE) to the south. The site is zoned Airport Industrial by the City (City of Porterville, 2012). Land uses

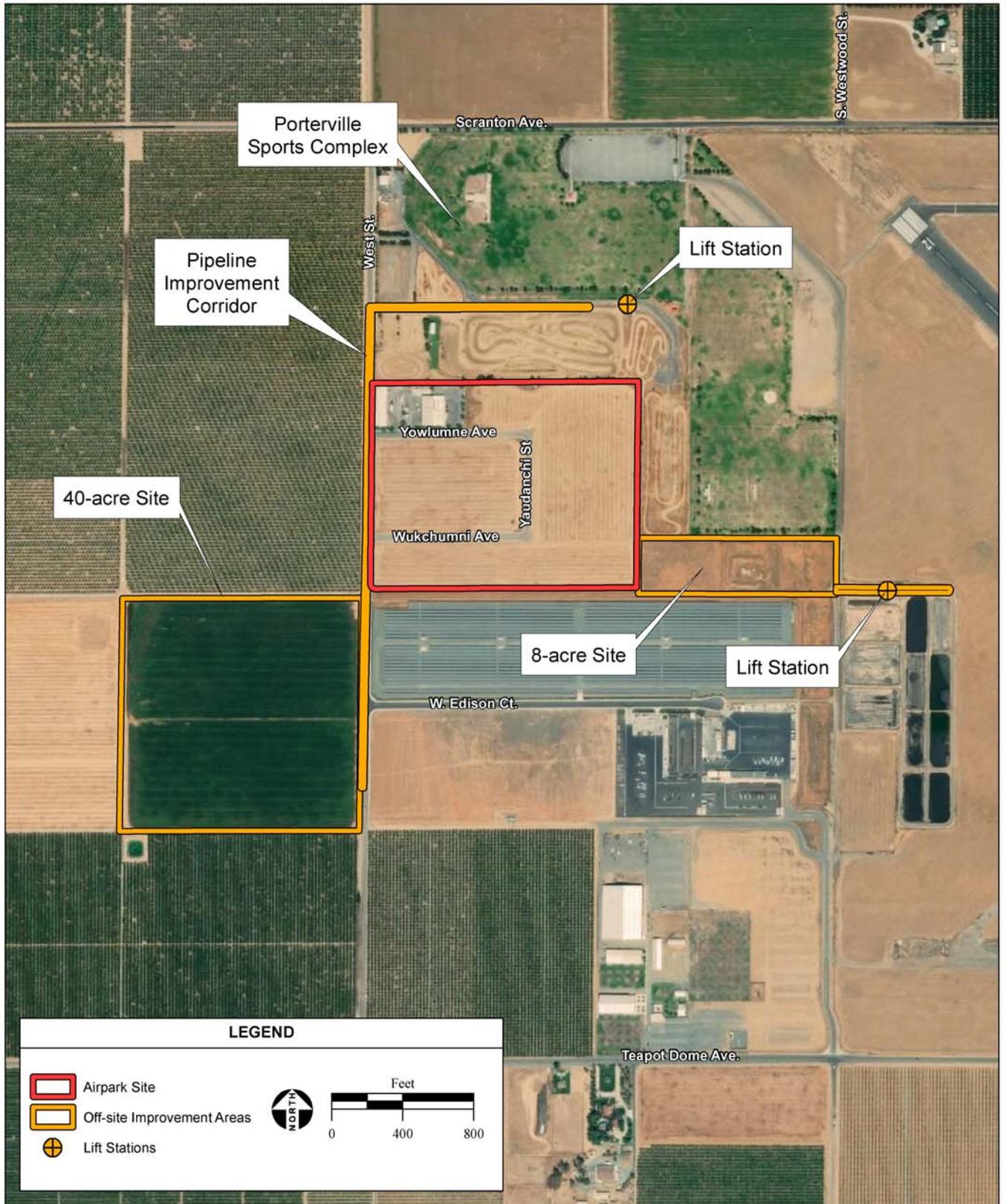


Figure 2-3
Airpark Site Aerial Photograph

in the vicinity of the Airpark Site include orchards and other agricultural uses in the County, as well as light industrial and recreational uses near the Porterville Municipal Airport, including the Porterville Sports Complex to the north and Porterville fairgrounds to the southeast.

Regional access to the Airpark Site is provided by State Route (SR) 190, located approximately 1.5 miles north, and SR-65, located approximately 2.0 miles east.

2.2.2 OFF-SITE IMPROVEMENT AREAS – ALTERNATIVES A, B, C, AND D

In addition to the Airpark Site described above in **Section 2.2.1**, the project site for Alternatives A, B, C, and D analyzed within this EIS includes several areas that would not be taken into trust, but may be utilized to support recycled water, sewer, and stormwater infrastructure. These additional areas are collectively referred to as “Off-site Improvement Areas” (**Figure 2-3**). Refer to the discussions below in **Section 2.3**, **Section 2.4**, **Section 2.5**, and **Section 2.6** regarding proposed infrastructure improvements for these areas. All Off-site Improvement Areas are within the City boundaries and are also currently, and would continue to be, owned by the City. The Off-site Improvement Areas are described below:

- **40-acre site.** The 40-acre site is located west of West Street, immediately southwest of the Airpark Site. It is bounded to the north, west, and south by agricultural land, and to the east by West Street and the SCE solar array site. It is currently used as a dispersal field for biosolids generated at the City’s wastewater treatment plant (WWTP). The 40-acre site is irrigated with potable well water to grow non-human consumption crops. It is zoned Agricultural/Conservation (AC) under the City’s zoning ordinances.
- **8-acre site.** The 8-acre site is located immediately adjacent to the southern portion of the Airpark Site’s eastern boundary. It is bordered to the north by the Porterville Sports Park and OHV park, to the west by the Airpark Site, to the south by the SCE solar array site, and to the east by Porterville Municipal Airport. The 8-acre site was formerly used as a shooting range for the City’s police force, and an earthen berm associated with this use remains near the center of the property. The site is otherwise cleared and undeveloped, and is currently unused. It is zoned by the City as Parks and Public Recreation Facilities (PK).
- **Lift Station and Pipeline Improvement Areas.** This area includes the following components:
 - Lift Station No. 12, located north of the Airpark Site at the border of the OHV park and Porterville Sports Complex, which pumps the combined wastewater flows from the Airpark Site, OHV park, and Porterville Sports Complex to Lift Station No. 7.
 - A 10-inch, approximately 803-foot long sewer pipeline, located east of the Airpark Site and adjacent to the 8-acre site’s eastern border, which carries the combined flows from Lift Station No. 12 and Lift Station No. 23 to Lift Station No. 7.
 - Lift Station No. 7, located east of the Airpark Site, which collects and pumps the combined effluent flows from the region immediately surrounding the Airpark Site; and the 6-inch, approximately 20-foot long force main associated with Lift Station No. 7.

- Recycled Water Pipeline Area, which encompasses the location along which pipelines would be built to convey recycled water generated at a Water Reclamation Facility (WRF) constructed at the 40-acre site to the Airpark Site and Porterville Sports Complex. The pipeline route extends north along West Street from the southern portion of the 40-acre site and then runs directly eastward along the border between the OHV park and Porterville Sports Complex, terminating just west of Lift Station No. 12.

2.2.3 EAGLE MOUNTAIN CASINO SITE – ALTERNATIVE E

The approximately 12-acre Eagle Mountain Casino Site is located within the Tribe's existing reservation lands, approximately 17 miles east of the Airpark Site (**Figure 2-1**). The Eagle Mountain Casino Site contains the Tribe's existing Eagle Mountain Casino (Casino), which has been in operation since 1996. The Casino encompasses 54,500 square feet (sf) and includes 1,200 electronic gaming devices (EGDs) as well as restaurants and meeting spaces. The site also contains 22,600 sf of existing food and beverage amenities; including a specialty restaurant, food court, and buffet; as well as a tribal administration building and a 1,500-seat entertainment pavilion. **Figure 2-4** shows the Eagle Mountain Casino Site and vicinity, and **Figure 2-5** shows an aerial photo of the site. Regional access is provided by SR-70 and South Reservation Road.

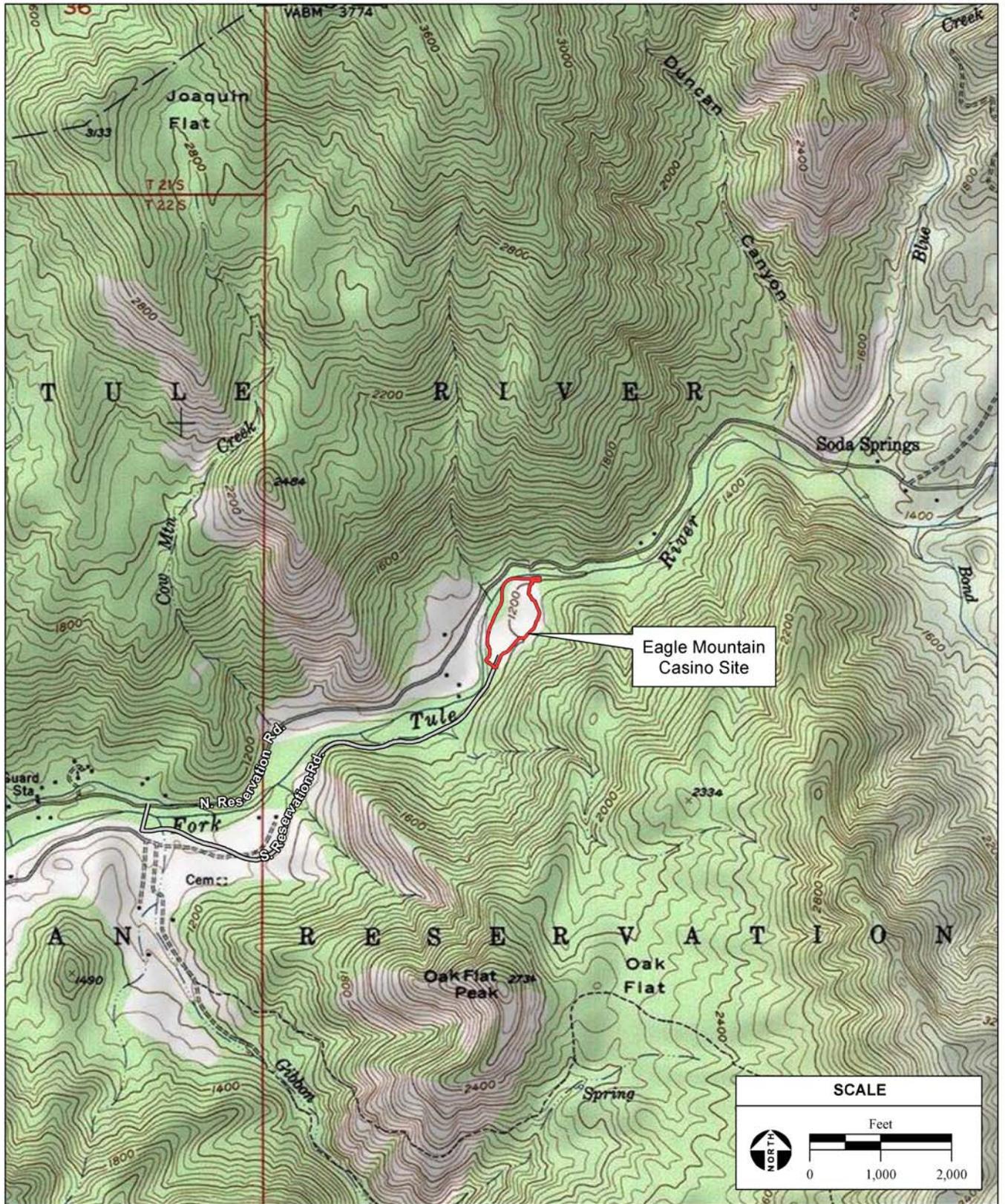
2.3 ALTERNATIVE A – PROPOSED PROJECT

Alternative A includes the following components: 1) the transfer the 40-acre Airpark Site from fee to trust status on behalf of the Tribe; 2) the issuance of a two-part determination by the Secretary of the Interior (Secretary) under the Indian Gaming Regulatory Act (IGRA) that the Proposed Action is in the best interest of the Tribe and not detrimental to the surrounding community, thus making the site eligible for gaming; 3) the subsequent development of the Airpark Site with a casino-resort and the Off-site Improvement Areas with supporting infrastructure; and 4) the closure of the existing Casino and conversion of the facility into tribal administrative offices and service uses¹. This is the Tribe's Proposed Project.

2.3.1 FEE-TO-TRUST TRANSFER

The Tribe has submitted an application to the Bureau of Indian Affairs (BIA) for the transfer of 40 acres of land within the Airpark Site into federal trust for the development of a casino-resort and related facilities (Proposed Action). The proposed trust parcel boundaries are shown in **Figure 2-2**. The BIA will make its determination regarding the fee-to-trust acquisition in accordance with the procedures set forth in 25 CFR Part 151. The regulations in 25 CFR Part 151 implement Section 5 of the Indian Reorganization Act (IRA), codified at 25 United States Code (USC) § 5108. Section 5 of the IRA is the

¹ The closure of the existing casino is subject to approval by the Tribe.



SOURCE: "Globe, CA" USGS 7.5 Minute Topographic Quadrangle, T22S R29E, Unsectioned area of Globe, Mt. Diablo Baseline & Meridian, AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-4
Eagle Mountain Casino Site and Vicinity



SOURCE: USDA FSA NAIP Aerial Photograph, 2014; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-5
Eagle Mountain Casino Site Aerial Photograph

general statute that provides the Secretary with authority to acquire lands in trust status for tribes and individual Indians.

2.3.2 TWO-PART SECRETARIAL DETERMINATION

Section 20 of IGRA generally prohibits gaming on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988 (25 U.S.C. § 2719). However, Congress expressly provided several exceptions to the general prohibition. One such exception, known as the “Secretarial Determination” or “Two-Part Determination,” permits an Indian tribe to conduct gaming on newly acquired lands when the Secretary, after consultation with the Indian tribe and appropriate state and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on the newly acquired lands would 1) be in the best interest of the tribe and its members, and 2) not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary’s Determination.

2.3.3 ALTERNATIVE A PROJECT COMPONENTS

Casino-Resort

Alternative A would result in the development of a casino-resort within the Airpark Site, consisting of an approximately 104,637-sf casino, 250-room hotel, food and beverage facilities, administrative space, multi-purpose events center, conference center, and associated parking and infrastructure. A site plan for the proposed facilities is presented as **Figure 2-6** and an architectural rendering is presented as **Figure 2-7**. **Table 2-2** provides a breakdown of project components with associated square footages. Proposed facilities would be constructed to meet the California Building Code (CBC) requirements, as required by the *2017 Tribal-State Compact Between the State of California and the Tule River Indian Tribe of California*. Alternative A is anticipated to directly employ approximately a total of 1,214 employees, of which 790 will be new full time equivalent (FTE) employees within the County during operation (**Appendix B**).

Casino

At build-out, the gaming component of the casino-resort would include approximately 1,750 EGDs and 20 table games (1,896 total gaming positions). The main gaming area would include service bars and lounges as well as restrooms and back-of-house (BOH) facilities. Smoking would be permitted within the casino; however, as required by the Gaming Compact, the casino would include a non-smoking area and state of the art air ventilation and filters to control indoor odors and minimize exposure to second-hand smoke.



SOURCE: HBG, 2016; NAIP aerial photograph, 6/17/2014; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-6
 Alternative A Site Plan



Hotel

The proposed hotel would be an approximately 100-foot tall, 7-story building with a gross footprint of approximately 151,836 sf. It would include a total of 250 rooms, including single king bed rooms, double queen bed rooms, and two-bay suites. The hotel would also feature a fitness center and outdoor pool. Additional facilities would include a main lobby, administrative offices, and service facilities. Swimming pool chemicals would be kept within a secured building; only used by qualified personnel; and stored, handled, and disposed of according to federal and manufacturer's guidelines.

TABLE 2-2
ALTERNATIVES A AND B – PROJECT PROGRAM

Component	Units	Approximate Area (square feet)
Casino Facility	-	104,637
Casino Gaming Floor	1,750 EGDs; 20 tables	64,541
Bars and Lounges	-	5,240
Circulation and Amenities	-	34,856
Dining/Retail Space	530 seats	36,301
Dining Area	-	21,055
Kitchens	-	14,246
Retail Store	-	1,000
Hotel Facility	250 rooms	151,836
Guest Room Tower	-	143,592
Lobby and Amenities	-	8,244
Multipurpose Event Center	1,700 seats	64,002
Events Floor	-	18,000
Pre-function area and Amenities	-	10,800
Stage and BOH	-	35,202
Convention Space	-	29,081
Divisible Ballroom	-	9,000
Meeting Space	-	4,500
Pre-function area and Amenities	-	3,600
Stage and BOH	-	11,981
Back-of-House	-	61,208
Porte Cochere	-	5,400
Total Footprint of Buildings	-	452,465
Parking	2,100 spaces	-
Garage	840 spaces	303,500
Surface	1,260 spaces	417,588
Notes: BOH = Back-of-House Source: HBG, 2016.		

Dining and Retail

Proposed dining facilities would have a gross footprint of approximately 36,301 sf. There would be 530 total seats split between diverse dining opportunities, including specialty restaurants, a café, a 24-hour bakery/deli counter, a buffet-style restaurant, and a sports bar/grill. In addition to dining opportunities, one small 1,000 sf retail shop is proposed.

Event Center and Convention Space

The Proposed Project also includes the construction of a 64,002-sf multi-purpose event center and a 29,081-sf convention space. The event center would include a 1,700-seat entertainment venue and associated supporting facilities to host shows and midweek entertainment, including concerts and stage performances. The convention space would include a 9,000-sf divisible ballroom for business events and conferences. These events would occur periodically, not daily.

Site Access

Access to the site would be provided via three dedicated driveways, all connected to West Street to the west of the Airpark Site (**Figure 2-6**). The main entrance for project patrons would be located near the center of the site, with a southern entrance driveway for delivery vehicles and northern entrance driveway for additional emergency access to the site and for fire station vehicles. All of the driveways would be stop-controlled; the main driveway would have a southbound left turn lane into the site with a minimum storage length of 250 feet and the northernmost driveway (used to access the fire station) would have fire station or firetruck warning signs (California Manual on Uniform Traffic Control Devices [MUTCD] W11-8) posted on the northbound and southbound approaches along West Street and flashing amber beacons to be activated by emergency personnel (**Appendix I**). Class II bike lanes and sidewalks along the Airpark Site frontage, per City design standards, are also proposed. Regular transit service would also be provided by the City of Porterville to the Proposed Project, similar to existing services for the Eagle Mountain Casino (Lollis, 2018).

Parking

A total of 2,100 parking spaces would be available for guests and employees, including 1,260 surface spaces as well as an additional 840 spaces within a 48-foot-tall, 5-level parking garage. The garage would occupy approximately 303,500 sf.

Architecture, Signage, Lighting, and Landscaping

The buildings' architecture and exterior signage would enhance the natural and rural characteristics of the site and vicinity by incorporating native materials and colors. Illuminated signs would be designed to blend with the light levels of the building and landscape lighting in both illumination levels and color characteristics. The exterior lighting of the project would be integrated into components of the architecture and would be strategically positioned to minimize off-site lighting and any direct sight lines

to the public. The architectural design of the project would be enhanced by landscaping using drought tolerant plants native to the region.

Water Supply

As detailed in the Water and Wastewater Study, included as **Appendix C**, the estimated total average water demand under Alternative A would be approximately 106,505 gallons per day (gpd), consisting of 64,672 gpd of potable water and 41,833 gpd of recycled water, which would be used at the Airpark Site for exterior landscape irrigation and toilet and urinal flushing. Additionally, Alternative A would require an estimated 3,000 to 4,000 gallons per minute (gpm) of fire flow for a 3 to 4 hour duration. The Airpark Site is currently connected to the City's municipal potable water system via an 8-inch water main loop, which in turn connects to 12-inch water mains that run parallel to West Street and Scranton Drive (see Figure 2 of **Appendix C**). Under Alternative A, water would continue to be provided to the Airpark Site via this municipal infrastructure, though the existing 8-inch water main within the Airpark Site may be realigned to better accommodate the configuration of the proposed facility. If determined necessary to provide sufficient fire flow, the Tribe would install a booster pump station on-site. The Tribe has expressed its intent to contract with the City for water supply and pay the expenses associated with provision of service to the Airpark Site.

As described in detail in **Section 3.10**, the City's water supply is derived almost exclusively from municipal groundwater wells. The regional aquifer is severely overdrafted, and well capacities in and around the City have declined significantly over the last decade. In order to ensure sufficient potable water service for Alternative A without undue burden on the City's system, Alternative A includes the development of recycled water infrastructure to offset project demands. Proposed infrastructure improvements are described in detail in **Appendix C** and include the development of an approximately 308,000-gpd WRF at either the 40-acre site or the 8-acre site (described above in **Section 2.2.2**) for the production of recycled water for beneficial reuse at the Airpark Site and the Porterville Sports Complex (**Figure 2-2**), which currently utilizes potable water to meet its irrigation demands. The Porterville Sports Complex consists of approximately 55 acres of natural turf fields maintained for various recreational uses, including softball, soccer, and football. The City's 24-inch effluent line that carries secondary treated wastewater from the municipal WWTP to a 712-acre disposal area located just over 1 mile southwest of the Airpark Site runs immediately adjacent to the eastern border of the 8-acre site and the southern border of the 40-acre site (see Figure 4 in **Appendix C**).

Secondary effluent would be diverted as needed from the 24-inch effluent line to the WRF and then treated to Title 22 disinfected tertiary recycled water standards. A 335,000-gallon storage tank constructed at the WRF would provide operational and emergency storage for the WRF. Recycled water would be pumped via a pump station at the WRF with a peak hour capacity of 700 gpm through proposed pipelines that would be constructed from the WRF to the Airpark Site and to the Porterville Sports Complex (refer to **Figure 2-3**). The existing irrigation system at the Porterville Sports Complex would be

retrofitted to meet applicable regulations for recycled water distribution, including measures to prevent cross-contamination with potable water lines. Retrofitting of the Porterville Sports Complex would involve minimal alterations to the existing pipeline system (i.e. retrofitting would not require all of the potable water irrigation pipelines be removed and replaced with new pipelines). Once constructed by the Tribe, the WRF and associated recycled water infrastructure will be operated and controlled by the City.

The 308,000-gpd WRF would be sized to treat and supply the average irrigation water demand of the Porterville Sports Complex and the maximum-month recycled water demand of Alternative A. As shown in **Table 2-3**, the production and use of recycled water under Alternative A would result in an approximately 73,828-gpd net decrease in potable water demands in the City. The WRF would be operational on or before the opening day of the casino-resort.

TABLE 2-3
NET CHANGE IN CITY'S POTABLE WATER DEMAND – ALTERNATIVE A

	Gallons per Day (gpd)	Acre-feet per Year (afy)
Alternative A Potable Water Demand	64,672	72.4
Porterville Sports Complex Potable Water Use Reduction	-138,500	-155.1
Net Reduction in Potable Water Demand	-73,828	-82.7
Note: Net change in potable water demand is the difference between the demands of Alternative A that will be added to the system less the demands of irrigating the Porterville Sports Complex that will be removed from the system (64,672 gpd – 138,500 gpd = -73,828 gpd). Source: Psomas, 2018a (Appendix C).		

Wastewater Treatment and Disposal

Alternative A is projected to generate an average of 77,606 gpd of wastewater, with peak flows of 143 gpm (**Appendix C**). Wastewater service is currently provided to the Airpark Site via a network of 8-inch municipal sewer lines. The sewer pipelines discharge wastewater generated at the Airpark Site into Lift Station No. 12, from which the flows are pumped through four subsequent lift station and approximately 5.0 miles of sewer pipeline to the City's WWTP. Figure 3 and Figure 4 of **Appendix C** show the elements of the City's wastewater system to which the Airpark Site connects, as well as other elements of the municipal wastewater system in the immediate vicinity of the Airpark Site. Under Alternative A, the Airpark Site would continue to be serviced by the City's municipal wastewater system. While the City's WWTP has the capacity to handle flows generated under Alternative A, as described further in **Appendix C** and **Section 4.10**, some components of the City's conveyance system are either currently deficient or would not be adequate to accommodate wastewater flows generated by Alternative A. Improvements to these components that would be conducted as part of Alternative A are briefly summarized below:

- **Lift Station No. 12.** Lift Station No. 12 currently has only one submersible pump, with a rated capacity of 236 gpm. The lift station is currently deficient in both operational and emergency storage, and the construction of a new submersible pump station housing the existing pump and

an additional pump with a similar rated capacity would be necessary to increase storage capacity and reliably accommodate the effluent flows generated under Alternative A.

- **10-inch sewer pipeline that carries flows to Lift Station No. 7.** The approximately 803 linear foot, 10-inch sewer pipeline that carries the combined effluent flows pumped from Lift Station No. 12 and Lift Station No. 23 to Lift Station No. 7 is made of techite, a material no longer used for sewer pipelines because it loses its structural integrity over time. The pipeline also would not have the capacity to carry the estimated peak flows under Alternative A. The existing sewer line would need to be replaced with a 12-inch pipe constructed with a more appropriate material, such as vitrified clay pipe or cement mortar-lined ductile iron pipe.
- **Lift Station No. 7.** Lift Station No. 7 houses two submersible pumps, neither of which appear to have been replaced since the lift station's construction in 1971. Due to the age of the pumps (over 45 years old), they would need to be replaced to accommodate the increased usage resulting from Alternative A. The lift station's wetwell is also deficient in both operational and emergency storage, and it may need to be replaced to provide the requisite storage capacity.
- **6-inch force main associated with Lift Station No. 7.** The 6-inch force main associated with Lift Station No. 7 is made of cast iron and also appears to be constructed in 1971. It is suffering from age and corrosion and requires replacement with a pipe that is the same size but made of a more corrosion-resistant material, such as polyvinyl chloride (PVC) or coated and lined ductile iron pipe.

Further description of the proposed lift station and sewer improvements is provided in **Appendix C**.

Grading and Drainage

Grading and Excavation

Construction would involve grading and excavation for building pads and parking lots. In addition to the existing 5.7 acres of impervious surfaces on site, approximately 22.0 acres of impervious surfaces would be created during construction, for a total of 27.7 acres of impervious surfaces within the Airpark Site. As discussed in the Grading and Drainage Analysis Report (**Appendix D**), it is anticipated that a net of 11,800 cubic yards of fill would be necessary to develop the on-site components of Alternative A.

If the 40-acre site is selected as the location of the WRF, approximately 38,720 cubic yards of surface soils that primarily consist of biosolids would need to be removed from the site and replaced; if the 8-acre site is selected as the location of the WRF, approximately 19,360 cubic yards of surface soils that likely contain lead deposits from the site's former use as a shooting range would need to be removed from the site and replaced with additional fill needed to raise the grade to prevent flooding, resulting in a need for approximately 58,000 cubic yards of fill. Additionally, one potential use of the uncontaminated soil produced during the excavation of the regional retention basin would be to raise the grade of the entire 8-acre site by approximately 2 feet, which would require an additional estimated 29,000 cubic yards of material. Excavation of the regional retention basin proposed under Alternative A on the 40-acre site

would yield approximately 322,700 cubic yards of material, of which approximately 129,100 cubic yards would be surface soils that primarily consist of biosolids and would need to be disposed of. The approximately 193,600 cubic yards of clean soil generated from the excavation of the regional basin would be used to supply the necessary fill on the Airpark Site and the 40-acre or 8-acre sites, while any uncontaminated material not used for this purpose either could be used to raise the grade of the Airpark Site or would be stockpiled on the 40-acre site for use in future regional construction projects. Thus, Alternative A would require the export of 167,820 cubic yards of contaminated materials if the WRF is constructed on the 40-acre site and the export of 148,460 cubic yards of contaminated materials if the WRF is constructed on the 8-acre site. These materials would be exported to a landfill permitted to receive biosolid waste. Any imported fill material would be screened by a qualified engineer prior to its use on the Airpark Site or Off-site Improvement Areas to ensure that it is of adequate quality for use as fill.

Drainage and Stormwater

As discussed in the Drainage Report (**Appendix D**), existing drainage improvements within the Airpark Site consist of catch basins along the paved streets within the site that are drained via a 30-inch buried stormwater drain that discharges to the OHV park to the north of the site. The OHV park is low-lying and functions as the regional stormwater retention basin for the Airport System, a region that includes the Porterville Municipal Airport and surrounding areas south of Scranton Drive and east of West Street. Under Alternative A, the existing storm drain facilities within the Airpark Site, including existing pipes and minor structures adjacent to West Street that extend into the project boundaries, will be reconfigured as necessary to accommodate the project design. A 30-inch storm drain along Yowlumne Avenue within the Airpark Site would be removed, necessitating alterations to the City's drains within West Street to maintain the integrity of the City's drainage system. The exiting 60-inch storm drain in West Street would be extended to connect to the OHV park detention area. Existing drainage facilities and proposed improvements are shown in Figures 1 and 2 of **Appendix D**.

While the OHV park currently acts as the regional retention basin for the Airport System, it does not have sufficient capacity to retain all stormwater flows from this region during severe precipitation events, and is considered by the City to be only a temporary stormwater retention basin. The OHV park has previously overflowed during precipitation events less severe than the 10-day/100-year storm, causing portions of the Airpark Site, 8-acre site, and Porterville Sports Complex to be temporarily inundated. To resolve this current flooding issue, and to meet the goals for a permanent retention basin for the Airport System outlined in the City's Storm Drain Master Plan, Alternative A includes the construction of a 200 acre-foot (AF) regional retention basin in the northern portion of the 40-acre site and the connection of the existing 60-inch storm drain running beneath West Street to this basin. The basin would be sized to retain stormwater flows from the entire Airport System during the 10-day/100-year storm, per the calculations in the City's Storm Drain Master Plan. Construction of the regional retention basin would be

completed prior to the opening of the Proposed Project, and would prevent the overflow of the OHV park and inundation of the Airpark Site during severe precipitation events (**Appendix D**).

Other stormwater improvements to the Airpark Site under Alternative A will be voluntarily designed to meet the goals outlined in the City's Storm Drain Master Plan and the City's Improvement Standards. Stormwater infrastructure developed under Alternative A will retain any differential runoff (meaning the difference between pre- and post-development runoff) for a 1-day/10-year storm event through chamber cistern units located beneath the proposed parking lots. To retain differential runoff, the estimated total storage volume of the units would be approximately 3.6 AF. Stormwater retained in these units during severe precipitation events would be pumped out and used to irrigate the Airpark Site (**Appendix D**). Catch basin insert filters would be installed at select drains on the Airpark Site to capture sediment, debris, trash, oil, and grease from stormwater before it is retained in the cistern chamber units. These filters would clean the stormwater during low flows and would not retain standing water, minimizing bacteria and odor problems. Regular maintenance and regular inspection will ensure the catch basin insert filters are working properly and a buildup of debris is not occurring. Bio-swales would also be dispersed throughout the Airpark Site, and would filter stormwater by capturing sediments and pollutants within the vegetation and surface soil matrix. Excess runoff would be directed to the existing 60-inch storm drain running beneath West Street which, as described above, will be connected to the new 200-AF regional retention basin on the 40-acre site. Discharges off the Airpark Site shall comply with the Phase II Small MS4 General Permit, Order # 2013-001DWQ managed by the State Water Board (**Appendix D**).

As described in **Appendix D**, chamber cistern units with a total volume of approximately 0.1 AF would be constructed at the 8-acre site if it is selected as the location of the WRF. As on the Airpark Site, catch basin insert filters would be installed, which would filter surface runoff and provide stormwater quality control. If the 40-acre site is selected as the location of the WRF, the proposed regional retention basin located on the northern 20 acres of the 40-acre site would provide adequate retention and quality control for differential stormwater flows associated with project development, and no chamber cistern units would be constructed on the 40-acre site.

Fire Protection/Emergency Response

A tribally-staffed fire station to be constructed in the northwest corner of the Airpark Site would provide primary fire protection and emergency medical response services under Alternative A. The Airpark Site is currently within the service boundary of the Porterville Fire Department (PFD) and the Tulare County Fire Department (TCFD). It is anticipated that the Tribe will enter into mutual aid agreements with the PFD and TCFD for the provision of supplementary fire and emergency response services to the site and vicinity as needed.

Security/Law Enforcement

The Tribe intends to enter into an agreement for law enforcement services with the City of Porterville Police Department (PPD) and/or the Tulare County Sheriff's Department (TCSD). PPD and/or TCSD would have the authority to enforce all non-gaming state criminal laws on the proposed trust lands pursuant to Public Law (PL) 23-280 (PL 280). The Tribe would employ security personnel operating under the Compliance and Surveillance Departments of the Tribe's Gaming Commission to patrol the facilities to reduce and prevent criminal and civil incidents. Additionally, surveillance equipment would be installed in the casino and parking areas and tribal security personnel would work cooperatively with the PPD and TCSD to provide general law enforcement services to the Airpark Site.

Energy and Natural Gas

Electrical service to the Airpark Site is currently provided by SCE. No existing natural gas service lines connect to the site. Southern California Gas Company (SoCalGas) currently supplies natural gas services to customers in the vicinity of the Airpark Site, and service may be extended to the site. SCE serves the project vicinity out of its Poplar Substation, located 4.3 miles southwest of the Airpark Site, and improvements may be needed to extend service to the site.

Emergency standby generators will be installed at the rear of the facilities to provide back-up power in the event of an electricity outage. The diesel fuel for the generators would be contained in aboveground storage tanks within the standby generator facility that would allow for 48 hours of operation at peak load. Fuel storage tanks would be dual-walled for spill containment.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Casino would be converted to tribal governmental uses. It is anticipated that the re-purposed space would be used to accommodate existing tribal departments, including healthcare and educational facilities within the Reservation that are currently undersized. Thus, while the location of tribal governmental and service facilities may shift within the Reservation, no new uses would be created. Therefore, traffic, water demands, and wastewater flows would be expected to decrease on the Reservation as a result of relocating the Eagle Mountain Casino. Specifically, the overall water demand on the Reservation would decrease by approximately 27,863 gpd, which is the current water demand of the Eagle Mountain Casino (30,226 gpd) less 50 percent of the existing food court and buffer water demand, as the food court would remain open for use by tribal members. While no exterior improvements or construction activities would occur, interior renovations may take place.

Construction and Best Management Practices (BMPs)

Construction of the Proposed Project is anticipated to begin in 2019 with an approximately 18-month construction schedule. The existing buildings within the site would be demolished and removed.

Industry standard Best Management Practices (BMPs) would be implemented during construction. In many cases, such as Stormwater Pollution Prevention Plans (SWPPPs) prepared for National Pollutant Discharge Elimination System (NPDES) permits, certain BMPs are requisite conditions of permit compliance. **Section 5.0** presents select BMPs that have been specifically incorporated into the project design to avoid or minimize potential adverse effects resulting from the development of Alternative A.

2.4 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Alternative B would be located on the same site as Alternative A (**Figures 2-1** and **2-2**) and is identical to Alternative A in all aspects with the exception that Alternative B would not involve connections to the City's water and wastewater infrastructure. Refer to **Section 2.3** and **Table 2-2** for a description of the project components under Alternative B, including: 1) fee-to-trust transfer, 2) two-part secretarial determination, 3) casino-resort, 4) fire protection and emergency response, 5) security and law enforcement, 6) energy, 7) renovation of the existing Eagle Mountain Casino, and 8) construction BMPs. Although the general configuration of land uses within the Airpark Site would be identical to Alternative A, Alternative B includes the addition of water supply wells, a tertiary wastewater treatment facility, and altered drainage facilities. **Figure 2-8** illustrates the Site Plan for Alternative B. A description of the water supply, wastewater treatment and disposal facilities, and grading and drainage under Alternative B is provided below.

2.4.1 WATER SUPPLY

As detailed in **Appendix C**, the estimated total average daily water consumption for Alternative B would be approximately 106,505 gpd, consisting of 64,672 gpd of potable water and 41,833 gpd of recycled water, which would be used at the Airpark Site for exterior landscape irrigation and toilet and urinal flushing. Under Alternative B, no connections would be made to the City's water supply system, and two groundwater wells would instead be drilled on-site to satisfy the potable water demand. The proposed wells would be drilled to a depth of approximately 800 feet. Similar individual wells in the region have a capacity of 300 to 400 gpm, which would be more than adequate to meet the estimated peak-hour demand of 124 gpm. However, two wells are necessary in the event that one is damaged or must be shut down for maintenance (**Appendix C**).

In addition to the groundwater wells, a pumping station and 1.2-million gallon (MG) storage tank would also be constructed on-site (refer to **Figure 2-8**). The storage tank would have sufficient capacity to provide operational, fire flow, and emergency storage. One well would be located in a building shared with the pump station and storage tank potentially located in the northwest corner of the Airpark Site. The second well would also potentially be located in the Airpark Site's northwest quadrant, but no less than 100 feet away from the first well.



SOURCE: HBG, 2016; NAIP aerial photograph, 6/17/2014; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-8
 Alternative B Site Plan

2.4.2 WASTEWATER TREATMENT AND DISPOSAL

The projected average daily wastewater flows for Alternative B would be approximately 77,606 gpd, with peak flows estimated at 143 gpm. Under Alternative B, the Tribe would install a package tertiary WWTP on-site, including an extended aeration activated sludge plant (EAP) and a tertiary filtration system (TFS), that has the capacity to treat the wastewater generated by the proposed facilities (77,606 gpd). The combined system would be capable of treating wastewater generated on-site to Title 22 tertiary disinfected recycled water standards and would produce enough recycled water to satisfy 100 percent of Alternative B's estimated maximum recycled water demands. During periods when the amount of secondary effluent generated at the EAP exceeds the amount of recycled water demanded at the Airpark Site, surplus effluent would be discharged to approximately 2.3 acres of leach fields located beneath the proposed parking lot or at other suitable locations within the Airpark Site. The disposal of treated wastewater on-site via subsurface drainage would be regulated under the United States Environmental Protection Agency (USEPA) within the Underground Injection Control (UIC) program. The subsurface drainage system would constitute a Class V injection well and would be registered with USEPA as such. Sludge generated at the EAP would be dewatered on-site through mechanical processes and disposed of off-site.

The EAP, TFS, a recycled water pump station, and a 27,000 gallon recycled water storage tank would be located in a single building in the southwest corner of the Airpark Site. The sludge dewatering facility would be located in a separate building immediately adjacent to the structure housing the EAP and TFS. Further description of wastewater treatment and disposal under Alternative B is provided in **Appendix C** and **Section 4.3**.

2.4.3 GRADING AND DRAINAGE

Construction would involve grading and excavation for building pads and parking lots. Approximately 25.8 acres of impervious surfaces would be created on-site, for a total of 31.5 acres of impervious surfaces within the Airpark Site. As discussed in the Grading and Drainage Analysis Report (**Appendix D**), it is anticipated that approximately 11,100 cubic yards of fill would be necessary to construct the on-site components of Alternative B (**Appendix D**). Excavation of the regional retention basin on the 40-acre site would generate approximately 322,700 cubic yards of cut, of which approximately 129,100 cubic yards would be surface soils consisting primarily of biosolids that would need to be exported to a permitted waste disposal site. Of the remaining 193,600 cubic yards of material generated from the excavation of the regional basin, approximately 11,100 cubic yards would be used as fill on the Airpark Site and the excess material would either be stockpiled on the 40-acre site or could be used to raise the grade of the Airpark Site as described under Alternative A.

On-site and off-site stormwater infrastructure development under Alternative B would be the same as under Alternative A, including the construction of the 200-AF regional retention basin on the 40-acre site. However, the total volume of the on-site cistern chamber units would be approximately 2.1 AF larger (for

a total volume of 5.7 AF) as a result of the small increase in impervious surfaces and post-development runoff compared to Alternative A (**Appendix D**).

2.5 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Alternative C would be located on the 40-acre Airpark Site (**Figures 2-2** and **2-3**) and would be similar to Alternatives A and B, but on a reduced scale. Alternative C also includes the transfer of the Airpark Site into federal trust status for the Tribe as described under **Section 2.3.1**; the issuance of a two-part determination by the Secretary as described in **Section 2.3.2**; and the development of a casino, hotel, dining facilities, and convention space within the Airpark Site, with some of the proposed facilities reduced in size when compared to Alternatives A and B.

2.5.1 CASINO-RESORT

Alternative C would result in the development of a casino-resort within the Airpark Site, consisting of an approximately 76,024-sf casino, 250-room hotel, food and beverage facilities, administrative space, conference center, and associated parking and infrastructure. A site plan for the proposed facilities is presented as **Figure 2-9** and an architectural rendition is presented as **Figure 2-10**. **Table 2-4** provides a breakdown of project components with associated square footages. Alternative C is anticipated to directly employ approximately 404 new FTE employees within the County (**Appendix B**).



SOURCE: HBG, 2016; NAIP aerial photograph, 6/17/2014; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-9
Alternative C Site Plan



TABLE 2-4
ALTERNATIVE C – REDUCED INTENSITY ALTERNATIVE

Component	Units	Approximate Area (square feet)
Casino Facility	-	76,024
Casino Gaming Floor	1,175 EGDs/12 tables	48,406
Bars and Lounges	-	3,930
Circulation and Amenities	-	23,688
Dining/Retail Space	406 seats	27,943
Dining Area	-	16,207
Kitchens	-	10,736
Retail Store	-	1,000
Hotel Facility	250 rooms	151,836
Guest Room Tower	-	143,592
Lobby and Amenities	-	8,244
Convention Space	-	19,900
Divisible Ballroom	-	9,000
Meeting Space	-	4,500
Pre-function area and Amenities	-	3,150
Stage and BOH	-	3,250
Back-of-House	-	45,906
Porte Cochere	-	5,400
Total Footprint of Buildings	-	327,009
Parking (Surface only)	1,360 spaces	444,650
Notes: sf = square feet; BOH = Back-of-House Source: HBG, 2016.		

Casino

The proposed casino would be similar to that under Alternative A, but on a reduced scale. It would have a gross footprint of approximately 76,024 sf and at build-out, and the gaming component of the facility would consist of approximately 1,175 EGDs and 12 table games (1,259 total gaming positions). The main gaming area would include service bars and lounges as well as restrooms and BOH facilities. Smoking would be permitted within the casino; however, non-smoking sections would be provided. Similar to Alternative A, the casino would use air ventilation and filter technology to control indoor odors and minimize exposure to second-hand smoke.

Hotel

The proposed hotel would be identical to the hotel proposed under Alternative A, with the same gross footprint and room scheme.

Dining

Dining facilities would be similar to those proposed under Alternative A, but on a reduced scale. There would be approximately 406 total seats split between dining opportunities that would include specialty restaurants, a café, a 24-hour bakery/deli counter, a food court, and a sports bar/grill. No buffet is proposed under Alternative C. In addition to dining opportunities, a small 1,000 sf retail shop is proposed.

Convention Space

Similar to Alternative A, Alternative C also includes the construction of convention space with a 9,000-sf divisible ballroom. The convention space would be slightly reduced, with a gross footprint of approximately 19,900 sf. Alternative C does not include a multi-purpose event center.

Site Access

As under Alternative A, access to the site would be provided via three dedicated driveways, all connected to West Street to the west of the Airpark Site (**Figure 2-9**), and shuttle service would also be provided, similar to existing services provided by the existing Eagle Mountain Casino.

Parking

Alternative C does not include the construction of a parking garage. A total of 1,360 surface parking spaces would be available for guests and employees.

2.5.2 WATER SUPPLY

The estimated total average daily water consumption for Alternative C would be approximately 82,078 gpd, which includes 43,854 gpd of potable water and 38,224 gpd of recycled water (**Appendix C**). Water supply would be provided through connection to the City's municipal system as described under Alternative A or through the development of on-site wells as described under Alternative B. The two options for water supply under Alternative C are described below.

Option 1 - City Municipal Water Supply

As with Alternative A, under Alternative C Water Supply Option 1, the Tribe would 1) contract with the City for water provision and pay the expenses associated with service to the Airpark Site; and 2) a WRF would be constructed at either the 40-acre site or 8-acre site to reduce the net potable water demand, which would be utilized to provide recycled water for use at the Airpark Site, as well as replace the potable water currently used to irrigate the Porterville Sports Complex. The WRF would consist of the same components described in **Section 2.3**; however, it would only be sized to generate enough recycled water to offset 100 percent of the existing potable water demand at the Porterville Sports Complex and

serve Alternative C. As with Alternative A, once constructed, the WRF and associated recycled water infrastructure will be operated and controlled by the City.

As shown in **Table 2-5**, the water supply strategy under Alternative C would result in an approximately 94,646 gpd net decrease in potable water demands in the City.

TABLE 2-5
NET CHANGE IN CITY'S POTABLE WATER DEMAND – ALTERNATIVE C

	Gallons per Day (gpd)	Acre-feet per Year (afy)
Alternative C Potable Water Demand	43,854	49.1
Porterville Sports Complex Potable Water Use Reduction	-138,500	-155.1
Net Reduction in Potable Water Demand	-94,646	-106.0
Notes: Net change in potable water demand is the difference between the demands of Alternative C Option 1 that will be added to the system less the demands of irrigating the Porterville Sports Complex that will be removed from the system (43,854 gpd – 138,500 gpd = -94,646 gpd). Source: Psomas, 2018a (Appendix C).		

Option 2 - On-site Water Supply

As with Alternative B, Alternative C Water Supply Option 2 would involve the drilling of two on-site groundwater wells and the construction of a pump station and an approximately 680,000-gallon storage tank for operational use, emergency supply, and fire protection. Under Water Supply Option 2, the building that would house the first well, the storage tank, and the pump station would potentially be located in the southeastern quadrant of the Airpark Site. The second well would also potentially be located in the Airpark Site's southeastern quadrant, but at least 100 feet from the first well.

2.5.3 WASTEWATER TREATMENT AND DISPOSAL

The projected average wastewater flow for Alternative C would be approximately 50,532 gpd, with peak flows estimated at 93 gpm (**Appendix C**). Wastewater treatment would either be provided through connection to the City's municipal system as described under Alternative A or through the development of an on-site WWTP as described under Alternative B. The two options for wastewater treatment under Alternative C are described below.

Option 1 - City Municipal Wastewater Treatment and Disposal

As with Alternative A, Alternative C Wastewater Option 1 would involve the continued connection of the Airpark Site to the municipal wastewater system. The same renovations of the City's wastewater infrastructure described under Alternative A would also be required under Alternative C (see **Appendix C** for additional detail).

Option 2 - On-site Wastewater Treatment and Disposal

Similar to Alternative B, Alternative C Wastewater Option 2 would involve the development of an on-site WWTP for treatment of wastewater generated under Alternative C. Surplus secondary effluent from the WWTP would be discharged through a leach field located either beneath the planned parking lot or at other suitable locations on the Airpark Site. Refer to **Appendix C** for additional details.

2.5.4 GRADING AND DRAINAGE

Construction would involve grading and excavation for building pads and parking lots. As discussed in the Grading and Drainage Analysis Report (**Appendix D**), approximately 16.9 acres of impervious surfaces would be created if the off-site water supply and wastewater treatment and disposal options are selected, while 17.8 acres of impervious surfaces would be created if the on-site options are selected (for total impervious surface acreages of 22.6 and 17.8, respectively). As discussed in the Grading and Drainage Analysis Report (**Appendix D**), it is anticipated that a net of 2,011 cubic yards of fill would be necessary to develop the on-site components of Alternative C. If the on-site water and wastewater treatment options are selected, this fill would be supplied entirely by material generated from the excavation of the regional retention basin, while the remaining clean cut material would be stockpiled on the 40-acre site and/or would be used to raise the grade of the Airpark Site; the 129,100 cubic yards of biosolid-contaminated surface soils generated from the excavation of the regional basin would be exported to a permitted waste disposal facility. For the off-site improvements under the off-site water and wastewater treatment options, the amount of material that would need to be imported and exported is the same as under Alternative A. Thus, if the 40-acre site is selected for the proposed WRF, Alternative C would require the net export and disposal of 167,820 cubic yards of material and would require 152,869 cubic yards of material to be used to raise the grade of the Airpark Site and/or stockpiled on the 40-acre site; if the 8-acre site is selected, Alternative C would require 148,460 cubic yards of material to be exported and disposed of and 152,869 cubic yards of material to be used to raise the grade of the Airpark Site and/or stockpiled on the 40-acre site. Any imported fill material would be screened by a qualified engineer prior to its discharge on the Airpark Site or Off-site Improvement Areas to ensure that it is of adequate quality for use as fill and does not contain any hazardous materials.

On-site and off-site stormwater infrastructure development under Alternative C would be the same as under Alternative A, including the construction of the 200-AF regional retention basin. However, the total volume of the cistern chamber units would be smaller as a result of the decrease in impervious surfaces and post-development runoff compared to Alternatives A and B: under the off-site water and wastewater treatment options approximately 2.6 AF of total storage volume would be needed, and under the on-site water and wastewater treatment options approximately 2.8 AF of total storage volume would be required (**Appendix D**).

2.5.5 PUBLIC SERVICES

Because Alternative C would be developed on the same site as Alternative A, the provision of public services, including fire protection/emergency response, security/law enforcement, and energy, under Alternative C would be identical to that described in **Section 2.3.3**, except the demand for services would be reduced.

2.5.6 RENOVATION OF EXISTING CASINO FOR TRIBAL GOVERNMENTAL USES

As under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses under Alternative C (refer to Section 2.3.3).

2.5.7 CONSTRUCTION AND BEST MANAGEMENT PRACTICES

Construction of Alternative C is estimated to commence in 2019 and would have an approximate duration of 12 months. Similar to Alternative A, the existing buildings within the site would be demolished and removed. Construction and operation of Alternative C would incorporate a variety of industry standard BMPs. **Section 5.0** presents select BMPs that have been specifically incorporated into the project design to avoid or minimize potential adverse effects resulting from the development of Alternative C.

2.6 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Alternative D differs from the other alternatives in that it does not include a casino or gaming element. Alternative D would still occur on the 40-acre Airpark Site and involve its transfer into federal trust status as described under **Section 2.3.1**, but it would not require a two-part determination for the purpose of gaming. Under this alternative, the existing Eagle Mountain Casino would remain operational.

2.6.1 HOTEL AND CONVENTION CENTER

Alternative D would result in the development of a hotel, convention space, dining facilities, parking, and associated parking and infrastructure. A site plan for the proposed facilities is presented as **Figure 2-11**, and an architectural rendition is presented as **Figure 2-12**. **Table 2-6** provides a breakdown of project



SOURCE: HBG, 2016; NAIP aerial photograph, 6/17/2014; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-11
Alternative D Site Plan



components with associated square footages. Alternative D is anticipated to directly employ approximately 131 new FTE employees within the County (**Appendix B**).

TABLE 2-6
ALTERNATIVE D – NON-GAMING ALTERNATIVE

Component	Units	Approximate Area (square feet)
Dining/Retail Space	166 seats	7,545
Dining Area	-	4,245
Kitchens	-	3,050
Retail Store	-	250
Hotel Facility	250 rooms	151,836
Guest Room Tower	-	143,592
Lobby and Amenities	-	8,244
Convention Space	-	19,900
Divisible Ballroom	-	9,000
Meeting Space	-	4,500
Pre-function area and Amenities	-	3,150
Stage and BOH	-	3,250
Back-of-House	-	15,302
Porte Cochere	-	5,400
Total Footprint of Buildings	-	199,983
Parking (Surface only)	435 spaces	131,023
Notes: sf = square feet; BOH = Back-of-House Source: HBG, 2016.		

Hotel

The proposed hotel would be identical to the hotel proposed under Alternative A, with the same gross footprint and room scheme.

Dining

Alternative D includes dining and retail facilities, but on a smaller scale than Alternative A. There would be approximately 166 total seats split between several dining options. One small 250-sf retail shop is also proposed.

Convention Space

As with Alternative C, Alternative D also includes the construction of 19,900 sf of convention space with a 9,000-sf divisible ballroom; however, Alternative D does not include a multi-purpose event center.

Site Access

Access to the site would be provided via two dedicated driveways, both connected to West Street to the west of the Airpark Site (**Figure 2-11**).

Parking

Alternative D does not include the construction of a parking garage. A total of 435 surface parking spaces would be available for guests and employees.

2.6.2 WATER SUPPLY

The estimated total average daily water consumption for Alternative D would be approximately 41,637 gpd, which includes 23,294 gpd of potable water and 18,343 gpd of recycled water (**Appendix C**).

As with Alternative B, Alternative D would involve the drilling of two on-site groundwater wells and construction of a pump station and a storage tank for operational use, emergency supply, and fire protection. The building that would house the first well, the pump station, and the storage tank would potentially be located in the northwest quadrant of the property; the second well would also potentially be located in the northwest quadrant, but at least 100 feet from the first well.

2.6.3 WASTEWATER TREATMENT AND DISPOSAL

The projected average wastewater flow for Alternative D would be approximately 24,650 gpd, with peak flows estimated at 46 gpm (**Appendix C**). As with Alternative C, the options for wastewater treatment and disposal are similar to those described under Alternatives A and B.

Option 1 - City Municipal Wastewater Treatment and Disposal

As with Alternative A, Alternative D Wastewater Option 1 would involve the continued connection of the Airpark Site to the municipal wastewater system. The same renovations of the City's wastewater infrastructure as under Alternative A would be required under Alternative D (refer to **Appendix C** for additional detail).

Option 2 - On-site Wastewater Treatment and Disposal

Similar to Alternative B, Alternative D Wastewater Option 2 would involve the development of an on-site WWTP, including EAP and TFS, for treatment of wastewater generated under Alternative D. Surplus secondary effluent from the WWTP would be discharged through a leach field system roughly a third of the size of the leach field required under Alternative B. Refer to **Appendix C** for additional details.

2.6.4 GRADING AND DRAINAGE

Construction would involve grading and excavation for building pads and parking lots. As discussed in the Grading and Drainage Analysis Report (**Appendix D**), approximately 4.0 acres of impervious surfaces would be created if the off-site wastewater treatment and disposal option are selected, while 4.6 acres of impervious surfaces would be created if the on-site option is selected (for total impervious surface acreages of 9.7 and 10.3, respectively). It is anticipated that the development of Alternative D on the Airpark Site would require 7,528 cubic yards of cut, while construction of the regional retention basin on the 40-acre site would generate 322,700 cubic yards of cut. The approximately 201,128 cubic yards of total uncontaminated cut material generated under Alternative D could be used to raise the grade of the Airpark Site as described under Alternative A or would be stockpiled on the 40-acre site as under the previous alternatives, while the approximately 129,100 cubic yards of surface soils that are primarily biosolids would be exported to a permitted waste disposal facility. Any imported fill material would be screened by a qualified engineer prior to its discharge on the Airpark Site to ensure that it is of adequate quality for use as fill and does not contain any hazardous materials.

On-site and off-site stormwater infrastructure development under Alternative D would be the same as under Alternative A, including the construction of the 200-AF regional retention basin. However, the total volume of the cistern chamber units would be smaller as a result of the decrease in impervious surfaces and post-development runoff compared to Alternatives A through C: under the off-site wastewater treatment option, approximately 0.3 AF of total storage volume would be needed, and under the on-site wastewater treatment option, approximately 0.4 AF of total storage volume would be required (**Appendix D**).

2.6.5 PUBLIC SERVICES

Because Alternative D would be developed on the same site as Alternative A, the provision of public services, including fire protection/emergency response, security/law enforcement, and energy, under Alternative D would be nearly identical to that described in **Section 2.3.3**, with the exception of fire protection and emergency medical services (EMS) and that the demand for services would be reduced. No tribally-staffed fire station is proposed under Alternative D; rather, primary fire protection and emergency medical response services would be provided to the Airpark Site by PFD and/or TCFD.

2.6.6 CONSTRUCTION AND BEST MANAGEMENT PRACTICES

Construction of Alternative D is estimated to commence in 2019 and would have an approximate duration of 12 months. Similar to Alternative A, the existing buildings within the site would be demolished and removed. Construction and operation of Alternative D would incorporate a variety of industry standard BMPs. **Section 5.0** presents select BMPs that have been specifically incorporated into the project design to avoid or minimize potential adverse effects resulting from the development of Alternative D.

2.7 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Alternative E consists of expanding the Tribe’s existing 54,500-sf Eagle Mountain Casino, located within the Tribe’s Reservation on the approximately 12-acre Eagle Mountain Casino Site which is approximately 17 miles east of the Airpark Site. A fee-to-trust acquisition and Secretarial Determination would not be necessary for Alternative E because the existing Casino is on land that is already in federal trust for the Tribe that is eligible for gaming under IGRA. Components of Alternative E are described below.

2.7.1 CASINO EXPANSION

Alternative E would add an additional 16,500 sf of new building space and 350 EGDs to the Tribe’s existing casino and a new 3,500 sf dining venue would be constructed. A site plan for Alternative E is presented as **Figure 2-13** and an architectural rendition is presented as **Figure 2-14**. **Table 2-7** provides a breakdown of project components. New construction associated with the expansion of the gaming facility would be developed consistent with CBC standards. Alternative E is anticipated to directly employ approximately 58 new FTE employees within the County (**Appendix B**). Operation of the casino facility would be similar to current operations.

TABLE 2-7
ALTERNATIVE E – EXISTING CASINO EXPANSION ALTERNATIVE

Component	Existing Casino	Proposed Expansion	New Expanded Casino
Casino Facility	54,500 sf	16,500 sf	71,000 sf
Casino Gaming Floor	1,200 EGDs; 14 tables	350 EGDs	1,550 EGDs; 14 tables
Gaming Floor	43,600 sf	10,500 sf	54,100 sf
Bars and Lounges	0 sf	3,750 sf	3,750 sf
Circulation and Amenities	10,900 sf	2,250 sf	13,150 sf
Dining Space	22,600 sf	3,500 sf	26,100 sf
Administration Building	11,200 sf	-	11,200 sf
Entertainment Pavilion	16,200 sf (1,500 seats)	-	16,200 sf (1,500 seats)
Porte Cochere	-	5,400 sf	5,400 sf
Parking	600 spaces	500 spaces	1,100 spaces
Garage	-	210,000 sf (600 spaces)	210,000 sf (600 spaces)
Surface	600 spaces	-100 spaces ¹	500 spaces

Notes: sf = square feet; BOH = Back-of-House

1 – Reconfiguration of the garage would result in a reduction of 100 surface parking spaces.

Source: HBG, 2016.



SOURCE: HBG, 2016; NAIP aerial photograph, 6/17/2014; ESRI Data, 2016; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-13
Alternative E Site Plan



Site Access

Access to the Eagle Mountain Casino Site would continue to be provided by the existing entrance drive and South Reservation Road (**Figure 2-13**). No changes are proposed to existing site access.

Parking

Alternative E includes the construction of a new parking garage, which would provide 600 parking spaces. Currently, 600 surface parking spaces are available on-site; however, the addition of the parking garage would reconfigure 100 of these surface spaces into garage spaces, bringing the total number of available parking spaces to 1,100.

2.7.2 WATER SUPPLY

The current average daily water demand at the existing facility is 30,226 gpd. The proposed expansion would add an average daily demand of 5,381 gpd, bringing the new total to 35,607 gpd (**Appendix C**). The Tribe supplies potable water to its casino primarily in the form of treated surface water drawn directly from the South Fork of the Tule River (South Fork), which borders the site to the west and north. Due to the shortage of available water supply on the Reservation, water would need to be trucked to the Eagle Mountain Casino to meet the additional demand under Alternative E. It is anticipated that a 5,000 gallon water truck would need to make one trip per day to meet the average day demand of Alternative E and two trips per day to meet the maximum-day demand (**Appendix C**). See **Section 4.3** and **4.10** for more information on water supply under Alternative E. If determined to be necessary to provide sufficient fire flow storage, the Tribe would renovate and/or expand the existing storage tank at the Eagle Mountain Casino Site.

2.7.3 WASTEWATER TREATMENT AND DISPOSAL

The existing Casino generates an average daily wastewater flow of 30,226 gpd. The projected average daily wastewater flow resulting from expansion under Alternative D would be approximately 5,023 gpd, bringing the total average daily flow to 35,249 gpd (**Appendix C**). Wastewater generated at the Eagle Mountain Casino Site is currently treated at an on-site, 20-year-old sequencing batch reactor (SBR) WWTP with a capacity of 80,000 gpd. Treated wastewater is disposed of through a leach field complex located beneath the Casino's parking lot. Of the five leach fields in the complex, two have failed and three remain operational (**Appendix C**).

The Tribe is currently planning to construct an additional package membrane bioreactor (MBR) WWTP, rated at a capacity of 80,000 gpd, at the site of its existing 80,000 gpd-rated MBR, located approximately one mile from the Eagle Mountain Casino Site. Treated wastewater from the existing MBR is sprayed on adjacent hillsides for disposal and dust control. Following the completion of the expanded facility, the Casino would be connected to the Reservation-wide wastewater treatment system and the use of the on-site SBR and leach field complex would be phased out (**Appendix C**).

2.7.4 GRADING AND DRAINAGE

Because expansion under Alternative E would occur primarily in the already developed and graded parking lots of the existing Eagle Mountain Casino, it is not anticipated that development of Alternative E would introduce a significant amount of new impervious surfaces to the Eagle Mountain Casino Site. Nominal expansions of the existing sump or the installation of underground storm chambers beneath the existing parking lot would be necessary to manage the minor increases in runoff that would result from Alternative E (**Appendix D**).

2.7.5 PUBLIC SERVICES

The Tribal Police Department (TPD) operating under the Tribe's Department of Public Safety (DPS) would continue to provide primary law enforcement service to the Airpark Site. TCSO provides law enforcement services throughout the Reservation, including to the existing Eagle Mountain Casino Site, and would continue to do so under Alternative E. Security and emergency medical response staff under the jurisdiction of the Tribe's Gaming Commission would continue to monitor the casino complex for health and safety issues and gaming violations. The California Highway Patrol (CHP) patrols roadways in and around the Reservation, and would continue to do so under Alternative E. Primary fire protection and emergency medical response services would be provided by the Tribe-operated Tule River Fire Department (TRFD), with secondary service provided by TCFD via a mutual aid agreement.

2.7.6 ENERGY

Electrical service would continue to be provided to the site by SCE, which serves the Eagle Mountain Casino Site from its Boxwood Substation, located approximately 6.8 miles to the north. No natural gas lines currently service the site; the Casino instead uses liquid propane (LP) sourced by Delta Liquid Energy (DLE).

2.7.7 CONSTRUCTION AND BEST MANAGEMENT PRACTICES

Construction of Alternative E is estimated to begin in 2019 with an approximately 6-month construction schedule. As with Alternatives A, B, C, and D, construction and operation of Alternative E would incorporate a variety of industry standard BMPs. In some cases, such as a SWPPP prepared for NPDES permits, certain BMPs are requisite conditions of permit approval. **Section 5.0** presents select BMPs that have been specifically incorporated into the project design to avoid or minimize potential adverse effects resulting from the development of Alternative E.

2.8 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, none of the five development alternatives (Alternatives A, B, C, D, or E) considered within this EIS would be implemented. The No Action Alternative assumes that the existing uses on the Airpark Site and Eagle Mountain Casino Site would not change.

2.9 ALTERNATIVES ELIMINATED FROM CONSIDERATION

The intent of the analysis of alternatives in the EIS is to present to decision-makers and the public a reasonable range of alternatives that are both feasible and sufficiently different from each other in critical aspects. Section 1502.14(a) of the CEQ's Regulations for implementing National Environmental Policy Act (NEPA) requires a brief discussion of alternatives that were eliminated from further study and the reasons for their having been eliminated. The alternatives discussed herein were considered and rejected from full EIS analysis because these alternatives were determined to be infeasible or would not fulfill the stated purpose and need of the Proposed Action. No additional alternatives beyond those considered within this EIS were submitted for consideration during the scoping period (see **Section 1.4.1**).

2.9.1 ALTERNATIVE SITES

The Tribe owns three additional properties, shown on **Figure 2-15**, also located within the Porterville area, that were considered for development during the planning process but were ultimately eliminated. The reasons for rejecting these site alternatives are described below.

Park and Ride Site

The 17.78-acre Park and Ride Site is located at the intersection of Highway 190 and Road 284. The site contains an existing multi-modal facility previously constructed by the Tribe for the purpose of providing parking and transportation services for employees and patrons to and from the Eagle Mountain Casino. Development on the site would involve the demolition of the park and ride facility, which would result in adverse traffic, air quality, and noise impacts. The site is located in the County and is not served by City infrastructure or services. An alternative involving use of the Park and Ride Site would not reduce or eliminate any of the environmental impacts resulting from the Proposed Action, and could result in greater impacts associated with traffic improvements. Therefore, this alternative was not selected for full evaluation within the EIS.



SOURCE: Tule River Indian Tribe, Tule River Trust Conveyance Master Plan, 9/24/13; Tulare County, 2016; USGS, 2017; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 2-15
Sites Considered But Eliminated From Further Consideration

Highway 190 Site

The 39.92-acre Highway 190 Site consists of 79.9 acres located along Highway 190 between Success Valley Drive and Pleasant Oak Drive. Approximately 40 acres of the site is currently held in federal trust for the Tribe and is developed with the Eagle Feather Trading Post convenience store and gas station. Although the site is held in trust, it is not currently eligible for gaming, as it was acquired after 1988; thus, similar to the Proposed Project, this alternative would require a two-part secretarial determination. The site contains steep, varying topography and wetlands. Development would require a significant amount of earth work, including blasting, leveling of the existing topography, and the use of retaining walls. Additionally, the site is not currently served by municipal services, and lacks connections for water and wastewater utilities. This site was eliminated from full consideration within the EIS due to the higher potential for significant impacts associated with construction activities and public services.

East Springfield Site

The 9.63-acre East Springfield Site is located in the unincorporated community of East Porterville, adjacent to Highway 190. This site contains several residences and wetlands, and it is bisected by the Tule River. An alternative involving use of the East Springfield Site would not reduce or eliminate any of the environmental impacts resulting from the Proposed Action, and could result in greater impacts associated with biological and hydrological impacts and would require extensive permitting and floodplain mitigation. Therefore, the East Springfield Site was eliminated from full consideration within the EIS.

2.9.2 EXPANDED SITE ALTERNATIVE

The Expanded Site Alternative at the Airpark Site would have included 30 additional acres of adjacent land to the north and east of the Airpark Site currently owned by the City and used as an OHV park. The additional acreage would be used to develop the tertiary WWTP and associated pumping and storage facilities proposed under Alternative A. However, because of the potential for land use impacts resulting from the loss of City parklands, this alternative was eliminated from further consideration.

2.9.3 ALTERNATIVE SCENARIOS FOR WASTEWATER TREATMENT AND RECYCLED WATER USE

Alternative scenarios for wastewater treatment and recycled water use were considered in coordination with City and County staff. These included a scenario involving the addition of tertiary treatment facilities at the City's existing WWTP site in the City (instead of at a site near the Airpark Site) and the production of recycled water to offset the developments potable water demands via irrigation at City parks and other urban areas. This alternative would result in greater costs associated with retrofitting existing irrigation facilities and impacts associated with construction within urban areas. Additionally, this alternative would not allow for the use of recycled water within the Airpark Site due to the distance from the potential treatment facilities. Thus, this alternative was eliminated from detailed consideration.

2.9.4 INDIAN RESERVATION ROAD WIDENING AND IMPROVEMENTS ALTERNATIVE

The Indian Reservation Road Widening and Improvements Alternative would involve improvements to the 12-mile stretch of the existing road that provides access to the Tribe's existing Casino. While this alternative would improve safety and may result in a minor increase in patronage at the existing Casino, it is not expected to significantly increase patronage as the overall distance from the casino to the nearest population centers would not change. Further, this alternative would not reduce water demands on the Reservation.

To date, no engineering studies have been conducted to determine the feasibility of this alternative. Assuming a minimum 30-foot disturbance corridor to accommodate two 12-foot lanes and a 6-foot median, this alternative would impact up to 44 acres and would require a similar area of right-of-way acquisition from the various private property owners located along the roadway. Further, given the steep slopes and numerous blind curves along the roadway, it can be assumed that a much larger area would be required to provide slope stabilization and meet design standards. The cost to implement this alternative would be much higher than a typical road widening and improvement project given the challenging terrain. Further, because the majority of the road is not within tribal lands, it is not within the Tribe's jurisdiction to implement. This alternative was eliminated from full consideration within the EIS because of the potential for increased environmental consequences and because it would not accomplish the purpose and need for the Proposed Action.

2.10 COMPARISON OF ALTERNATIVES

Section 1502.14 of the CEQ's Regulations for Implementing NEPA states that an EIS should present environmental impacts of proposed alternatives in a comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. Alternatives considered must include those that may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors. A summary comparison of each of the proposed alternatives, including the No Action Alternative, is provided below.

2.10.1 SUMMARY OF ALTERNATIVES

Alternatives A, B, and C have the following similar components: 1) transfer of the Airpark Site into trust; 2) the issuance of a two-part determination by the Secretary for gaming purposes; 3) development on the proposed trust parcel of a casino and hotel facility, parking, and supporting facilities; and 4) the closure of the existing Eagle Mountain Casino to be converted into administrative and service uses. Alternatives A and B consist of the development of a 104,637-sf casino facility which would include 1,750 EGDs and 20 table games (1,896 total gaming positions), a 151,836-sf hotel with a total of 250 rooms, 29,081 sf of convention space with a divisible ballroom, a 64,002-sf multipurpose events center, and 36,301 sf of

dining and retail space. Alternative A also involves the off-site construction of stormwater, wastewater, and recycled water infrastructure within the Off-site Improvement Areas, described in **Section 2.2.2**.

Alternative B includes identical structural development as Alternative A, but differs in that no connection would be made to City municipal water supply and wastewater treatment utilities; instead, on-site water supply wells and wastewater treatment facilities would be developed within the Airpark Site. The construction of the 200-AF regional retention basin would still occur on the 40-acre site, as would the other alterations to the regional stormwater infrastructure that would occur under Alternative A. Alternatives A and B would have similar construction and development costs and schedules.

Alternative C is a reduced intensity alternative and includes development of a 76,024-sf casino facility which would include 1,175 EGDs and 12 table games (1,259 total gaming positions), a 151,836-sf hotel with a total of 250 rooms (as under Alternatives A and B), 19,900 sf of convention space with a divisible ballroom, and 27,943 sf of dining and retail space. Alternative C does not include construction of an events center. Under Alternative C, the casino, dining, and convention space would be reduced compared to Alternatives A and B. Alternative C would have reduced construction and development costs as well as lesser environmental impacts compared to Alternatives A and B.

Alternative D is a non-gaming alternative that would develop the site with a 151,836-sf hotel with a total of 250 rooms (as under previous alternatives), 19,900 sf of convention space with a divisible ballroom (as under Alternative C), and 7,545 sf of dining and retail space. Alternative D would require the site be transferred into federal trust status, but would not require a 2-part determination for the purpose of gaming. The revenue generated by this alternative would be far less than the revenues generated under Alternatives A, B, and C.

Alternative E involves expanding the existing Eagle Mountain Casino at its current site within the Tribe's reservation lands. Alternative E would add a total of 16,500 sf of increased casino space and an additional 3,500 sf of increased dining space to the existing facility. Because the land is already in trust and used for gaming, Alternative E would not require a fee-to-trust acquisition or two-part Secretarial determination. Implementation of Alternative E would potentially generate some additional revenue for the Tribe, but it is unclear if the additional revenue would offset the costs of construction under this alternative. Additionally, Alternative E would not address traffic safety and water use issues identified in **Section 1.3**.

Alternative F is the No Action Alternative, which would involve no fee-to-trust transfer and result in no economic benefits to the Tribe. It is assumed that no new development would take place on the alternative sites under Alternative F.

2.10.2 COMPARISON OF ENVIRONMENTAL AND ECONOMIC CONSEQUENCES

In accordance with CEQ Regulations, the alternatives considered in this document include those which could accomplish most of the purpose and need for the project, and that could avoid or substantially lessen one or more of the significant effects of the project. **Section 4.0** describes potential environmental impacts as a result of each alternative, while **Section 5.0** identifies appropriate mitigation to reduce potential adverse effects of development. A summary comparison of environmental impacts is provided below:

Alternatives A and B would result in increased employment and economic growth and would also result in an increase in demand for goods and services. Project-related traffic associated with Alternative A and B would generate a significant increase in traffic, which would increase air emissions and noise effects, both during construction and operation. Of the alternatives evaluated in this EIS, Alternatives A and B would best meet the purposes and needs of the BIA for acquiring the Airpark Site in trust by promoting the long-term economic vitality and self-governance of the Tribe, as the casino-resort facility described under Alternatives A and B would provide the Tribe with the best opportunity for securing a viable means of attracting and maintaining a long-term, sustainable revenue stream. Additionally, Alternatives A and B would allow more efficient utilization of water throughout the Tribe's reservation by eliminating water use at the existing Eagle Mountain Casino, enabling the Tribe to construct much needed tribal housing.

When compared to the existing Eagle Mountain Casino Site within the Reservation (evaluated under Alternative E), the Airpark Site can accommodate a larger facility, has better freeway access, has additional sources of water supply, is served by public infrastructure and utilities, and is located near existing (non-tribal) commercial development. Further, the Airpark Site provides a more advantageous location for the Tribe's gaming facility that would increase traffic safety and widen the Tribe's potential customer base, since the proposed location is near an airport in a more busy area of the City as well as the intersection of SR-65 and SR-190, two major regional transportation routes. Developing the new casino at the Airpark Site as proposed under Alternatives A and B would provide the following benefits to the Tribe (and in some cases the local community): 1) an increase in tribal revenue, allowing the Tribe to meet the needs of its growing membership through increased funding for services and programs, including health and educational; 2) provision of safer access to the casino and resort for both pedestrians and motorists; 3) more efficient utilization of water throughout the Tribe's Reservation, enabling the Tribe to construct much needed tribal housing; and 4) creation of new jobs during both construction and operation of the Proposed Project for tribal members and the County. Further Alternative A would construct infrastructure for the production of recycled water that would improve water supply reliability for the City.

While Alternative B would avoid potential impacts associated with the construction of a WRF within the Off-site Improvement Areas, it would still involve the construction of the regional retention basin within the 40-acre site, and it would not result in the beneficial effects to groundwater availability in the City that

would occur under Alternative A through the development of recycled water infrastructure to off-set potable water use.

Alternative C would result in increased employment and economic growth and would also result in an increase in demand for goods and services, but to a lesser extent than under Alternative A. Alternative C would generate less traffic than Alternative A and therefore would have fewer impacts associated with traffic congestion, mobile air emissions and traffic-related noise effects. During construction, traffic impacts would also be less than under Alternative A, as the footprint would be smaller, requiring fewer trips to deliver materials and less equipment. Alternative C would also provide economic development opportunities for the Tribe; however, the economic returns would be smaller than under Alternatives A and B and therefore would not be the most efficient means of attracting and maintaining a long-term, sustainable revenue stream.

Alternative D would result in less employment and economic growth for both the Tribe and neighboring communities than would occur from Alternatives A and B. Alternative D would have reduced impacts compared to Alternative A relating to traffic, air quality, noise, and public utilities during both construction and operation. The substantially lower profitability of retail development in comparison to gaming operations makes Alternative D less attractive than Alternative A from the standpoint of securing a long-term, sustainable revenue stream. Additionally, this alternative would not address the water supply reliability issues on the Reservation by allowing the relocation of the existing Eagle Mountain Casino, which is the largest user of water on the Tribe's trust lands, nor the water supply issues faced by the City.

Alternative E would result in fewer environmental effects associated with construction than the other alternatives, as the expansion of the existing casino would occur on already developed and disturbed land. However, the beneficial economic effects for the Tribe would be significantly less, and none of the safety concerns described in **Section 1.3** would be addressed by this alternative. Additionally, this alternative would exacerbate water supply shortage issues on the Reservation, requiring that water be trucked to the site, and would not result in the beneficial effects to groundwater availability in the City that would occur under Alternative A through the development of recycled water infrastructure to off-set potable water use. Alternative E would also not address the water supply issues faced by the City. Therefore, Alternative E would not meet the purpose and need for the Proposed Action to the degree that Alternative A would.

Alternative F, the No Action Alternative, would avoid all environmental effects associated with the development of Alternatives A, B, C, D, and E, and thus would have significantly fewer environmental impacts. However, this alternative would not meet the purpose and need for the Proposed Action as it would not promote the long-term economic vitality and self-governance of the Tribe nor would it enable the Tribe to more efficiently utilize of water throughout the Tribe's Reservation, enabling the Tribe to construct much needed tribal housing. Alternative F would also not address the water supply issues faced by the City.

2.11 PREFERRED ALTERNATIVE

Consistent with the BIA NEPA Handbook, the Department of the Interior Departmental Manual (516 DM 4), the CEQ NEPA Regulations (40 C.F.R. § 1502.14), and the CEQ NEPA Forty Most Asked Questions guidance document (46 Fed. Reg. 18026 (1981)), the BIA considers an alternative's ability to meet the purpose and need of the Proposed Action and the overall impact on the environment when selecting a Preferred Alternative. In this case, Alternative A, a casino-resort at the Airpark Site, would best meet the BIA's purpose and need for the Proposed Action of expanding its Tribal land base, establishing a reservation for its members, and promoting meaningful opportunities for economic development and self-sufficiency by providing a sufficient, sustained income source for the Tribal Government. This revenue source would be used to effectuate the purpose of IGRA to promote "tribal economic development, self-sufficiency, and strong tribal governments (25 U.S.C. Section 2702)." The development of Alternative A would meet this purpose better than the other development alternatives due to the greater environmental impacts of Alternatives B and D and the reduced revenues that would be expected from the operation of Alternatives C, D, and E. The No Action Alternative (Alternative F) would not result in revenues for the Tribe and would therefore not meet the purpose and need of the Proposed Action.

Under Alternative A, the Airpark Site would continue to receive water from the City's municipal water system. Alternative A includes the development of a water reclamation facility (WRF) and associated recycled water infrastructure to offset project demands which would yield a net surplus of water within the City's potable water supply relative to the existing baseline. Unlike Alternative A, Alternatives B, C, and D may involve drilling groundwater wells on-site. The Tule Groundwater Sub-basin, the aquifer from which on-site wells would draw, is currently classified as critically overdrafted. Therefore, Alternatives B, C, and D would have the potential to impact groundwater levels in the vicinity of the Airpark Site and create unavoidable adverse effects. Additionally, the Eagle Mountain Casino Site (Alternative E) does not have access to an adequate water supply; therefore, water would need to be trucked in on a daily basis to meet the maximum-day demand. This would result in additional vehicle emissions and negative air quality impacts. Further, Alternative A would provide local communities with greater opportunities for employment and economic growth when compared to Alternatives B, C, D, E, and F. Thus, Alternative A is judged by the BIA to best meet the purpose and need while also minimizing impacts on the human environment. Therefore, the BIA has selected the casino-resort at the Airpark Site (Alternative A) as its Preferred Alternative.

The CEQ regulations for agency implementation of NEPA at 40 CFR § 1505.2 state that the record of decision shall: [i]dentify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions.

CEQ policy set forth in section 6a of Forty Most Asked Questions Concerning CEQ's NEPA Regulations states that the lead agency official responsible for the EIS is encouraged to identify the environmentally preferable alternative(s) in the EIS. In all cases, commenters from other agencies and the public are also encouraged to address this question. The agency must identify the environmentally preferable alternative in the ROD.

SECTION 3.0

AFFECTED ENVIRONMENT

SECTION 3.0

AFFECTED ENVIRONMENT

3.1 INTRODUCTION

As required by the Council on Environmental Quality's (CEQ) regulation, the Bureau of Indian Affairs (BIA) National Environmental Policy Act (NEPA) manual, and 40 Code of Federal Regulations (CFR) §1502.15, this section describes the existing environment of the area affected by the project Alternatives. Resource areas or issues that are described in this section include:

Section	Resource Area/Issue
3.2	Geology and Soils
3.3	Water Resources
3.4	Air Quality
3.5	Biological Resources
3.6	Cultural and Paleontological Resources
3.7	Socioeconomic Conditions
3.8	Transportation/Circulation
3.9	Land Use
3.10	Public Services
3.11	Noise
3.12	Hazardous Materials
3.13	Aesthetics

3.2 GEOLOGY AND SOILS

This section describes the existing environmental conditions related to geology and soils for the alternative sites described in **Section 2.2**. The general and site-specific profiles of geology and soils contained herein provide the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**.

3.2.1 REGULATORY SETTING

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act; formerly the Alquist-Priolo Special Studies Zone Act), signed into law December 1972 after the 1971 San Fernando earthquake, requires the delineation of zones along active and potentially active faults in California. The California Geological Survey (CGS) defines an “active” fault as one that exhibits evidence of activity during the last 11,000 years. Faults that exhibit evidence of Quaternary activity (within the last 1.6 million years) are considered to be “potentially active.” The purpose of the Alquist-Priolo Act is to regulate development on or near fault traces to reduce the hazard of fault rupture and to prohibit the location of most off-Reservation structures for human occupancy across these traces. Fault zones defined by the Alquist-Priolo Act are areas around active faults, averaging approximately one-quarter mile wide, within which cities and counties having jurisdiction must regulate certain development projects (DOC, 2016a).

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act was enacted in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, ground failure, or other hazards caused by earthquakes. This act requires a state geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within the portions of these zones over which they have jurisdiction. Before a development permit is granted by a city, county, or other local permitting agency for a site within a seismic hazard zone, a geotechnical investigation of the site must be conducted and appropriate mitigation measures must be incorporated into the project’s design. Ground shaking probability maps have been developed in conjunction with the United States Geological Survey (USGS) for all of California (DOC, 2016b).

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) of 1975 requires all jurisdictions to incorporate mapped mineral resources designations approved by the California Mining and Geology Board within their general plans. SMARA was enacted to limit new development in areas with significant mineral deposits. The California Department of Conservation’s (DOC’s) Office of Mine Reclamation and the California Mining and Geology Board are jointly charged with ensuring proper administration of the act’s

requirements. The California Mining and Geology Board circulates regulations to clarify and interpret the act's provisions and also serves as a policy and appeals board (DOC, 2016c).

Local

Tulare County General Plan

The Tulare County General Plan (County General Plan) is the guiding document for development in the Tulare County (County). The Environmental Resources Management section describes policies and goals regarding mineral and soil resources in the County. The Health and Safety section outlines seismic and geologic hazards in the County. Applicable geologic hazards include seismic hazards, fault movement, ground shaking, and ground failure. Development on soils susceptible to seismic activity requires special permit review procedures and site analysis. Construction must meet reasonable standards for seismic resistance, site stability, grading, and geologic studies. The County General Plan identifies aggregate minerals such as sand gravel, and crushed rock as the most economically important mineral resources within the County (Tulare County, 2012a).

City of Porterville General Plan

The City of Porterville General Plan (City General Plan), adopted in March 2008, outlines growth and development goals within the City through the year 2030, which includes the vicinity of the Proposed Project. The Public Health and Safety section identifies geologic hazards in the City. The City General Plan establishes preventative policies and mitigation for potential impacts (City of Porterville, 2008).

3.2.2 ENVIRONMENTAL SETTING

Airpark Site

Geological Setting

The 40-acre Airpark Site is situated within the City in the southern portion of the San Joaquin Valley in Tulare County. This area is part of the Great Valley Geomorphic Province (Great Valley) and is bounded by the Sierra Nevada Mountains to the east, the Tehachapi Mountains to the south, and the Coast Range to the west. The Great Valley consists of a relatively flat alluvial plain, which is about 50 miles wide and stretches approximately 400 miles north to south, and is comprised of thick sedimentary deposits ranging from the Jurassic through Holocene ages (CGS, 2002).

The San Joaquin Valley makes up the southern portion of the Great Valley and is one of the world's most productive agricultural regions. The valley is characterized by marine sediments overlain by thick alluvial sediments, which were deposited by streams that drained the surrounding mountains. The valley floor climate is arid, with warm, dry summers; cool, moist winters; and an average annual rainfall of 5-16 inches. Decades of groundwater mining and extraction caused significant land subsidence in the region in the 1900s (USGS, 1999).

Site Topography

The Airpark Site is relatively flat, with a slight elevation increase in the northeast corner and a slight depression in the southwest corner. The site currently contains two office buildings, several storage containers, a parking lot, and a small paved road; the remainder of the site is undeveloped and consists of cleared fields. The elevation of the Airpark Site ranges from 410 to 430 feet (125 to 131 meters) above mean sea level (amsl; **Appendix D**).

Soils

Soil Characteristics

The United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) aggregates soil survey and mapping data. Each survey maps soil units and provides a summary of major physical characteristics for each unit with management recommendations. The USDA NRCS soil survey map of the Airpark Site is shown in **Figure 3.2-1**. As shown in the figure, the entirety of the site is comprised of Exeter loam, zero to two percent slopes. This soil is a sandy clay loam formed from granite alluvium deposited by mountain streams. It is fairly shallow and moderately well drained, with low runoff potential, moderate erosion hazards, and low-to-moderate shrink-swell potential. **Table 3.2-1** outlines characteristics of the Exeter loam which pertain to stormwater runoff and the potential for erosion (NRCS, 2017a).

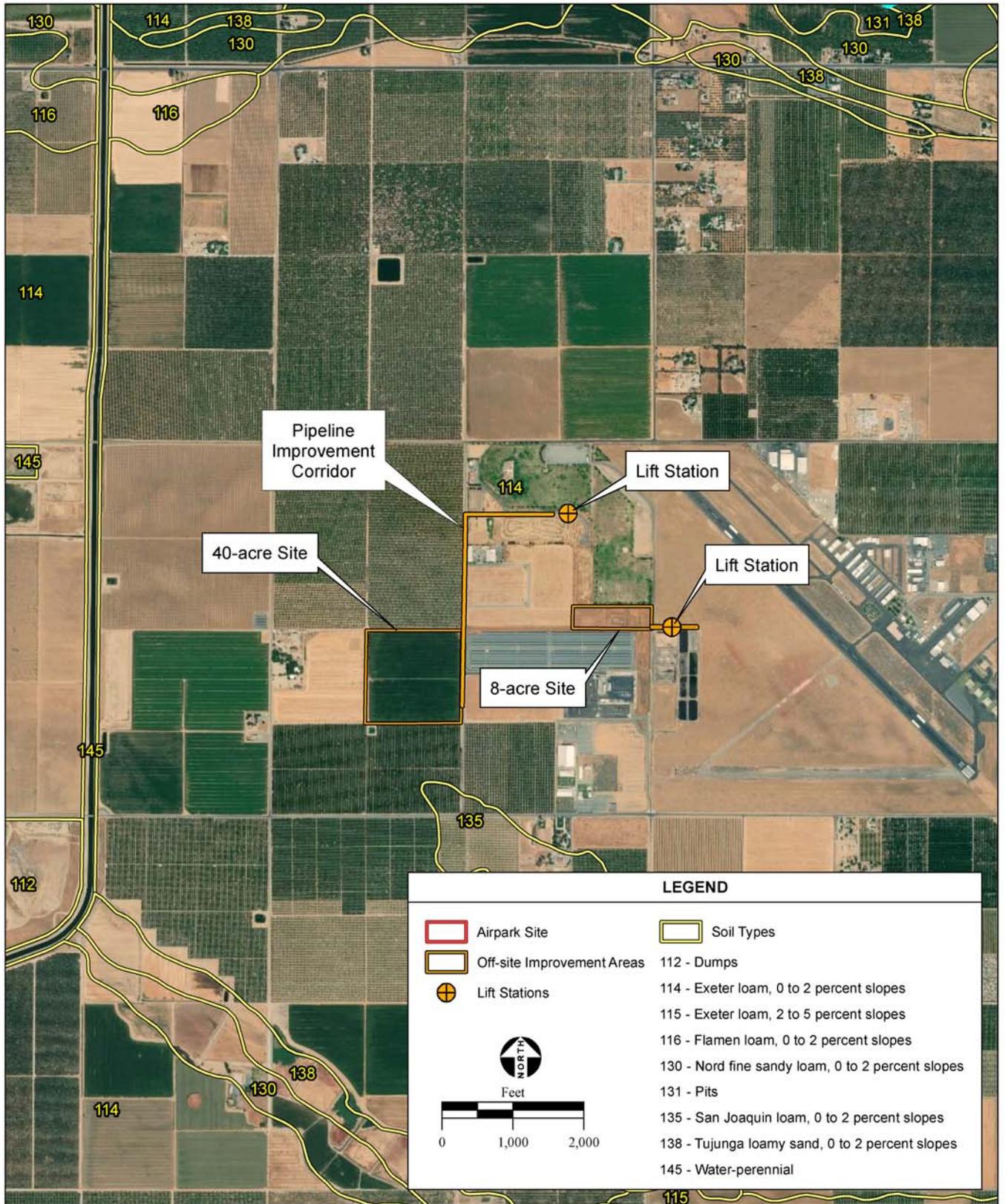
TABLE 3.2-1
AIRPARK SITE SOIL PROPERTIES

Soil	Hydrologic Soil Group	Drainage Class	Saturated Hydraulic Conductivity Ksat (in/hr)	Erosion Susceptibility	Corrosion of Concrete	Corrosion of Steel	Linear Extensibility
Exeter Loam, 0-2 percent slopes	C	Moderately well-drained	4.23 – 14.11	Moderate	Low	High	Moderate

Source: NRCS, 2017a.

The hydrologic soil group is a classification based on the runoff potential of the soils when thoroughly saturated by a long duration storm. Soils are grouped into four classes lettered from A to D, with A being coarse-grained soils with high infiltration and low runoff potential, and D being mostly fine-grained clays with extremely slow infiltration and high runoff potential. The Exeter loam on the Airpark Site has a hydrologic rating of C, indicating the soil is relatively fine-grained with the potential for slow infiltration and moderately high runoff (USDA, 2007).

Saturated hydraulic conductivity is a quantitative measurement of the movement of water through saturated soil, abbreviated “Ksat.” Ksat is a factor in determining the hydrologic soil group, and is often used in the design of water and wastewater disposal applications such as percolation ponds and septic systems. Ksat measures transport only in the vertical direction under completely saturated conditions,



SOURCE: USDA NRCS SSURGO Soils Database, updated 9/20/2015;
 USDA FSA NAIP Aerial Photograph, 2014; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 3.2-1
 Airpark Soil Types

which is an analog of the percolation pond application. It is considered an inherent property irrespective of a soil's native surroundings, and does not account for site-specific variations such as confining layers, degree of saturation, or topography. The following descriptions for the range of measured Ksat are used by the NRCS (NRCS, 2014):

- Very High: > 100 $\mu\text{m/s}$
- High: 10 - 100 $\mu\text{m/s}$
- Moderately High: 1 - 10 $\mu\text{m/s}$
- Moderately Low: 0.1 - 1 $\mu\text{m/s}$
- Low: 0.01 - 0.1 $\mu\text{m/s}$
- Very Low: < 0.01 $\mu\text{m/s}$

The drainage class is a measure of the frequency and duration of wet periods under the conditions in which the soil developed. While this classification is similar to Ksat, drainage class accounts for conditions of the soil in its natural state. In a moderately well-drained soil such as the Exeter loam present on the Airpark Site, water is slowly removed from the soil. Free moisture is not likely to be encountered at deep to very deep levels (NRCS, 2017a).

Expansive soils are largely comprised of clays, which may increase in volume when water is absorbed and shrink when dried. Expansive soils are of concern because building foundations may rise during the rainy season and fall during the dry season in response to the clay's action; this can cause structural distortion. The Airpark Site has a rating of 3.4 percent, which represents a moderate shrink-swell potential (NRCS, 2017a).

Corrosivity pertains to a soil-induced electrochemical or chemical action that corrodes concrete or steel. The soils on the Airpark Site are highly corrosive to steel; however, the soils have a low corrosivity to concrete (NRCS, 2017a).

Soil Permeability Testing

In November 2017, a soil absorption evaluation of the Airpark Site was conducted by Krazan & Associates, Inc. The evaluation is included as Appendix 2 to the Grading and Drainage Report (**Appendix D**). As part of the evaluation, two borings were drilled to depths of approximately 35 feet, one in the western portion of the Airpark Site (Boring 1) and one near the southeast corner (Boring 2). Boring 1 indicated a layer of loose to very dense silty sand extending to a depth of 7 to 8 feet, followed by a layer of dense to very dense silty sand to a depth of roughly 30 feet, with approximately 5 feet of medium dense to very dense sand below 30 feet. Boring 2 indicated a layer of loose to medium dense silty sand and sandy silt extending to a depth of about 5 feet, followed by a 2-foot layer of sandy clay, followed by a layer of loose to medium dense silty sand, sand, and gravelly silty sand to a depth of 30 feet, with approximately 5 feet of very stiff sandy clay below 30 feet (**Appendix D**). Permeability tests were conducted on soil samples collected from 10 to 11 feet below surface and from 15 to 16 feet below

surface in each boring. The rates of permeability observed in the Boring 2 samples were significantly higher than those from Boring 1 at both the 10 to 11 foot depth (approximately 5.2 inches per hour compared to 0.1 inches per hour) and the 15 to 16 foot depth (approximately 26.8 inches per hour compared to 0.03 inches per hour; **Appendix D**).

Seismic Conditions

The USGS defines a fault as “active” if it has moved one or more times in the last 10,000 years (USGS, 2016). The San Joaquin Valley, like most of California, is a seismically active region; however, no known active faults occur in Tulare County (Tulare County, 2012). No Alquist-Priolo earthquake zones are mapped in the vicinity of the Airpark Site (CGS, 2015). Several pre-Quaternary, inactive faults exist in the vicinity of the City, as shown in **Figure 3.2-2**. The nearest inactive fault to the Airpark Site is an unnamed fault that occurs approximately 3.73 miles to the southeast.

Liquefaction

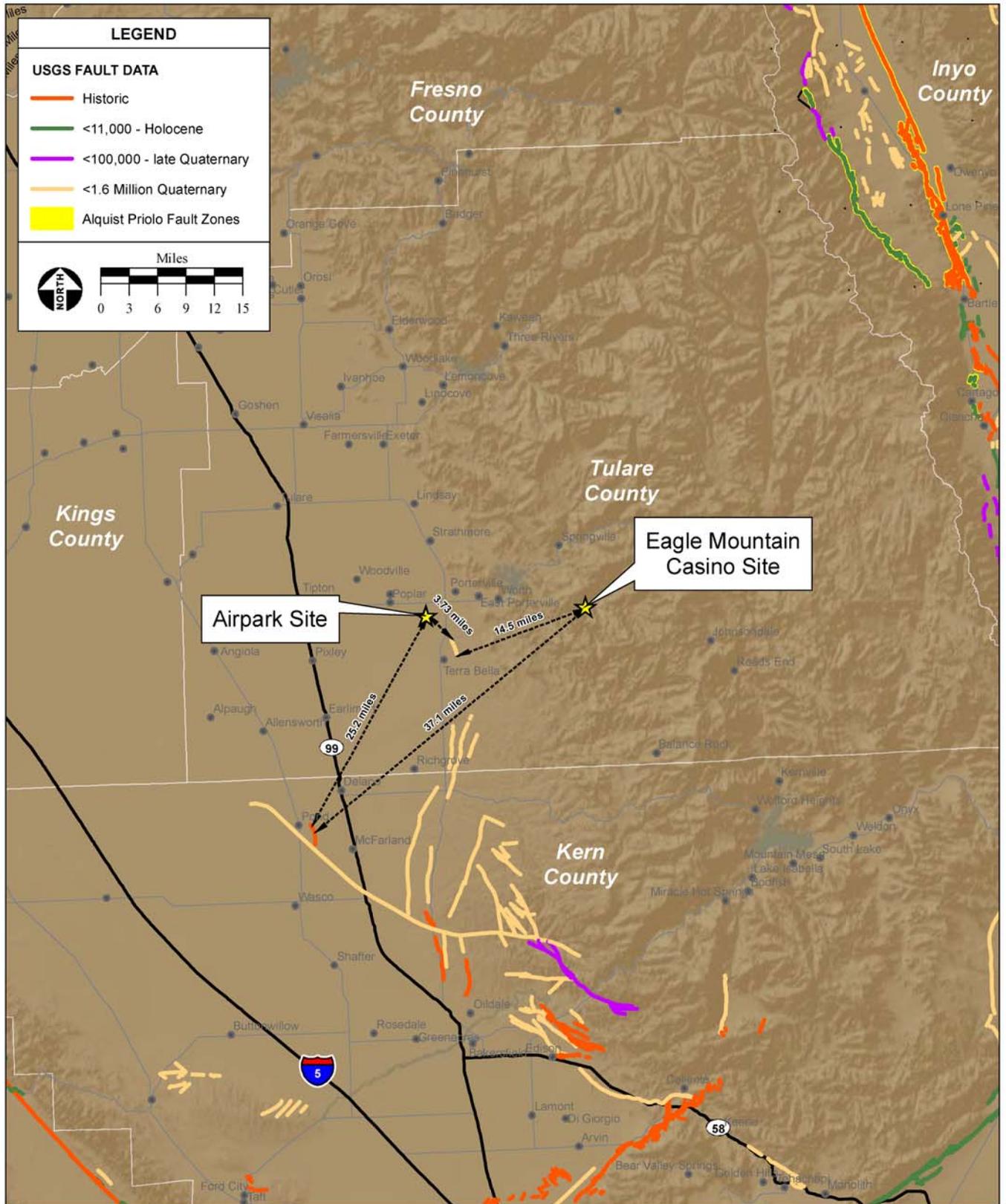
Soil liquefaction can occur in seismic conditions. Liquefaction is the temporary transformation of saturated, non-cohesive material from a relatively stable, solid condition to a liquefied state as a result of increased soil pore water pressure. Soil pore water pressure is the water pressure between soil particles. Liquefaction can occur if three factors are present: seismic activity, loose sand or silt, and shallow groundwater.

The City General Plan does not identify specific areas prone to liquefaction; however, it notes that some zones within its planning area are at a moderate risk of liquefaction due to steep hillside topography, soil slumping, and proximity to the Tule River (City of Porterville, 2008). The Airpark Site does not contain many of these qualities that would make an area susceptible to liquefaction; this, combined with the lack of active faults in the area, indicates that the probability of liquefaction occurring on the site is low.

Lateral Spreading

Lateral spreading is a type of ground failure that typically occurs during a seismic event in the form of horizontal ground displacement. It is typical where soils are deep and soft and the ground surface is relatively flat and comprised of alluvium or depositional sediment. This movement in soils is generally due to failure along a weak sub-layer that is formed within an underlying liquefied layer. Cracks develop within the weakened material, while blocks of soil move laterally toward the free face, resembling a flowing liquid.

Due to the relatively stable geologic formation and lack of active faults, earthquake-induced ground failures such as lateral spreading are unlikely to occur on the Airpark Site.



SOURCE: USGS Earthquake Hazards Program, 2010; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 3.2-2
Regional Fault Map

Mineral Resources

The County General Plan identifies aggregate minerals such as sand gravel and crushed rock as the most economically important mineral resources within the County. None of the mineral resource zones identified in the County General Plan occur within the Airpark Site (Tulare County, 2012).

Off-site Improvement Areas

Due to their close proximity, the geology and soil resources of the Off-site Improvement Areas are very similar to those of the Airpark Site. Refer to the discussion above of the geological setting, site topography, soils, and seismicity of the Airpark Site.

Eagle Mountain Casino Site

Geological Setting

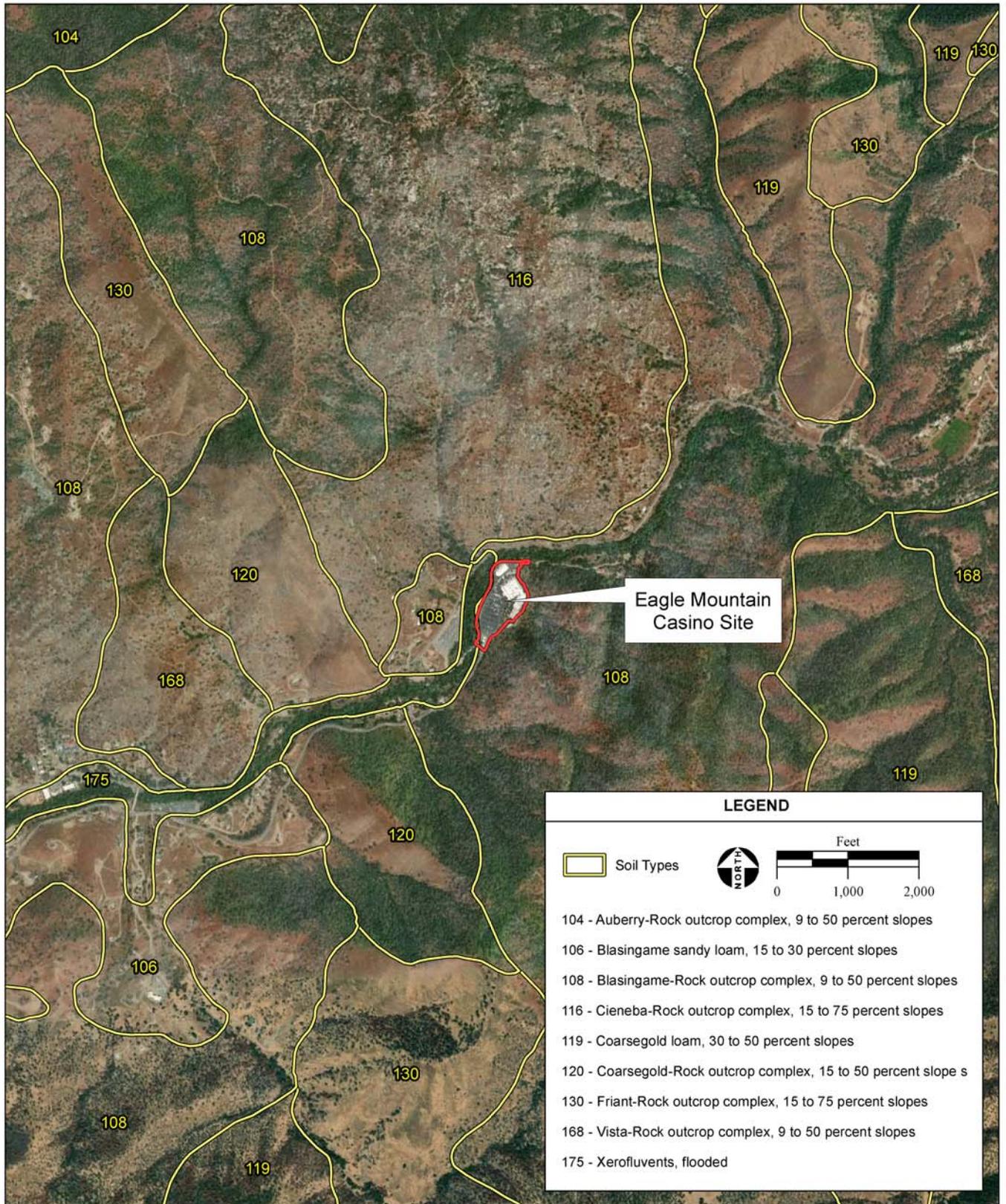
The approximately 12-acre Eagle Mountain Casino Site is located approximately 17 miles east of the Airpark Site and is also situated within the San Joaquin Valley. This site is located within the Tribe's reservation lands and is developed with the Tribe's existing Eagle Mountain Casino and associated facilities. The Eagle Mountain Casino Site lies within the Sierra Nevada Geomorphic Province (Sierra Nevada), which is bounded by the Great Valley to the west and the Mojave Desert to the south. The 400-mile long Sierra Nevada consists of rugged mountains which contrast with gentler slopes in the west. Deep river canyons cut into the Sierra Nevada and glacial sculpturing has formed many of its scenic features. The northern Sierra Nevada boundary occurs where bedrock disappears under the Cenozoic volcanic cover of the Cascade Range (CGS, 2002).

Site Topography

The Eagle Mountain Casino Site lies on the western slope of the Sierra Nevada Mountains, within the Tribe's existing Reservation. Due to the mountainous terrain, elevations dramatically vary throughout the Reservation, ranging from as low as 900 feet amsl to 7,500 feet amsl near the eastern boundary. The Eagle Mountain Casino Site is situated in a relatively level area within the Reservation, with the elevation ranging from 1,170 amsl to 1,254 feet (356 to 382 meters) amsl on site. The elevations increase sharply to the west and south of the site and decrease to the north and west, where the Tule River runs alongside Reservation Drive.

Soils

The USDA NRCS has surveyed and mapped soils for the Eagle Mountain Casino Site (**Figure 3.2-3**). As shown in **Figure 3.2-3**, the entirety of the Eagle Mountain Casino Site is comprised of Blasingame-Rock outcrop complex, 9 to 50 percent slopes (NRCS, 2017b). The Blasingame-Rock outcrop complex is a well-drained sandy loam with significant rock outcrops present. **Table 3.2-2** shows soil characteristics for the Eagle Mountain Casino Site which pertain to stormwater runoff and the potential for erosion.



SOURCE: USDA NRCS SSURGO Soils Database, updated 9/20/2015;
 USDA FSA NAIP Aerial Photograph, 2014; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 3.2-3
 Eagle Mountain Casino Site Soil Types

TABLE 3.2-2
EAGLE MOUNTAIN CASINO SITE SOIL PROPERTIES

Soil	Hydrologic Soil Group	Drainage Class	Saturated Hydraulic Conductivity Ksat (in/hr)	Erosion Susceptibility	Corrosion of Concrete	Corrosion of Steel	Linear Extensibility
Blasingame-Rock outcrop complex, 9-50 percent slopes	C	Well-drained	14.0 – 42.0	Low to Moderate	Low	Moderate	Moderate

Source: NRCS, 2017b.

The hydrologic soil group classification, expansive soils, and corrosivity are described above. The Blasingame-Rock outcrop complex on the Eagle Mountain Casino Site has a hydrologic rating of C, indicating the soil is relatively fine-grained with the potential for slow infiltration and moderately high runoff (USDA, 2007). The Eagle Mountain Casino Site has a linear extensibility rating of 3.6 percent, which represents a moderate shrink-swell potential. Additionally, the soils on the Eagle Mountain Casino Site are moderately corrosive to steel. However, the soils have a low corrosivity to concrete (NRCS, 2017b).

Seismic Conditions

Seismic conditions at the Eagle Mountain Casino Site are similar to those of the Airpark Site due to the relatively close proximity of the two alternative sites; refer to the description of seismic conditions above. **Figure 3.2-2** identifies the faults nearest the Eagle Mountain Casino Site. The nearest inactive fault is approximately 14.5 miles west of the Eagle Mountain Casino Site.

Liquefaction

As noted previously, the County General Plan states that certain zones within its planning area are at moderate risk of liquefaction due to steep hillside topography, soil slumping, and proximity to the Tule River (Tulare County, 2012). The Eagle Mountain Casino Site is in close proximity to Tule River and contains steep slopes and varying elevations, and therefore may have a moderate risk for liquefaction in the event of seismic activity.

Lateral Spreading

As previously discussed, lateral spreading is likely to occur in relatively flat areas formed from alluvium deposits. The relatively stable geologic formation and the lack of active faults in the region make lateral spreading unlikely.

Mineral Resources

None of the mineral resource zones identified in the County General Plan occur on the Eagle Mountain Casino Site (Tulare County, 2012).

3.3 WATER RESOURCES

This section describes the existing environmental conditions related to water resources for the alternative sites described in **Section 2.2**. Water resources designated as waters of the U.S. are discussed in **Section 3.5, Biological Resources**. The general and site-specific profiles of water resources contained herein provide the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**.

3.3.1 REGULATORY SETTING

Floodplain

Executive Order (EO) 13690, which amends EO 11988, requires that federal agencies evaluate the potential effects of any actions they may take in a floodplain. Specifically, EO 11988 states that agencies shall first determine whether the proposed action will occur in a floodplain. EO 11988 defines a floodplain as an area that has a one percent or greater chance of flooding in any given year. Second, if an agency proposes to allow an action to be located in a floodplain, “the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains,” which EO 13690 amended to add that, “[w]here possible, an agency shall use natural systems, ecosystem processes, and nature-based approaches when developing alternatives for consideration.” If the only practicable alternative action requires siting in a floodplain, the agency shall “minimize potential harm to or within the floodplain.” Additionally, EO 13960 established a Federal Flood Risk Management Standard for federal actions that are located in or affect floodplains, and also expanded the definition of a floodplain to which the Federal Flood Risk Management Standard would apply to those areas subject to flooding by the 0.2 percent annual chance flood (FEMA, 2016).

The Disaster Relief Act of 1974 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 created the Federal Emergency Management Agency (FEMA), which is responsible for determining flood elevations and floodplain boundaries based on United States Army Corps of Engineers studies. FEMA is also responsible for distributing Flood Insurance Rate Maps (FIRMs), which are used in the National Flood Insurance Program. These maps identify the locations of special flood hazard areas, including 100-year and 500-year floodplains. As discussed in greater detail in **Section 3.3.2**, the Airpark Site, Off-site Improvement Areas, and Eagle Mountain Casino Site are located outside of both the 1.0 percent and 0.2 percent annual chance floodplain, and are therefore not subject to the Federal Flood Risk Management Standard.

Surface Water

Clean Water Act

The federal Clean Water Act (CWA), 33 United States Code (USC) Section 1251(a)(2), sets forth national goals that waters shall be “fishable, swimmable” waters (CWA §101 [a][2]). The CWA

addresses both point and non-point sources of pollution (§402 and 319, respectively), both of which are controlled through the National Pollutant Discharge Elimination System (NPDES). A NPDES permit must be obtained in order to discharge pollutants into “Waters of the U.S.” In some states, the United States Environmental Protection Agency (USEPA) has delegated permitting authority to the regional water quality agency, in this case the State Water Resources Control Board (SWRCB). However, the USEPA retains authority to regulate discharges to waters on tribal lands. The CWA also directs states to establish water quality standards for waterways in their jurisdiction and to review and update these standards every three years (§303[c]).

Section 303(d) of the CWA requires states to periodically prepare a list of all surface waters in their respective jurisdictions for which beneficial uses of the water – such as for drinking, recreation, aquatic habitat, and industrial use – are impaired by pollutants. These include water bodies that do not meet state surface water quality standards and are not expected to improve within the next two years. States establish a priority ranking of these impaired waters for purposes of developing water quality control plans that include Total Maximum Daily Loads (TMDLs). A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and includes an allocation for each of the pollutant’s sources. These water quality control plans describe how an impaired water body will meet water quality standards through the use of TMDLs.

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act provides the basis for surface water and groundwater quality regulation within California. The act established the authority of the SWRCB and the nine Regional Water Quality Control Boards (RWQCBs). The act requires the State, through the SWRCB and the RWQCBs, to designate beneficial uses of surface waters and groundwater and specify water quality objectives designed to protect those uses. These water quality objectives are presented in the Regional Water Quality Control Plans. The alternative sites fall within the boundaries of the Central Valley Regional Water Quality Control Board (CVRWQCB).

The surface water quality standards for State of California include both narrative and numerical water quality objectives to keep California’s waters swimmable, fishable, drinkable, and suitable for use by industry, agriculture, and the citizens of the state. The water quality objectives are summarized in **Table 3.3-1**.

TABLE 3.3-1
WATER QUALITY STANDARDS FOR CALIFORNIA SURFACE WATERS

Constituent	Water Quality Objective
Fecal Coliform	In waters designated for contact recreation (REC-1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200/100 mL, nor shall more than 10 percent of the total number of samples taken during any 30-day period exceed 400/100 mL.

Constituent	Water Quality Objective
Dissolved Oxygen (DO)	<p>Within the legal boundaries of the Delta, the DO concentration shall not be reduced below: 7.0 mg/L in the Sacramento River (below the I Street Bridge) and in all Delta waters west of the Antioch Bridge; 6.0 mg/L in the San Joaquin River (between Turner Cut and Stockton, 1 September through 30 November); and 5.0 mg/L in all other Delta waters except for those bodies of water which are constructed for special purposes and from which fish have been excluded or where the fishery is not important as a beneficial use.</p> <p>For surface water bodies outside the legal boundaries of the Delta, the monthly median of the mean daily DO concentration shall not fall below 85 percent of saturation in the main water mass, and the 95 percentile concentration shall not fall below 75 percent of saturation. The DO concentrations shall not be reduced below the following minimum levels at any time:</p> <ul style="list-style-type: none"> ▪ Waters designated WARM 5.0 mg/L; ▪ Waters designated COLD 7.0 mg/L; and ▪ Waters designated SPWN 7.0 mg/L.
Temperature	<p>The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.</p> <p>Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California including any revisions. There are also temperature objectives for the Delta in the State Water Board's 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.</p> <p>At no time or place shall the temperature of any COLD or WARM interstate waters be increased by more than 5° F (2.8° C) above natural receiving water temperature</p> <p>In determining compliance with the water quality objectives for temperature, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.</p>
pH	<p>The pH shall not be depressed below 6.5 nor raised above 8.5.</p>
Toxicity	<p>All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life. This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances. Compliance with this objective will be determined by analyses of indicator organisms, species diversity, population density, growth anomalies, and biotoxicity tests of appropriate duration or other methods as specified by the Regional Water Board.</p> <p>The Regional Water Board will also consider all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for toxic substances developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the State Water Board Division of Drinking Water Programs, the Food and Drug Administration (FDA), the National Academy of Sciences, the USEPA, and other appropriate organizations to evaluate compliance with this objective.</p> <p>The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors shall not be less than that for the same water body in areas unaffected by the waste discharge, or, when necessary, for other control water that is consistent with the requirements for "experimental water" as described in Standard Methods for the Examination of Water and Wastewater, latest edition. As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.</p> <p>In addition, effluent limits based upon acute biotoxicity tests of effluents will be prescribed where appropriate; additional numerical receiving water quality objectives for specific toxicants will be established as sufficient data become available; and source control of toxic substances will be encouraged.</p>

Constituent	Water Quality Objective
Radioactive Substances	<p>Radionuclides shall not be present in concentrations that are harmful to human, plant, animal or aquatic life, nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.</p> <p>At a minimum, waters designated for use as domestic or municipal supply shall not contain concentrations of radionuclides in excess of the maximum contaminant levels (MCLs) specified in Table 64442 of §64442 and Table 64443 of §64443 of Title 22 of the California Code of Regulations (CCR), which are incorporated by reference. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect.</p>
Taste and Odor	<p>Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.</p>
<p>Notes: mL = milliliters; mg/L = milligrams per liter. Source: CVRWQCB, 2016.</p>	

Groundwater

Safe Drinking Water Act

Under the mandate of the Safe Drinking Water Act, the USEPA sets legally enforceable National Primary Drinking Water Regulations (primary standards) that apply to public water systems. These standards are established to protect human health by limiting the levels of contaminants in drinking water. The USEPA does not oversee the construction and permitting of groundwater wells, but requires that public health standards, such as an effectively installed sanitary seal, are in place, and recommends that water systems be installed to meet California Department of Public Health Standards. The USEPA will also primarily establish monitoring and operational requirements, which will typically be specific to the project area.

The on-site water supply system under Alternative B described in **Section 2.4** would be characterized as a Non-Transient Non-Community (NTNC) Water System (USEPA, 2016). Monitoring requirements for NTNC public water systems typically include total coliform, nitrate, inorganic chemicals, volatile organic chemicals, non-volatile synthetic organic chemicals, secondary drinking water standard constituents, and general chemistry (including alkalinity, hardness, and minerals). The frequency of sampling varies, and may be reduced over time.

The USEPA also defines National Secondary Drinking Water Regulations (secondary standards) for contaminants that cause cosmetic and aesthetic effects, but not health effects. The USEPA recommends that these secondary standards be met but does not require systems to comply with them. Both primary and secondary drinking water standards are expressed as either Maximum Contaminant Levels (MCLs), which define the highest level of a contaminant allowed in drinking water, or Maximum Contaminant Level Goals (MCLGs), which define the level of a contaminant below which there is no known or expected risk to health.

Sustainable Groundwater Management Act (SGMA)

The intent of the California Sustainable Groundwater Management Act (SGMA; Water Code §10720 et seq.) is to “enhance local management of groundwater consistent with rights to use or store groundwater... [and] to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater.” The SGMA states that “any local agency or combination of local agencies overlying a groundwater basin may elect to be a groundwater sustainability agency for that basin” (Water Code §10723). A groundwater sustainability agency will be formed within each groundwater basin to prepare and implement a plan for long-term groundwater sustainability.

The Eastern Tule Groundwater Sustainability Agency (GSA) was formed in 2015 to comply with SGMA. Members of the Eastern Tule GSA include the City, Porterville Irrigation District, Saucelito Irrigation District, Teapot Dome Water District, Vandalia Water District, Terra Bella Irrigation District, Kern-Tulare Water District, and the County. As of May 2017, the GSA had not yet finalized a groundwater sustainability plan for the basin (Porterville Recorder, 2017), which would be applicable to the basin underlying the Airpark Site and Off-site Improvement Areas. No GSA has been created for the basin that underlies the Eagle Mountain Casino Site.

Title 22 California Code of Regulations (CCR)

Title 22 CCR Division 4, Chapter 3 regulates the sources, uses, and quality standards of recycled water in the State. Article 3, §60304(a) requires that any recycled water used for the irrigation of food crops, parks and playgrounds, and residential landscaping shall be a disinfected tertiary recycled water. Article 1, §60301.230 defines disinfected tertiary recycled water as a wastewater that has been filtered and disinfected, and which meets the following criteria:

- a) The filtered wastewater has been disinfected by either: (1) A chlorine disinfection process following filtration that provides a CT (the product of total chlorine residual and modal contact time measured at the same point) value of not less than 450 milligram-minutes per liter at all times with a modal contact time of at least 90 minutes, based on peak dry weather design flow; OR (2) A disinfection process that, when combined with the filtration process, has been demonstrated to inactivate and/or remove 99.999 percent of the plaque forming units of F-specific bacteriophage MS2, or polio virus in the wastewater. A virus that is at least as resistant to disinfection as polio virus may be used for purposes of the demonstration.
- b) The median concentration of total coliform bacteria measured in the disinfected effluent does not exceed a most probable number (MPN) of 2.2 per 100 milliliters using the bacteriological results of the last seven days for which analyses have been completed and the number of total coliform bacteria does not exceed an MPN of 23 per 100 milliliters in more than one sample in a 30 day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.

3.3.2 ENVIRONMENTAL SETTING

Airpark Site

Floodplain

The Airpark Site is located within FIRMs numbered 06107C1637E and 06107C1640E. As shown in **Figure 3.3-1**, the Airpark Site is located in Flood Zone X (FEMA, 2017). Zone X is designated by FEMA as areas that are determined to be outside the 1 percent and 0.2 percent annual chance flood plains (FEMA, 2017). Therefore, the Airpark Site is not within a floodplain as defined by EO 13960.

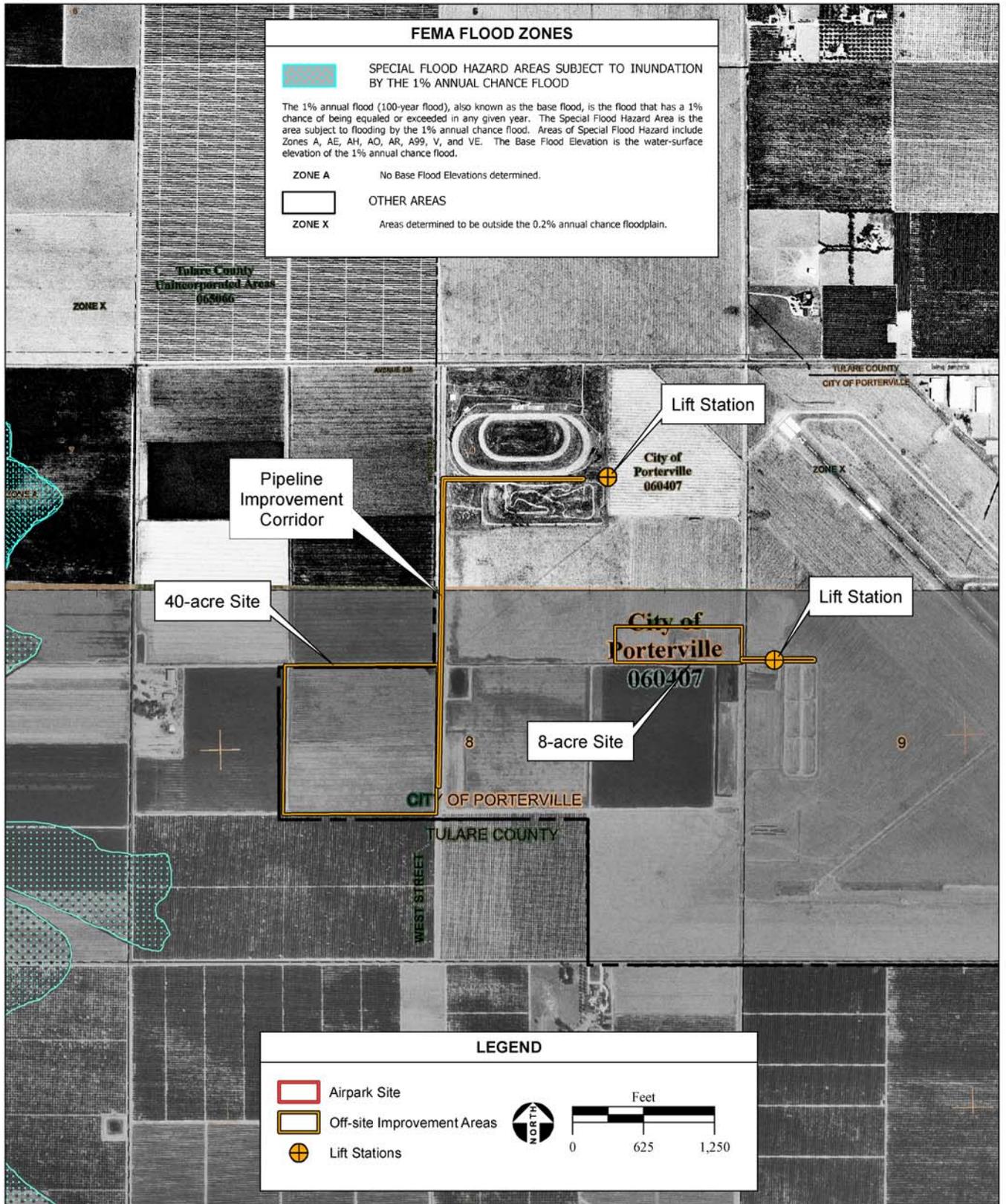
Surface Water

Regional Watershed

The Airpark Site is located within the Upper Deer-Upper White Watershed within the Tulare Lake Hydrologic Unit (USEPA, 2017a). The Tulare Lake Hydrologic Unit comprises the lower portion of the San Joaquin Valley and includes alluvial fans of the Kings, Kaweah, Tule, and Kern rivers, as well as several Sierra Nevada mountain streams (TBWP, 2015a). Historically, the area contained extensive wetlands and massive lakes, supporting an abundance of wildlife and a myriad of endemic species. In the mid-1800s, European settlers began building canals and irrigation systems to support their crops, marking the beginning of a long period of agricultural conversion. Today, the vast majority of the area is irrigated and used for agriculture, although some wetlands remain (TBWP, 2015b).

The surface waterbody nearest to the Airpark Site is the Friant-Kern Canal, which passes by the site less than one mile to the west. This man-made canal was created as part of the Central Valley Project to transport water from the Friant Dam 25 miles northeast of Fresno to Bakersfield, south of Porterville. The Friant Dam diverts water from the Upper San Joaquin River, creating Millerton Lake, and is a major factor in supporting irrigation and agricultural operations throughout the San Joaquin Valley (Water Education Foundation, 2016). The Tule River also flows by the Airpark Site, approximately two miles to the north. The flow of the Tule River is regulated by Success Dam, located approximately five miles northwest of the Airpark Site. Success Dam has a storage capacity of approximately 80,000 acre-feet (AF). Lake Success stores water for irrigation and also provides flood control and recreational opportunities. The CVRWQCB has established beneficial uses for each segment of the Tule River. Aquatic life support is the designated beneficial use, due to the Tule River's support of warm freshwater habitat (CVRWQCB, 2010a).

There are no water bodies listed on the California State 303(d) list of impaired waters on or adjacent to the Airpark Site. The nearest impaired waterbody is Deer Creek, which runs in an east-west direction approximately two miles south of the Airpark Site. The creek is listed for high pH and unknown toxicity (CVRWQCB, 2010b).



SOURCE: FEMA FIRM effective, 6/16/2009; AES, 2/11/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 3.3-1
Airpark FEMA FIRM Mapping

Site Drainage

The City has prepared a Storm Drain Master Plan that identifies the infrastructure upgrades and expansions necessary to accommodate the full buildout of the City General Plan. Within the Storm Drain Master Plan, the Airpark Site is located in the Airport System study area, which is bounded to the north by West Scranton Avenue, to the south by Teapot Dome Avenue, and to the east by Newcomb Street. In addition to the Airpark Site, the Airport System also includes the 8-acre site, the Porterville Sports Complex, the off-highway vehicle (OHV) park, Porterville Municipal Airport, and the Southern California Edison (SCE) solar array site, as well as agricultural lands east of the Porterville Municipal Airport.

Existing stormwater drainage features within the Airport System include a 60-inch reinforced concrete pipe (RCP) that extends north along West Street from the southern boundary of the Airport System and terminates at the intersection of West Street and Yowlumne Avenue; a 27-inch storm drain that runs directly west along the southern boundary of the SCE solar array site and discharges into the 60-inch RCP beneath West Street; and the OHV park, which currently serves as the regional retention basin for the Airport System. However, as discussed in **Section 2.3.3**, the OHV park does not have adequate capacity to retain stormwater flows associated with precipitation events less severe than the 10-day/100-year event. The OHV park has previously overflowed, resulting in the temporary inundation of portions of the Airpark Site, 8-acre site, and Porterville Sports Complex.

Existing drainage infrastructure within the Airpark Site includes catch basins along the public streets (Yowlumne and Wukchumie avenues and Youdanchie Street), which are drained via a 30-inch RCP that runs along Yowlumne Avenue and discharges to the regional retention basin at the OHV park. The existing 30-inch RCP on the Airpark Site also carries stormwater from the 60-inch RCP in West Street to the OHV park (refer to Figure 1 of **Appendix D**).

Future stormwater infrastructure for the Airport System proposed in the City's Storm Drain Master Plan includes the extension of the 60-inch RCP along West Street northward to the intersection of West Street and West Scranton Avenue; the construction of a new storm drain running west along the northern border of the SCE solar array site and discharging into the existing 60-inch RCP along West Street; a new storm drain running northwest from near the center of the Porterville Municipal Airport and terminating at West Scranton Avenue; a new storm drain along West Scranton Avenue from the point at which the proposed Porterville Municipal Airport storm drain terminates to the intersection of West Street and West Scranton Avenue; and a new 200 AF regional retention basin at the southwest corner of the intersection of West Street and West Scranton Avenue that would receive flows from the extended and newly constructed storm drains. However, because the area on which the Storm Drain Master Plan proposes to locate the regional retention basin is privately owned, it is not considered a feasible location for the basin (**Appendix D**). Therefore, the City is considering other properties in the vicinity, including the City-owned 40-acre site, as potential locations for the regional retention basin.

Groundwater

Economic development in Tulare County is highly dependent on the County's groundwater resources. The area is one of California's largest agricultural regions, with crop production earning over \$17 billion annually. Groundwater resources are supplied primarily by alluvial aquifers, composed of fine sediments which hold water within pore spaces, and to a lesser extent fractured rock aquifers, which consist of impermeable rocks that store groundwater within cracks and fractures. The Airpark Site is located within the 733-square mile Tule Groundwater Sub-basin, which supplies groundwater to an approximate population of 108,660 people (DWR, 2013a). The Tule Groundwater Sub-basin is located within the broader San Joaquin Valley Groundwater Basin (DWR, 2006).

The San Joaquin Valley, which overlays the Tule Groundwater Sub-basin, has undergone substantial alterations to accommodate agricultural and urban development. The valley's historic lakes and wetlands began to be drained and converted into irrigation systems for agriculture in the late 1800s. Over the next century or so, until roughly 1970, a number of factors led to significant land subsidence, which is the settling or sinking of the earth's surface due to the movement or extraction of subsurface materials. These factors included (1) aquifer compaction resulting from the lowering of groundwater levels by sustained overdrafting; (2) hydrocompaction of moisture-deficient deposits above the water table; (3) withdrawal of oil and natural gas reserves; and (4) tectonic plate movements. This combination of factors resulted in land subsidence of at least one foot in over 5,200 square miles of irrigated land by 1970. The maximum subsidence was in excess of 28 feet (USGS, 1999).

Groundwater Supply

The Tule Groundwater Sub-basin contains alluvial fans, which provide highly permeable sources of groundwater. Based on California Department of Water Resources (DWR) calculations from 1995, the estimated total storage capacity of the sub-basin is 14,600,000 AF to a depth of 300 feet and 94,100,000 AF to the base of fresh groundwater (DWR, 2004). The California Department of Water Resources (DWR) has estimated that the total average groundwater overdraft for the Tulare Lake Hydrologic Region is approximately 820,000 AF per year, which is both the largest overdraft in the state of California as well as 54 percent of the State's total overdraft. The overdraft is most prominent along the western border of the County (Tulare County, 2014). The Tule Groundwater Sub-basin is not adjudicated (**Appendix C**), meaning that a court has not defined and quantified groundwater rights for all users within the sub-basin. However, the Tule Groundwater Sub-basin is classified as critically overdrafted by the DWR (DWR, 2016a).

The City water system relies entirely upon groundwater resources to supply water to its users. The City maintains a water extraction system that utilizes 35 active groundwater wells with a combined maximum production efficiency of 14,000-15,000 gpm to service approximately 14,000 metered connections. The wells are mostly gravel-packed and range in depth from approximately 230 to 800 feet. The closest active municipal well to the Airpark Site, Well C-32, was completed in 2014; it is located on the nearby City-

owned fairgrounds property. The well is drilled to a depth of 800 feet and generates water at a rate of 300-400 gpm (**Appendix C**). Since the early 2000s groundwater levels have declined by an average of 0.75 feet per year, and groundwater well yields have decreased correspondingly, with some wells in the City of Porterville (City) experiencing declines from 1,500 gallons per minute (gpm) to 500 gpm or less (City of Porterville, 2008). In 2015, the City’s groundwater production capacity was estimated to have declined by 28 percent compared to 2010 due in part to aging wells, but primarily due to drought conditions (**Appendix C**).

The primary source of recharge in the vicinity of the Airpark Site is from mountain streams and snowmelt. Deep percolation of irrigation water applied to agricultural products is an additional source (DWR, 2004). A groundwater elevation contour map of the groundwater basin prepared by DWR for Spring 2010 shows the direction of groundwater flow in the vicinity of the Airpark Site to be generally from west to east (DWR, 2010). The DWR Water Data Library indicates that there are two active and two historic/inactive wells located within a one-mile radius of the Airpark Site (DWR, 2016b). Note that the closest active municipal well to the Airpark Site, the above-described fairgrounds well, is not currently recorded within the DWR Water Data Library, but is located within one mile of the Airpark Site. Groundwater elevations for the two active wells identified in the Water Data Library are summarized in **Table 3.3-2** below. Since the 1980s, groundwater elevations have ranged from 222.0 to 60.6 feet below ground surface (DWR, 2016b).

TABLE 3.3-2
GROUNDWATER ELEVATIONS IN THE VICINITY OF THE AIRPARK SITE

State Well ID	Distance From Site (miles)	Groundwater Elevation (feet)	Date of Measurement
22S27E07A001M	0.6	155.9	02/01/2016
22S27E09J001M	1.0	212.5	02/01/2016

Source: DWR, 2016b.

Groundwater Quality

The CVRWQCB is responsible for formulating and implementing water quality control plans for basins within its region. The Tulare Lake Basin Water Quality Control Plan (Tulare Basin Plan) designates beneficial uses for water bodies within the Tulare Lake Basin (coterminous with the Tulare Lake Hydrologic Unit), sets water quality objectives based on these uses, and proposes a plan to implement these objectives. **Table 3.3-3** shows the beneficial uses for groundwater within DWR’s Detailed Analysis Unit (DAU) 243, in which the Airpark Site is located. **Table 3.3-4** displays groundwater quality objectives for DAU 243.

In general, the Tulare Basin Plan identifies increasing salinity in groundwater as the biggest long-term issue in the area. Although increasing salinity is a natural occurrence in a closed basin, anthropogenic sources have contributed to an acceleration in this process, with agricultural irrigation being the primary

catalyst in this acceleration. Agricultural irrigation has the potential to cause both naturally occurring and anthropogenic salts to leach from the soil into the underlying groundwater. Additionally, as groundwater is extracted for agricultural and other purposes, the volume of water in the underlying aquifer is reduced, and the salinity concentration of the groundwater remaining in that aquifer increases correspondingly. Other major issues facing water quality in the Tulare Lake Basin include nonpoint pollution from agricultural operations and livestock grazing (CVRWQCB, 2016).

TABLE 3.3-3
GROUNDWATER BENEFICIAL USES FOR DAU 243

Beneficial Use	Description
Municipal and Domestic Supply	Uses of water for community, military, or individual water supply systems, including, but not limited to, drinking water supply.
Agricultural Supply	Uses of water for farming, horticulture, or ranching, including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.
Industrial Service Supply	Uses of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well repressurization.
Industrial Process Supply	Uses of water for industrial activities that depend primarily on water quality.
Wildlife Habitat	Uses of water that support terrestrial or wetland ecosystems, including, but not limited to, preservation and enhancement of terrestrial habitats or wetlands, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.
Source: CVRWQCB, 2016.	

TABLE 3.3-4
WATER QUALITY OBJECTIVES FOR GROUNDWATER WITHIN THE TULARE LAKE BASIN PLAN

Constituent	Objectives
Bacteria	In ground waters designated Municipal and Domestic Supply (MUN), the concentration of total coliform organisms over any 7-day period shall be less than 2.2 / 100 mL.
Chemical Constituents	<p>Ground waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. The Regional Water Board will consider all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for detrimental levels of chemical constituents developed by the State Water Board, the California Office of Environmental Health Hazards Assessment, the State Water Board Division of Drinking Water Programs, the US Food and Drug Administration, the National Academy of Sciences, the US Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.</p> <p>At a minimum, waters designated MUN shall not contain concentrations of chemical constituents in excess of the MCLs specified in the following provisions of Title 22 of the California Code of Regulations, which are incorporated by reference into this plan: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of Section 64431, Table 64444-A (Organic Chemicals) of Section 64444, and Table 64449-A (Secondary Maximum Contaminant Levels-Consumer Acceptance Limits) and 64449-B (Secondary Maximum Contaminant Levels-Ranges) of Section 64449. This incorporation-by-reference is speculative, including future changes to the incorporated provisions as the changes take effect. At a minimum, water designated MUN shall not contain lead in excess of 0.015 mg/l. To ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses, the Regional Water Board may apply limits more stringent than MCLs.</p>

Pesticides	<p>No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses.</p> <p>At a minimum, waters designated MUN shall not contain concentrations of pesticide constituents in excess of the MCLs specified in Table 64444-A (Organic Chemicals) of Section 64444 of Title 22 of the California Code of Regulations, which is incorporated by reference into this plan. This incorporation-by-reference is speculative, including future changes to the incorporated provisions as the changes take effect. The Regional Water Board acknowledges that specific treatment requirements are imposed by state and federal drinking water regulations on the consumption of surface waters under specific circumstances. More stringent objectives may apply if necessary to protect other beneficial uses.</p>
Radioactivity	<p>Radionuclides shall not be present in ground waters in concentrations that are deleterious to human, plant, animal, or aquatic life, or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.</p> <p>At a minimum, ground waters designated MUN shall not contain concentrations of radionuclides in excess of the maximum contaminant levels (MCLs) specified in Table 64442 of §64442 and Table 64443 of §64443 of Title 22, California Code of Regulations, which are incorporated by reference into this plan. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect.</p>
Salinity	<p>All ground waters shall be maintained as close to natural concentrations of dissolved matter as is reasonable considering careful use and management of water resources.</p> <p>No proven means exist at present that will allow ongoing human activity in the Basin and maintain ground water salinity at current levels throughout the Basin. Accordingly, the water quality objectives for ground water salinity control the rate of increase.</p> <p>The maximum average annual increase in salinity measured as electrical conductivity shall not exceed 6 µmhos/cm for the Tule River Hydrographic Unit.</p> <p>The average annual increase in electrical conductivity will be determined from monitoring data by calculation of a cumulative average annual increase over a 5-year period.</p>
Tastes and Odors	<p>Ground waters shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.</p>
Toxicity	<p>Groundwaters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life associated with designated beneficial uses. The Regional Water Board will also consider all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for toxic substances developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the State Water Board Division of Drinking Water Programs, the U.S. Food and Drug Administration, the National Academy of Sciences, the U. S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective. This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances.</p>
<p>Source: CVRWQCB, 2016.</p>	

Groundwater quality within the vicinity of Porterville is generally good, though some wells require treatment. Some municipal wells adjacent to Porter Slough have been shut down due to perchloroethylene contamination, while a few municipal wells in the central and eastern portion of the City have nitrate problems (**Appendix C**). Water quality monitoring of the municipal well located closest to the Airpark Site, the above-described fairgrounds well, has indicated no exceedances of MCLs for secondary and inorganic constituents or for nitrates since the completion of the well in 2014 (SDWIS, 2017).

Off-Site Improvement Areas Setting

Floodplain

As shown in **Figure 3.3-1**, the Off-site Improvement Areas are located in Flood Zone X and therefore are not within a floodplain as defined by EO 13960 (FEMA, 2017).

Surface Water

All Off-site Improvement Areas are located within the Upper Deer-Upper White Watershed. There are no surface water bodies located within any of the Off-site Improvement Areas. The Friant-Kern Canal is the closest surface water body to all of the off-site improvement areas. The Tule River is the closest natural water body to all Off-site Improvement Areas, and Deer Creek is the closest impaired water body to all three sites.

Site Drainage

40-acre Site

Existing stormwater drainage at the 40-acre site consists of westerly overland flow. Unlike the Airpark Site and 8-acre site, the 40-acre site is not included within the City's existing Storm Drain Master Plan (**Appendix D**). However, as described above, the 40-acre site is considered to be a potential location for the regional retention basin for the Airpark System, as the location originally identified in the Storm Drain Master Plan is no longer considered feasible.

8-acre Site

Like the OHV park, the 8-acre site is low-lying relative to the surrounding properties, and it functions as an overland drainage route for regional stormwater runoff flowing north from the SCE solar array site, northwest from the Porterville Municipal Airport, and northeast from the southeast portion of the Airpark Site into the OHV park (**Appendix D**). Among the proposed improvements in the City's Storm Drain Master Plan is the construction of a storm drain along the entire northern border of the SCE solar array site that would be immediately adjacent to much of the 8-acre site's southern border and which would convey flows to the existing 60-inch storm drain running along West Street (**Appendix D**).

Lift Station and Pipeline Improvement Areas

The lift station and pipeline improvement areas are made up exclusively of subterranean areas and/or components of the City's wastewater management system. Thus, there is no surface area from which water can drain, nor is there any associated storm drainage infrastructure.

Groundwater

Like the adjacent Airpark Site, each of the Off-site Improvement Areas is located within the Tule Groundwater Sub-basin. Characteristics of the basin described above are applicable in their entirety here. As with the Airpark Site, the closest active municipal groundwater well to each of the Off-site Improvement Areas is the well located at the City-owned fairgrounds property.

Eagle Mountain Casino Site

Floodplain

The Eagle Mountain Casino Site is located on the non-printed FEMA FIRM panel 06107C1695E. The FIRM Index Map for Tulare County states that non-printed panels within the County are “No Special Flood Hazard Areas” (FEMA, 2012). Therefore, the Eagle Mountain Casino Site is not within a floodplain as defined by EO 13960.

Surface Water

Watershed

The approximately 12-acre Eagle Mountain Casino Site is located within the Upper Tule Watershed, which is also encompassed by the Tulare Lake Basin, described above. The Upper Tule Watershed and is bordered by the Upper Kaweah Watershed to the north, the Upper Kern Watershed to the east, the Upper Deer-Upper White Watershed to the south, and the Tulare-Buena Vista Lakes Watershed to the west (USEPA, 2017f). The Tribe’s reservation (Reservation) and the Sequoia National Forest make up a significant portion of land encompassed by the watershed. The terrain is steeply sloped and mountainous; consequently, most of the land is undeveloped beyond local roads.

The surface waterbody nearest to the Eagle Mountain Casino Site is the South Fork of the Tule River (South Fork), which runs along the northern and western borders of the Eagle Mountain Casino Site. The headwaters of the South Fork are located in the mountainous eastern portion of the Reservation and in Sequoia National Forest beyond the Reservation’s eastern boundary. The South Fork, along with the main stem of the Tule River and Campbell Creek, are impounded by Success Dam, located approximately eight miles west of the Eagle Mountain Casino Site. The South Fork terminates in Lake Success approximately nine river miles downstream from the Eagle Mountain Casino Site. Success Dam has a storage capacity of approximately 80,000 AF. Lake Success stores water for irrigation and also provides flood control and recreational opportunities.

Site Drainage

The Eagle Mountain Casino Site is situated in a relatively level area on the western slope of the Sierra Nevada Mountains at an approximate elevation of 1,200 feet above mean sea level (amsl). The Eagle Mountain Casino Site is fully developed and graded, and is almost entirely covered by impervious

surfaces in the form of the existing Eagle Mountain Casino structures and parking areas (**Appendix D**). Stormwater runoff in the vicinity of the Eagle Mountain Casino Site generally consists of westerly overland flow toward the South Fork, which borders the site to the north and west.

Surface Water Quality

The major surface water feature adjacent to the Eagle Mountain Casino Site is the South Fork, which curves around the western and northern boundaries of the site. The Tribe conducts periodic water sampling at over 30 locations within the South Fork watershed. Field readings such as pH, turbidity, conductivity, and temperature are taken during sampling events, and samples are also lab-tested for various parameters. Water quality within the South Fork watershed occasionally exceeds standards for turbidity and bacteria levels. These exceedances are most likely the result of nonpoint sources such as grazing livestock; other potential sources of bacteria and turbidity include erosion and sedimentation from unpaved roads, earthwork activities from construction, underground septic tanks, and road maintenance activities (Tule River Tribe, 2013).

The vicinity of the Eagle Mountain Casino Site does not contain any waterbodies listed on the California state 303(d) list of impaired waters. The nearest impaired waterbody is Lake Success, which is located approximately eight miles northwest of the site. The lake is listed for pH/acidity/caustic conditions (USEPA, 2012).

Groundwater

Like the Airpark Site, the Eagle Mountain Casino Site is located within the Tulare Lake Hydrologic Region. However, it is not located within a groundwater basin or sub-basin designated by the DWR (DWR, 2013b).

Groundwater within the Tribe's Reservation generally occurs in shallow alluvial deposits along the South Fork, as well as in fractures in the underlying granite bedrock. The Tribe owns approximately 22 groundwater wells within its Reservation; however, only five are currently active. Operations at the other wells were discontinued due to poor water quality or insufficient production. The capacities of the five operational wells range from 10 gpm to 30 gpm. Most of the wells owned by the Tribe are old and technologically outdated, and well maintenance generally only occurs after a problem arises. Of additional concern is the location of several of the wells in close proximity to grazing lands, areas of concentrated human activity, failing septic systems, and other conditions that have the potential to result in contamination (Tule River Tribe, 2013).

3.4 AIR QUALITY

This section describes existing environmental conditions related to air quality for the alternative sites described in **Section 2.2**. The general and site-specific description of air quality contained herein provides the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**.

3.4.1 REGULATORY CONTEXT

National Ambient Air Quality Standards (NAAQS)

The Federal Clean Air Act (CAA) of 1970, as amended, authorizes the United States Environmental Protection Agency (USEPA) to identify common air pollutants that impact air quality on a national level and establish corresponding National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. Accordingly, the USEPA has identified six criteria air pollutants (CAPs): ozone (O₃), carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead (Pb). These pollutants are termed “criteria” pollutants because the USEPA has established specific concentration threshold criteria based upon specific medical evidence of health effects or visibility reduction, soiling, nuisance, and other forms of damage. The NAAQS are divided into primary standards and secondary standards, which are presented in **Table 3.4-1** below. Primary standards are designed to protect the public health and secondary standards are intended to protect the public welfare from effects such as visibility reduction, soiling, nuisance, and other forms of damage.

Areas are designated attainment, nonattainment, or maintenance by the USEPA depending on whether concentrations of CAPs in each area exceed the established NAAQS. Non-attainment areas are required to take steps towards attainment within a specific period of time. Once an area reaches attainment for a particular CAP, then the area is re-designated as attainment or maintenance. The CAA places most of the responsibility on states to achieve compliance with the NAAQS. States, municipal statistical areas, and counties that contain areas of non-attainment are required to develop a State Implementation Plan (SIP) that outlines policies and procedures designed to bring the nonattainment area into compliance with the NAAQS. The USEPA has designated the San Joaquin Valley Air Basin (SJVAB) as nonattainment for O₃ and particulate matter with a diameter less than 2.5 μm (PM_{2.5}).

State Implementation Plan

Nonattainment areas must take steps towards attainment by a specific timeline. These steps are consolidated within the SIP as mandated by the CAA. The SIP sets forth the state’s strategy for achieving federal air quality standards. The SIP is not a single document, but a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district or regional rules, state regulations, and federal controls. All of the items that are included in the SIP are published in the Code of Federal Regulations (CFR).

TABLE 3.4-1
NATIONAL AMBIENT AIR QUALITY STANDARDS

Pollutants		Primary		Secondary		Violation Criteria
		ppm	µg/m ³	ppm	µg/m ³	
Ozone	8 hours	0.070	157	0.070	157	The 3-year average of the annual 4 th highest daily 8-hour maximum is not to be above 0.075 µg/m ³ (micrograms per cubic meter)
Carbon Monoxide	8 hours	9	-	-	-	If exceeded on more than 1 day per year
	1 hour	35	-	-	-	If exceeded on more than 1 day per year
Nitrogen Dioxide	Annual average	0.053	-	0.053	-	Not to be above 0.053 ppm (parts per million) in a calendar year.
	1 hour	0.100	-	-	-	The 3-year average of the 98 th percentile of the daily maximum 1-hour average at each monitor is not above 0.100 ppm.
Sulfur Dioxide	1 hour	0.075	-	-	-	The 3-year average of 99 th percentile of 1-hour daily maximum concentrations.
	3 hours	-	-	0.5	-	If exceeded on more than 1 day per year
PM ₁₀	24 hours	-	150	-	150	Not to be above 150 µg/m ³ on more than three days over three years with daily sampling
PM _{2.5}	Annual arithmetic mean	-	12	-	15	The 3-year average from a community-oriented monitor is not above 15 µg/m ³ .
	24 hours	-	35	-	35	The 3-year average of the 98 th percentile for each population-oriented monitor within an area is not above 35 µg/m ³ .
Lead	Rolling – Month Average	-	0.15	-	0.15	Not to be above 0.15 µg/m ³ .

Notes: ppm = parts per million
 1-hour NO₂ standard was implemented in January 2011; ozone standard established December 2015. The 2008 ozone standards additionally remain in effect in some areas
 Source: USEPA, 2016a.

The USEPA approved the San Joaquin Valley Air Pollution Control District (SJVAPCD) 2004 extreme O₃ attainment demonstration plan on March 8, 2010 (effective April 7, 2010), thereby re-designating the SJVAB from severe nonattainment to extreme nonattainment. In June 2016, the SJVAPCD adopted the most recent SIP, the 2016 8-hour O₃ Standard. The SJVAPCD adopted the 2016 Moderate Area Plan for the 2012 PM_{2.5} Standard on September 15, 2016. This plan addresses the USEPA NAAQS for PM_{2.5} established in 2012.

Federal General Conformity

Under the General Conformity Rule, the lead agency with respect to a federal action conducted in an area designated nonattainment or maintenance for any CAP is required to demonstrate that the proposed federal action conforms to the applicable SIP before the action is taken. The purpose of the rule is to ensure that federal activities do not cause or worsen existing violations of the NAAQs, or delay attainment for maintenance areas. There are two phases to a demonstration of general conformity:

- 1) The Conformity Review process, which entails an initial review of the federal action to assess whether a full conformity determination is necessary; and
- 2) The Conformity Determination process, which requires that a proposed federal action be demonstrated to conform to the applicable SIP.

The Conformity Review requires the lead agency to compare estimated emissions of CAPs to the applicable general conformity *de minimis* levels (40 CFR §153[b][1] and [2]). If the emission estimates from step one are below the applicable threshold(s), then a general conformity determination is not necessary and the full Conformity Determination is not required. If emission estimates are greater than the applicable threshold(s), the lead agency must conduct a Conformity Determination.

Hazardous Air Pollutants (HAPs)

In addition to CAPs, the CAA requires the USEPA to regulate hazardous air pollutants (HAPs); a group of chemical pollutants that can cause adverse effects to human health and/or the environment. The USEPA maintains a list of over 180 airborne chemicals that are recognized as HAPs. Sources of HAPs include industrial processes such as petroleum refining and chrome plating operations; commercial operations such as gasoline stations and dry cleaners; cigarette smoke; and motor vehicle exhaust. Cars and trucks release at least 40 different HAPs. The most important in terms of health risk are HAPs in diesel particulate matter (DPM), benzene, formaldehyde, 1,3-butadiene, and acetaldehyde. Health effects of HAPs can include cancer, birth defects, and neurological damage.

HAPs are less pervasive in the urban atmosphere than CAPs but are linked to short-term (acute) or long-term (chronic or carcinogenic) adverse human health effects. The majority of the estimated health risk from HAPs can be attributed to relatively few compounds, the most important being the HAPs found in DPM. Section 112 of the CAA includes provisions for the promulgation of National Emissions Standards for Hazardous Air Pollutants (NESHAPs). NESHAPs are not based on effects to human health since specific concentrations of HAPs have not been evaluated to determine health-based thresholds; instead, NESHAPs are technology-based, meaning that they represent the best available control technology that an industrial sector can reasonably afford. The NESHAPs are additional federal emission limitations established for less widely emitted, but highly dangerous or toxic air pollutants that are not covered by the NAAQS. Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material. The visible emissions in diesel exhaust are particulates that includes carbon particles or “soot.” Diesel exhaust also contains a variety of HAPs and over 40 cancer-causing substances. Exposure to DPM is a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems.

Federal Class I Areas

Title 1, Part C of the CAA was established, in part to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of

special national or regional natural, recreational, scenic, or historic value. The CAA designates all international parks, national wilderness areas, and memorial parks larger than 5,000 acres and national parks larger than 6,000 acres as “Class I areas.” The CAA prevents significant deterioration of air quality in Class I areas under the Prevention of Significant Deterioration (PSD) program. The PSD program protects Class I areas by allowing only a small increment of air quality deterioration in these areas by requiring assessment of potential impacts on air quality related values of Class I areas. Any major source of emissions within 100 kilometers (km; 62.1 miles) from a federal Class I area is required to conduct a pre-construction review of air quality impacts on the area(s). A “major source” for the PSD program is defined as a facility that will emit (from direct stationary sources) 250 tons per year (tpy) of regulated pollutant. For certain industries, these requirements apply to facilities that emit (through direct stationary sources) 100 tpy or more of a regulated pollutant. Mobile sources (i.e. vehicle emissions) are by definition not stationary sources and are therefore not subject to the PSD program. Federal Class I areas within 62.1 miles of the alternative sites (the preconstruction review distance), include Kings Canyon National Park; Sequoia National Park; and Domeland Wilderness (USEPA, 2011).

Tribal New Source Review (NSR)

A Tribal minor new source review (NSR) permit is required prior to construction in both attainment and nonattainment areas if the projected aggregate operational emissions from stationary sources at the proposed facility exceed the minor NSR thresholds listed in **Table 3.4-2**. NSR programs must comply with the standards and control strategies of the Tribal Implementation Plan (TIP) or SIP. If there is not an applicable SIP or TIP, the USEPA issues permits and implements the program. If applicable, the Tribe would apply for and obtain a site-specific or, if promulgated prior to the start of construction, a general minor NSR permit in accordance with the USEPA guidelines and Tribal NSR regulations.

TABLE 3.4-2
TRIBAL MINOR NEW SOURCE REVIEW THRESHOLDS

Pollutant	Emissions Thresholds for Nonattainment Areas (tpy)	Emissions Thresholds for Attainment Areas (tpy)
NO _x	5	10
ROGs	2	5
PM	5	10
PM ₁₀	1	5
PM _{2.5}	0.6	3
CO	5	10
SO ₂	5	10
Pb	0.1	0.1
Notes: ROG – reactive organic gases Source: 40 CFR 49.153.		

California Air Resources Board (CARB)

The California Air Resources Board (CARB), a part of the California Environmental Protection Agency (CalEPA), is responsible for the coordination and administration of both federal and State air pollution control programs within California. In this capacity, CARB conducts research, sets California ambient air quality standards (CAAQS), compiles emission inventories, develops suggested control measures, and provides oversight of local programs. CARB establishes emissions standards for motor vehicles sold in California, consumer products (such as hairspray or aerosol paints), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. CARB also has primary responsibility for the development of California's SIP, for which it works closely with Air Quality Management Districts and the USEPA.

California Clean Air Act and Regional Air Quality Standards

The California Clean Air Act of 1988 requires non-attainment areas to achieve and maintain the CAAQS by the earliest practicable date, as well as requires local air districts to develop plans for attaining the State standards for O₃, CO, SO₂, and NO_x.

At a local level, the SJVAPCD has jurisdiction over all of the San Joaquin Valley counties and the SJVAB. The SJVAPCD attains and maintains air quality conditions in San Joaquin Valley counties through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of the SJVAPCD includes the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. It should be noted that once the land is taken into trust, the SJVAPCD would not have jurisdiction over the Airpark Site; the USEPA and the Tribe would have jurisdiction over the Airpark Site.

Global Climate Change

Federal

CEQ Greenhouse Gas (GHG) Guidance

The Council on Environmental Quality (CEQ) released a final guidance memorandum on August 1, 2016, regarding the consideration of climate change effects in National Environmental Policy Act (NEPA) documents (CEQ, 2016). On March 31, 2017, Executive Order (EO) 13783 was issued, which required the withdrawal of the 2016 CEQ guidance; therefore, there is no approved federal threshold for GHG emissions. However, this EIS includes a quantification of GHG emissions (in carbon dioxide equivalents [CO₂e]) and discussion of reduction measures to address comments received during scoping and from cooperating agencies.

Selected Federal Actions and Decisions Regarding GHG Regulation

Federal court decisions have discussed USEPA’s authority to regulate GHGs from mobile and stationary sources. For example, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court held that Title II of the CAA authorized the USEPA to regulate GHGs from new motor vehicles if USEPA “form[ed] a ‘judgment’ that such emissions contribute to climate change.” USEPA made this finding, commonly known as the Endangerment Finding, in 2009, denominating as a “single air pollutant” a combination of six GHGs that it identified as “the root cause of human-induced climate change.” 74 Fed. Reg. 66523, 66537 (Dec. 15, 2009). In 2010, USEPA issued its “final decision,” commonly known as the Triggering Rule, which concluded that motor-vehicle GHG emissions standards would require USEPA to regulate GHG emissions from stationary sources (75 Fed. Reg. 17004, April 2, 2010). Recently, the Supreme Court held that GHG emissions alone cannot trigger stationary source permitting requirements under the CAA’s PSD or Title V programs, but that a source already subject to the PSD program because of its emissions of conventional pollutants may be required to limit GHG emissions through the use of “best available control technology” (*Utility Air Regulatory Group v. EPA*, 134 S. Ct. 2427, 2014).

State

California has been a leader among the states in outlining and aggressively implementing a comprehensive climate change strategy that is designed to result in a substantial reduction in total statewide GHG emissions in the future. California’s climate change strategy is multifaceted and involves a number of State agencies implementing a variety of State laws and policies. California laws and policies summarized below would assist in reducing GHG emissions from patrons of the Proposed Project.

EO S-3-05

EO S-3-05 was signed by the Governor on June 1, 2005. EO S-3-05 established the following statewide emission reduction targets:

- Reduce GHG emissions to 2000 levels by 2010;
- Reduce GHG emissions to 1990 levels by 2020; and
- Reduce GHG emissions to 80 percent below 1990 levels by 2050.

EO S-3-05 created a Climate Action Team (CAT) headed by the CalEPA and including several other State jurisdictional agencies. The CAT is tasked by EO S-3-05 with outlining the effects of climate change on California and recommending an adaptation plan. The CAT is also tasked with creating a strategy to meet the target emission reductions. In April 2006, the CAT published an initial report that accomplished these two tasks.

California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32)

Signed by the Governor on September 27, 2006, Assembly Bill (AB) 32 codifies a key requirement of EO S-3-05: the requirement to reduce Statewide GHG emissions to 1990 levels by 2020. AB 32 tasks CARB with monitoring State sources of GHGs and designing emission reduction measures to comply with the law's emission reduction requirements. However, AB 32 also continues the CAT's efforts to meet the requirements of EO S-3-05 and states that the CAT should coordinate overall state climate policy.

In order to accelerate the implementation of emission reduction strategies, AB 32 requires that CARB identify a list of discrete early action measures that can be implemented relatively quickly. In October 2007, CARB published a list of early action measures that could be implemented and would serve to meet about a quarter of the required 2020 emissions reductions (CARB, 2007). In order to assist CARB in identifying early action measures, the CAT published a report in April 2007 that updated their 2006 report and identified strategies for reducing GHG emissions (CAT, 2007). In the October 2007 report, CARB cited the CAT strategies and other existing strategies that may be utilized in achieving the remainder of the emissions reductions. AB 32 required that CARB prepare a comprehensive "scoping plan" that identifies all strategies necessary to fully achieve the required 2020 emissions reductions.

EO S-01-07

EO S-01-07 was signed by the Governor on January 18, 2007. It mandates a statewide goal to reduce the carbon intensity of transportation fuels by at least 10 percent by 2020. This target reduction was identified by CARB as one of the AB 32 early action measures in its October 2007 report.

EO B-30-15

EO B-30-15 was signed by the Governor on April 29, 2015. It sets interim GHG targets of 40 percent below 1990 by 2030, to ensure California will meet its 2050 targets set by AB 32.

California's Scoping Plan and Cap and Trade Program

In the adopted Climate Change Scoping Plan (Scoping Plan), CARB lays out the GHG reductions that need to be achieved and the types of measures that will be used to reach them. The Plan predicts that under a "business as usual" scenario, 2020 GHG emissions would equal 596 million metric tons (MMT) carbon dioxide equivalent (CO₂e). Consequently, compared to the 1990 GHG emissions inventory, emissions would need to be reduced by 169 MMT CO₂e in 2020. The Scoping Plan establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. The Scoping Plan evaluates opportunities for sector-specific reductions, integrates all CARB and CAT early actions and additional GHG reduction measures by both entities, identifies additional measures to be pursued as regulations, and outlines the role of a cap-and-trade program. Some of the key elements of the Scoping Plan are expanding and strengthening existing energy efficiency programs, and building and appliance standards; achieving a statewide renewables energy mix of 33 percent; developing a California cap-and-

trade program that links with other Western Climate Initiative partner programs to create a regional market system and caps sources contributing 85 percent of California's GHG emissions; and establishing targets for transportation-related GHG emissions for regions throughout California, and pursuing policies and incentives to achieve those targets.

The Scoping Plan set forth approximately 126 strategies and measures currently under consideration that would ensure a statewide reduction in GHG emissions, most strategies and measures are planning-level measures, or they apply to particular industries. There are several that can be applied to a project level analyses, such as the following:

- Diesel Anti-Idling: In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling;
- Achieve 50 percent statewide Recycling Goal: Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989);
- Water Use Efficiency: Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.

The first update to the 2007 Climate Action Scoping Plan was released in May 2014 (CARB, 2014). The purpose of the update is to identify the next steps for California's leadership on climate change. The updated Plan outlines the progress California has made to date regarding near-term 2020 GHG limits, such as cleaner and more efficient energy, cleaner transportation, and the CARB's Cap-and-Trade Program. The updated Plan identifies six key areas where further control strategies are needed, which are: energy, transportation (vehicles/equipment, sustainable communities, housing, fuels, and infrastructure), agriculture, water, waste management, and natural and working lands.

3.4.2 AIR QUALITY ENVIRONMENTAL SETTING

Regional Air Quality

Regional Topography and Meteorology

The Airpark Site, Off-site Improvement Areas, and Eagle Mountain Casino Site are located within the SJVAB. The geographic features that influence the San Joaquin Valley in terms of weather patterns and air quality are the Coast Range to the west, the Sierra Nevada mountain range to the north and east, and the Tehachapi Mountains to the south. These mountain ranges channel winds through the SJVAB, but also inhibit dispersion of pollutant emissions.

The SJVAB is subject to two main seasonal wind patterns. The spring, summer, and fall wind pattern consists of winds that originate from the Pacific Ocean and flow through sea-level gaps in the Coast

Range. In the winter season, northerly winds predominate. The SJVAB has hot, dry summers and has historically enjoyed cool rainy winters characterized by dense tule fog. Its rainy season normally runs from November through April; however, since 2011, the beginning of a historic California drought, it has generally received minimal precipitation.

NAAQS Designations

Air pollutants of concern for an air basin include CAPs that are currently listed as having a nonattainment or maintenance status according to the applicable NAAQS and violation criteria. Areas that have not been classified are assumed to be in attainment. As shown in **Table 3.4-3**, the USEPA has designated SJVAB as nonattainment for O₃ and PM_{2.5}.

TABLE 3.4-3
NAAQS ATTAINMENT STATUS FOR SJVAB

Pollutant	NAAQS
O ₃ (8-hour)	Nonattainment (extreme)
PM ₁₀	Unclassified
PM _{2.5}	Nonattainment (serious)
CO	Unclassified/Attainment
NO ₂	Unclassified/Attainment
SO ₂	Unclassified
Pb	Unclassified

Source: SJVAPCD, 2016.

Ozone

Photochemical reactions involving reactive organic gases (ROGs) and oxides of nitrogen (NO_x) resulting from the incomplete combustion of fossil fuels are the largest source of ground-level O₃. Because photochemical reaction rates depend on the intensity of ultraviolet light and air temperature, O₃ is primarily a summer air pollution problem. As a photochemical pollutant, O₃ is formed only during daylight hours under appropriate conditions, but is destroyed throughout the day and night. O₃ is considered a regional pollutant, as the reactions forming it take place over time and are often most noticeable downwind from the sources of the emissions.

Particulate Matter

Particle pollution is a mixture of microscopic solids and liquid droplets suspended in air. This pollution is made up of a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, soil or dust particles, and allergens (such as fragments of pollen or mold spores). The size of particles is directly linked to their potential for causing health problems. Particles larger than 10 µm (PM₁₀) are referred to as “coarse” PM. Particles smaller than 2.5 µm (PM_{2.5}; also referred to as “fine” PM) pose the greatest problems, because they can be inhaled deep into the lungs.

In addition to CAPs, HAPs, CO hotspots, DPM, and odor can be considered pollutants of concern in the vicinity of the Airpark Site.

Hazardous Air Pollutants

In the vicinity of the Airpark Site, HAPs are primarily emitted by mobile sources, such as diesel trucks and airplanes. Other sources of HAP emissions in the region include ceramic wall and floor tile manufacturing, commercial bakeries, and fossil fuel electric power generation (USEPA, 2016b).

Diesel Particulate Matter

An additional pollutant of concern in the region is DPM. DPM is not defined by the USEPA as a HAP; however, its components are defined as HAPs. According to CARB, the estimated health risk from HAPs can be primarily attributed to relatively few compounds, including DPM. DPM differs from other HAPs in that it is not a single substance but a complex mixture of air HAPs, composed of gaseous and solid material from the combustion of diesel fuels. The visible emissions in diesel exhaust include PM and carbon particles or “soot.” Due to the controversy surrounding DPM, an assessment of the potential impacts of DPM releases associated with the Proposed Project has been included in **Section 4.4**.

Carbon Monoxide

CO is not readily dispersed throughout the atmosphere; therefore, it is considered a localized air quality issue, close to the emission source. CO emissions generally cause acute (short-term) health threat. CO is a pollutant of concern at major signalized intersections (greater than 100,000 vehicles per day) that exhibit prolonged vehicle idling times. Tulare County is not designated as nonattainment or maintenance for CO.

Sources of Emissions

Airpark Site

CAPs in the vicinity of the Airpark Site are primarily emitted by mobile sources associated with transportation due to the urban nature of Porterville and the close proximity of the Porterville Municipal Airport to the site. Emissions are estimated and documented through the combined effort of the SJVAPCD and CARB. **Table 3.4-4** summarizes estimated 2012 emissions of CAPs from major categories of air pollutant sources in Tulare County.

Eagle Mountain Casino Site

The Tribe currently operates the Eagle Mountain Casino on the Reservation. The Casino operation emits direct CAP emissions from heating and cooling units, water heaters, and emergency generators and indirect CAP emissions from delivery trucks, patron and employee vehicles, electricity use, water and wastewater use, and solid waste disposal trucks.

TABLE 3.4-4
TULARE COUNTY ESTIMATED ANNUAL AVERAGE EMISSIONS – 2012

Sources	ROG	CO	NO _x	SO _x	PM ₁₀	PM _{2.5}
	tons per day					
Stationary Sources	5.5	2.2	2.7	0.3	1.2	0.6
Area Sources	41.2	83.4	3.6	0.6	36.3	11.5
Mobile Sources	10.8	75.4	28.6	0.1	1.8	1.3
Grand total for Tulare County	57.4	160.9	34.9	1.0	39.3	13.4
Source: CARB, 2013.						

Odor

Types of operations that are typically evaluated for odor concerns include waste processing and heavy industrial facilities such as wastewater treatment plants (WWTPs), landfills and composting facilities, chemical manufacturing, and confined animal facilities.

There are no WWTPs, landfills, composting facilities or other odor concerns within two miles of the Airpark Site. The Porterville Municipal Airport is adjacent to the Airpark Site; however, the airport does not accommodate a large volume of aircraft that would cause odors beyond the airport border.

The Eagle Mountain Casino Site does not include any source types that have historically been associated with odor, with the exception of the on-site secondary WWTP.

Sensitive Receptors

Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors.

The closest residential sensitive receptors to the Airpark Site are single residences located approximately 2,550 feet (0.5 miles) to the west, 3,000 feet (0.6 miles) to the south, and 3,500 feet (0.7 miles) to the west and southwest. The Porterville Sports Complex, which hosts sporting events for children, is located approximately 300 feet east and 500 feet north of the Airpark Site. The closest school is Summit Charter Academy at 175 South Mathew Street in Porterville, CA, approximately 2.1 miles north of the Airpark Site.

The closest residential sensitive receptor to the Eagle Mountain Casino Site is located approximately 650 feet to the west. The Tule River Child Care Center is located approximately 1.5 miles from the Eagle Mountain Casino Site, no hospitals are within five miles of the Eagle Mountain Casino Site.

3.4.3 CLIMATE CHANGE ENVIRONMENTAL SETTING

Existing Climate Setting

Climate change is a global phenomenon attributable to the sum of all human activities and natural processes.

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. GHGs include all of the following: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) (Health & Safety Code §38505[g]). In addition to natural sources, human activities are exerting a substantial and growing influence on climate by changing the composition of the atmosphere and by modifying the land surface through deforestation and urbanization reducing carbon capture and decreasing albedo (IPCC, 2014). In particular, increased consumption of fossil fuels has substantially increased atmospheric levels of GHGs. Emissions of these gases are attributable to human activities associated with the industrial/manufacturing, utilities, transportation, residential, and agricultural sectors (CEC, 2005).

In 2014, transportation generated 37 percent of California's GHG emissions, followed by the industrial sector (24 percent), electricity generation in state (12 percent), electricity generation imports (8 percent), commercial and residential (11 percent), agriculture and forestry (8 percent), and other sources (1 percent) (CARB, 2016). Emissions of CO₂ and N₂O are byproducts of fossil fuel combustion, among other sources. CH₄ results from off-gassing associated with agricultural practices and landfills. Sinks of CO₂ include uptake by vegetation and dissolution into the world's ocean.

According to the United Nations Intergovernmental Panel on Climate Change (IPCC) and the USEPA, it is very likely (greater than 95 percent probability) that human activity is responsible for rising temperatures. The IPCC expects global temperatures to increase another 2 to 10 degrees Fahrenheit by 2100, depending on how much atmospheric GHG concentrations continue to rise.

California Implications

Climate change could impact California's natural environment in the following ways (CEC, 2012):

- Rising sea levels along the California coastline, particularly in San Francisco and the Sacramento-San Joaquin River Delta due to ocean expansion;
- Extreme heat conditions, such as heat waves and very high temperatures, which could last longer and become more frequent;
- An increase in heat-related human deaths and infectious diseases and a higher risk of respiratory problems caused by deteriorating air quality;
- Reduced snow pack and stream flow in the Sierra Nevada mountains, affecting winter recreation and water supplies;
- Potential increase in the severity of winter storms, affecting peak stream flows and flooding;

- Changes in growing season conditions that could affect California agriculture, causing variations in crop quality and yield; and
- Changes in distribution of plant and wildlife species due to changes in temperature, competition of colonizing species, changes in hydrologic cycles, changes in sea levels, and other climate-related effects.

3.5 BIOLOGICAL RESOURCES

This section describes the existing environmental conditions related to biological resources for the alternative sites described in **Section 2.2**. The general and site-specific profiles of biological resources contained herein provide the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**.

3.5.1 REGULATORY SETTING

Federal

Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) enforces the provisions of the Federal Endangered Species Act (FESA) for all terrestrial species. Provisions of the FESA, as amended (16 United States Code [USC] 1531), protect federally-listed threatened and endangered wildlife and their habitat from take (50 Code of Federal Regulations [CFR] §17.11, 17.12). Under the FESA, “take” includes activities that “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect” as well as any “attempt to engage in any such conduct” (16 USC 1531[3]). USFWS defines the term “harm” to include “significant habitat modification or degradation” (50 CFR §17.3). On June 29, 1995, the Supreme Court ruled that harm may include habitat modification “where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering” (U.S. No. 94-859; [1995]). If “take” of a listed species is necessary to complete an otherwise lawful activity, this triggers the need for consultation under Section 7 of the FESA for federal agencies. A Section 7 Biological Opinion with incidental take provisions from the USFWS would be required.

The USFWS and the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS) implement §10(a)(1)(b) of the FESA, which allows non-federal entities under consultation with the USFWS and NMFS to obtain incidental take permits for federally listed wildlife. Compliance with §10(a)(1)(b) is not required for federally listed plants.

Pursuant to the requirements of the FESA, a federal agency reviewing a proposed project within its jurisdiction must determine whether any federally-listed species may be present on the alternative sites and whether the Proposed Project will have a potentially significant impact on such species. A discussion of regionally-listed species is provided in consideration of potential impacts associated with project implementation under each alternative below. Under the FESA, habitat loss is considered to be an impact to the species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species that is proposed for listing under the FESA or to result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC §1536[3], [4]). Therefore, should it be determined that a project would result in impacts to these species, or their habitats, it would be considered significant and require mitigation.

Critical Habitat

Critical habitat is defined under the FESA as specific geographic areas within a listed species range that contain features considered essential for the conservation of the listed species. Designated critical habitat for a given species supports habitat deemed by USFWS to be important for the recovery of the species. Under FESA, habitat loss is considered to be an impact to the species.

Migratory Bird Treaty Act

Migratory birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-712). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird (50 CFR 10), including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. As such, project-related disturbances must be reduced or eliminated during the nesting season. The general nesting season extends from February 15 through September 15.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act was originally enacted in 1940 to protect bald eagles and was later amended to include golden eagles (16 USC §668-668). This act prohibits take, possession, and commerce of bald and golden eagles and associated parts, feathers, nests, or eggs with limited exceptions. The definition of take is the same as the definition under the FESA. The USFWS established five recovery programs in the mid-1970's based on geographical distribution of the species, with California located in the Pacific Recovery Region. Habitat conservation efforts in the Pacific Recovery Region, including laws and management practices at federal, state, and community levels, have helped facilitate bald eagle population increases. Critical habitat for bald and golden eagles was not designated as part of the Pacific Recovery Plan created under FESA. Likewise, critical habitat was not designated by regulation under FESA. In 1995, the USFWS reclassified the bald eagle from endangered to threatened under FESA in the contiguous 48 states, excluding Michigan, Minnesota, Wisconsin, Oregon, and Washington where it had already been listed as threatened. In 2007, the bald eagle was federally delisted under FESA. However, the provisions of the act remain in place for protection of bald eagles and golden eagles.

Wetlands and Waters of the U.S.

Natural drainage channels and adjacent wetlands may be considered "Waters of the United States" subject to jurisdiction of the U.S. Army Corps of Engineers (USACE). The extent of jurisdiction has been defined in the CFR and is subject to interpretation of federal courts. The USACE regulates the filling or dredging of Waters of the U.S. under the authority of Section 404 of the Clean Water Act (CWA). The extent of jurisdiction within drainage channels is defined by "ordinary high water mark" on opposing

channel banks. All activities that involve the discharge of dredge or fill material into Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in “no net loss” of wetland functions or values. No permit can be issued until the United States Environmental Protection Agency (USEPA) issues a Section 401 Water Quality Certification verifying that the proposed activity will meet water quality standards.

The term “Waters of the U.S.” is defined as:

- All waters currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use or degradation of which could affect interstate or foreign commerce including any such waters; or
- Tributaries of waters identified in the bulleted items above.

The term “Wetlands” is defined as:

- Waters of the U.S. that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands that meet these criteria during only a portion of the growing season are classified as seasonal wetlands.

State and Local

Alternatives A through D would involve taking the Airpark Site into federal trust and under Alternative E, the Eagle Mountain Casino Site currently has federal trust status. Therefore, State regulations would not apply to either location. However, the following State regulations would apply to the Off-site Improvement Areas described in **Section 2.2.2**.

California Endangered Species Act

The California Endangered Species Act (CESA) declares that deserving plant or animal species will be given protection by the state because they are of ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of the state. The CESA established that it is state policy to conserve, protect, restore, and enhance state-listed species and their habitats. Under State law, plant and animal species may be formally listed by the California Fish and Game Commission.

The CESA authorizes that private entities may take listed species under FESA and CESA, pursuant to a federal incidental take permit issued in accordance with Section 10 of the FESA, if the California Department of Fish and Wildlife (CDFW) certifies that the incidental take statement or incidental take permit is consistent with the CESA (Fish & Game Code §2080.1[a]).

California Fish and Game Code

The California Fish and Game Code defines “take” (§86) and prohibits take of a species listed under the CESA (California Fish and Game Code §2080), or otherwise special-status (California Fish and Game Code §3511, 4700, and 5050) Section 2081(b) and (c) of the CESA allows CDFW to issue an incidental take permit for a state-listed species if specific criteria outlined in Title 14 CCR, §783.4(a), (b) and CDFW Code §2081(b) are met. The CDFW Code §3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the code. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the order *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA. If a project is planned in an area where a species or specified bird occurs, an applicant must design the project to avoid all take; the CDFW cannot provide take authorization under the CESA.

Native Plant Protection Act of 1977

Native Plant Protection Act of 1977 and implementing regulations in §1900 et seq. of the California Fish and Game Code designate special-status plant species, and provide specific protection measures for identified populations. The CDFW administers the Native Plant Protection Act.

3.5.2 AIRPARK SITE

The approximately 40-acre Airpark Site is located in the southwest corner of the City of Porterville in Tulare County, California, west of the Porterville Municipal Airport and east of West Street (**Figure 2-1**). Elevation on the site ranges from 410 to 430 feet (125 to 131 meters) above mean sea level (amsl).

Methodology

Throughout this document, federal special-status species include the federally-listed species and species of concern as identified by the USFWS official species list. State special-status species are those that are formally listed by the state and/or recognized by state agencies or other local jurisdictions because of their rarity or vulnerability to habitat loss or population decline. Prior to conducting the biological surveys on the Airpark Site, the following information was obtained and reviewed:

- USFWS Official Species List, dated February 8, 2017, of federal special-status species with the potential to occur on or be affected by projects on the Porterville United States Geological Survey (USGS) 7.5-minute topographic quadrangle (quad) (USFWS, 2017a);
- California Native Plant Society (CNPS) query, dated February 8, 2017, of federal and State special-status plant species known to occur on the Porterville quad (CNPS, 2017a);
- California Natural Diversity Database (CNDDDB) query, dated February 8, 2017, of State and federal special-status species known to occur on the Porterville quad (CDFW, 2017a);
- USFWS National Wetlands Inventory (NWI) map of wetland features (USFWS, 2017b);
- Soil Report of the Airpark Site (NRCS, 2017a); and
- A critical habitat map (USFWS, 2017c).

Biological Surveys

A biological resource survey of the Airpark Site was conducted on September 19 and 20, 2016. The purpose of the biological survey was to identify biological communities, special-status species, or potential habitat for special-status species. Species and habitat types encountered were classified using the *General Rare Plant Survey Guidelines* (CDFW, 2002), *Botanical Survey Guidelines of the California Native Plant Society* (CNPS, 2001), and *The Jepson Manual* (Baldwin et al., 2012).

Analysis

The USFWS, CNDDDB, and CNPS lists of regionally occurring federal and state special-status species are included for reference purposes within **Appendix G**. An analysis to determine which special-status species have the potential to occur within the Airpark Site was conducted. Habitat requirements for each species were assessed and compared to the type and quality of habitats observed during the biological survey. Several regionally occurring species were eliminated due to a lack of suitable habitat, elevation range, lack of suitable substrate/soils, and/or geographic distribution.

Habitat Types

The Airpark Site contains two terrestrial habitat types: disked fallow field and ruderal/developed (**Figure 3.5-1**).

Disked Fallow Field

The majority of the Airpark Site consists of a regularly disked fallow agricultural field. Annual grasses and forbs that could be identified included barnyard barley (*Hordeum murinum ssp. leporinum*), black mustard (*Brassica nigra*), prickly lettuce (*Lactuca serriola*), Russian thistle (*Salsola tragus*), shepherd's purse (*Capsella bursa-pastoris*), crane's bill geranium (*Geranium molle*), and wild radish (*Raphanus sativa*), among others.

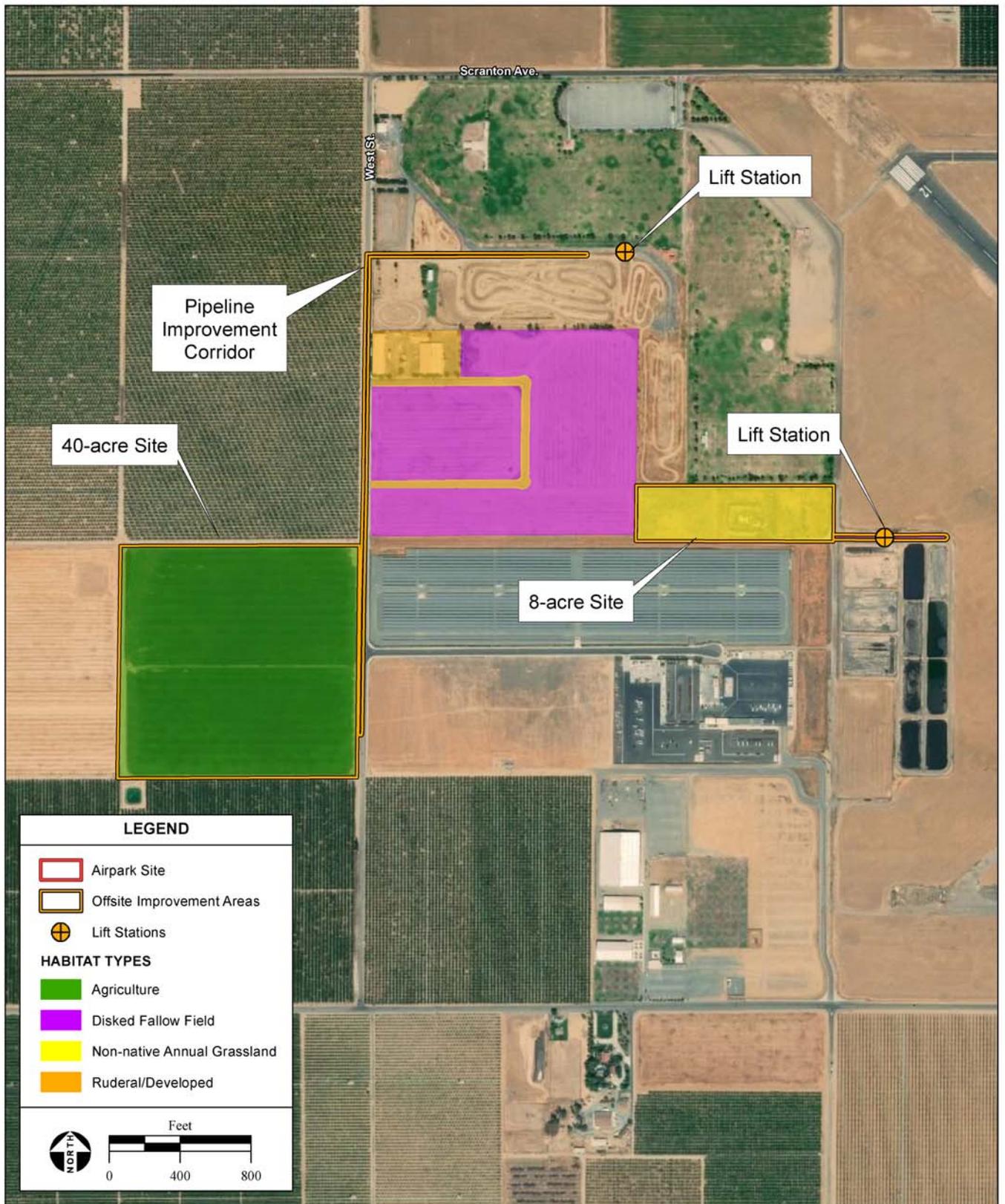


Figure 3.5-1
Habitat Types

Ruderal/Developed

Developed areas within the Airpark Site include office structures, parking areas, and roads (**Figure 3.5-1**). Areas around the structures were paved or contained ornamental trees or shrubs. Some of the ornamental plants included oleander (*Nerium oleander*), Peruvian pepper (*Schinus molle*), and red oak (*Quercus rubra*). Some non-native annual grassland species were identified in cracks or along the roads and contained species such as puncture vine (*Tribulus terrestris*) and weeping wood sorrel (*Oxalis corniculata*).

Wetlands and Waters of the U.S.

The Airpark Site does not contain any potential jurisdictional Waters. No evidence of hydrophytic vegetation, hydric soils, or wetland hydrology were observed anywhere on the site.

Wildlife

Wildlife species observed on the Airpark Site during surveys include the white-crowned sparrow (*Zonotrichia leucophrys*), house finch (*Carpodacus mexicanus*), California ground squirrel (*Otospermophilus beecheyi*), and Botta's pocket gopher (*Thomomys bottae*).

Special-Status Species

Special-status species with the potential to occur on the Airpark Site are listed in **Table 3.5-1**. Based on biological desktop review and field survey results, San Joaquin kit fox (SJKF; *Vulpes macrotis mutica*) and American badger (*Taxidea taxus*) have the potential to occur within the Airpark Site. These species are further discussed below.

San Joaquin Kit Fox (Vulpes macrotis mutica)

Federal Status – Endangered

State Status – Threatened

By the time the SJKF was listed as federally endangered in 1967 and California threatened in 1971, it had been extirpated from much of its historic range. The smallest North American member of the dog family (*Canidae*), SJKF historically occupied the dry plains of the San Joaquin Valley, from San Joaquin County to southern Kern County (USFWS, 2010). Core SJKF populations are located in the natural lands of western Kern County, the Carrizo Plain Natural Area in San Luis Obispo County, and the Ciervo-Panoche Natural Area in western Fresno and eastern San Benito Counties (USFWS, 2010). The SJKF prefer habitats of open or low vegetation with loose soils. In the southern and central portions of the Central Valley, kit fox are found in valley sink scrub, valley saltbrush scrub, upper Sonoran subshrub scrub, and annual grassland (USFWS, 1998). Kit fox may also be found in grazed grasslands, urban settings, and in areas adjacent to tilled or fallow fields (USFWS, 1998). They require underground dens to raise pups,

TABLE 3.5-1
POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES ON THE AIRPARK SITE

Scientific Name Common name	Federal/State/ CNPS Status	Distribution ¹	Habitat Requirements	Period of Identification	Potential to Occur on Airpark Site
Plants					
<i>Clarkia springvillensis</i> Springville Clarkia	FT/CE/1B.2	Known to occur in Tulare County.	An annual herb found in granitic soils in chaparral, cismontane woodland, valley and foothill grassland. Elevations range from 245 to 1220 meters.	March-July	No. Suitable habitat and soils for this species is absent from the Airpark Site.
<i>Fritillaria striata</i> Striped adobe lily	--/CT/1B.1	Known to occur in Kern and Tulare County.	A perennial bulbiferous herb found in clay soils in cismontane woodland and valley and foothill grassland. Elevations range from 135 to 1455 meters.	February-April	No. Suitable habitat and soils for this species is absent from the Airpark Site.
<i>Pseudobahia peirsonii</i> San Joaquin adobe sunburst	FT/CE/1B.1	Known to occur in Fresno, Kern, and Tulare Counties.	An annual herb found in adobe clay in cismontane woodland and valley and foothill grassland. Elevations range from 90 to 800 meters.	February-April	No. Suitable habitat and soils for this species is absent from the Airpark Site.
<i>Sidalcea keckii</i> Keck's checkerbloom	FE/--/1B.1	Known to occur in Colusa*, Fresno, Merced, Napa*, Solano*, Tulare, and Yolo* Counties.	An annual herb found in serpentinite and clay soils, in cismontane woodland and valley and foothill grassland. Elevations range 75 to 650 meters.	April-June	No. Suitable habitat and soils for this species is absent from the Airpark Site.
<i>Mimulus pictus</i> Calico monkeyflower	--/--/1B.2	Known to occur in Kern and Tulare Counties.	An annual herb found in granitic, disturbed areas in broadleafed upland forest and cismontane woodland. Elevations range from 100 to 1430 meters.	March-May	No. Suitable habitat and soils for this species is absent from the Airpark Site.
Animals					
Invertebrates					
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT/--/--	Vernal pool fairy shrimp are known from a total of 32 populations located in an area extending from Shasta County through most of the length of the Central Valley to Tulare County, and along the central coast range from northern Solano County to Pinnacles in San Benito County. Five additional, disjunctive populations exist near	Vernal pools in the Central Valley, coast ranges, and a limited number of sites in the Transverse Ranges and Riverside County, California.	December-May	No. Suitable habitat for this species is absent from the Airpark Site.

3.0 Affected Environment

Scientific Name Common name	Federal/State/ CNPS Status	Distribution ¹	Habitat Requirements	Period of Identification	Potential to Occur on Airpark Site
		Soda Lake in San Luis Obispo County, in the mountain grasslands of northern Santa Barbara County, on the Santa Rosa Plateau in Riverside County, near Rancho California in Riverside County.			
Fish					
<i>Hypomesus transpacificus</i> Delta smelt	FT/CT/--	Occurs almost exclusively in the Sacramento-San Joaquin estuary, from the Suisun Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties. May also occur in the San Francisco Bay.	Estuarine waters. Majority of life span is spent within the freshwater outskirts of the mixing zone (saltwater-freshwater interface) within the Delta.	Consult Agency	No. Suitable habitat for this species is absent from the Airpark Site.
Amphibians					
<i>Rana aurora draytonii</i> California red-legged frog	FT/CSC/--	Known to occur along the Coast from Mendocino County to Baja California, and inland through the northern Sacramento Valley into the foothills of the Sierra Nevada mountains, south to eastern Tulare County, and possibly eastern Kern County. Currently accepted range excludes the Central Valley.	Occurs in permanent and temporary pools of streams, marshes, and ponds with dense grassy and/or shrubby vegetation. Elevations range from 0 to 1160 meters	November – March (breeding) June - August (non-breeding)	No. Suitable habitat for this species is absent from the Airpark Site.
Mammals					
<i>Dipodomys nitratooides</i> Tipton Kangaroo Rat	FE/CE/--	Known on the San Joaquin Valley floor, in isolated portions of Kings, Tulare, and Kern Counties.	Alkali grassland and chenopod scrub.	All Year	No. Suitable habitat for this species is absent from the Airpark Site.
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	FE/CT/--	Contra Costa County south to Kern County, California.	Alkali sink, valley grassland, foothill woodland. Hunts in areas with low sparse vegetation that allows good visibility and mobility.	All Year	Unlikely. Although a few ground squirrel burrows present near the Airpark Site's northeastern corner represent potential foraging

3.0 Affected Environment

Scientific Name Common name	Federal/State/ CNPS Status	Distribution ¹	Habitat Requirements	Period of Identification	Potential to Occur on Airpark Site
					opportunities for SJKF, these habitats are fragmented and disturbed. They would, at best, be considered marginal due to intensive surrounding agricultural and commercial uses. SJKF are not expected to breed or regularly forage on the site, but may pass through during dispersal movements.
<i>Taxidea taxus</i> American badger	--/CSC/--	Found throughout most of California in suitable habitat.	Inhabits areas dry open of shrub, forest, and herbaceous habitats with friable soils. Badgers are generally associated with treeless regions, prairies, parklands, and cold desert areas.	All Year	Possible. Although the majority of the Airpark Site offers only marginal habitat for this species due to past and ongoing disturbance, foraging habitat may be present on the Airpark Site. Denning habitat is absent.
Reptiles					
<i>Thamnophis gigas</i> Giant garter snake	FT/CT/--	Endemic to the San Joaquin and Sacramento Valley floors. Counties include Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Madera, Merced, Sacramento, San Joaquin, Solano, Sutter, Yolo, and Yuba.	Inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands. Requires adequate water during its active season (early spring through mid-fall) to provide food and cover, emergent, herbaceous wetland vegetation for foraging and cover, grassy banks and openings in waterside vegetation for basking, and higher elevation uplands for cover and refuge from flood waters during its dormant season (winter). Inhabits small mammal burrows and other soil crevices with sunny exposure along south and west facing slopes, above prevailing flood elevations when dormant.	March-October	No. Suitable habitat for this species is absent from the Airpark Site.
<i>Gambelia sila</i> Blunt-nosed leopard lizard	FE/--/--	Endemic to California. Inhabits the San Joaquin Valley and nearby valleys and foothills, from extreme northwest Santa	Semiarid grasslands, desert scrub habitats, alkali flats, washes arroyos, canyons, and low foothills. Prefers flat areas with open space for running, avoiding densely vegetated areas.	All Year	No. Suitable habitat for this species is absent from the Airpark Site.

Scientific Name Common name	Federal/State/ CNPS Status	Distribution ¹	Habitat Requirements	Period of Identification	Potential to Occur on Airpark Site
		Barbara County and western Kern County north to southern Merced County.	Elevations range from 30 to 730 m (100 to 2,400 ft). Do not appear to use slopes >30 to 40 degrees.		

Source: USFWS 2017a; CDFW 2017a; CNPS, 2017a.
 Note: Months in parenthesis are uncommon.
 1 - Asterisk (*) indicates counties where the species may no longer occur.

STATUS CODES

FEDERAL: United States Fish and Wildlife Service	STATE: California Department of Fish and Wildlife	OTHER: CNPS
FE Federally Endangered	CE California Listed Endangered	CRPR 1B Plants rare or endangered in California and elsewhere
FT Federally Threatened	CT California Listed Threatened	PR 2 Plants rare or endangered in California, but more common elsewhere
	CSC California Species of Special Concern	

Threat Ranks
 0.1-Seriously threatened in California (high degree/immediacy of threat)
 0.2-Fairly threatened in California (moderate degree/immediacy of threat)

regulate body temperature, and avoid predators and other adverse environmental conditions (USFWS, 2010). In the central portion of their range, they usually occupy burrows excavated by small mammals such as California ground squirrels.

There have been 21 documented SJKF occurrences within 10 miles of the Airpark Site; however, the most recent known occurrence is from 1992 (CDFW, 2017b). Previous surveys using specially trained dogs that identify SJKF by scat scent found no evidence of SJKF in Tulare County (Smith, et al. 2006). According to these surveys, the nearest SJKF population occurs in the natural lands of western Kern County, approximately 65 miles from the Airpark Site.

Burrowing rodent activity was observed in the Airpark Site's northeastern perimeter, providing marginal foraging opportunities for the SJKF. However, agricultural lands, surrounded by other agricultural and high use lands, are not generally suitable for the SJKF. While SJKF has the potential to occur within the Airpark Site, SJKF is unlikely to regularly, if at all, forage or den within the Airpark Site given that kit foxes have not been observed in the project vicinity for over 25 years and the site consists of marginal to unsuitable habitat surrounded by and subjected to intensive human disturbance.

American Badger (Taxidea taxus)

Federal Status – None

State Status – Species of Concern

The American badger is generally associated with treeless regions, prairies, parklands, and cold desert areas. This species occurs with low frequency throughout a large range including most of California. Badgers have a flat body with short legs and long brown or black fur with white cheek stripes and one stripe running from nose to head. The American badger forages for small rodents, reptiles, invertebrates, and birds in dry, open habitats such as grassland or open woodland. Suitable burrowing habitat requires dry, often sandy soil. Breeding occurs in summer and early fall, with young being born from March to April (CDFW, 2003b).

The majority of the Airpark Site offers only marginal habitat for this species due to past and ongoing disturbance; however, badgers may forage on the Airpark Site. Suitable denning habitat is absent from the Airpark Site, and from all other sites as well. The American badger would not utilize the Airpark Site or adjacent areas for permanent purposes. These species would, at most, use the Airpark Site and adjacent areas for foraging. The Airpark Site and adjacent sites do not provide regionally important foraging habitat for this species. There is a documented badger occurrence approximately 1.5 miles from the site.

Critical Habitat

No designated critical habitat occurs on the Airpark Site or in the immediate vicinity.

Migratory Birds and Other Birds of Prey

Migratory birds and other birds of prey have the potential to nest within the disked fallow field and ruderal/developed habitat on the Airpark Site. Birds, including red-tailed hawk (*Buteo jamaicensi*), western scrub jay (*Aphelocoma californica*), killdeer (*Charadrius vociferus*), American crow (*Corvus brachyrhynchos*), Brewer's blackbird (*Euphagus cyanocephalus*), western meadowlark (*Sturnella neglecta*), northern mockingbird (*Mimus polyglottos*), and house finch (*Haemorhous mexicanus*) may nest within or adjacent to the Airpark Site. The nesting season ranges from February 15 through September 15.

Potential impacts to migratory birds and other birds of prey are listed in **Section 4.5** and mitigation is described in **Section 5.5**.

3.5.3 OFF-SITE IMPROVEMENT AREAS

The 40-acre site, 8-acre site, and lift station and pipeline improvement areas are located adjacent to the Airpark Site and are also situated in Tulare County within the San Joaquin Valley.

Methodology

The same biological information as outlined in **Section 3.5.2** was reviewed prior to conducting the biological surveys of the Off-site Improvement Areas.

Biological Surveys

Biological resource surveys of the Off-site Improvement Areas were conducted on February 1, 2017. The purpose of the surveys was to identify biological communities, special-status species, or potential habitat for special-status species. Species and habitat types encountered were classified using the *General Rare Plant Survey Guidelines* (CDFW, 2002), *Botanical Survey Guidelines of the California Native Plant Society* (CNPS, 2001), and *The Jepson Manual* (Baldwin et al., 2012).

Analysis

The USFWS, CNDDDB, and CNPS lists of regionally occurring federal and state special-status species are included for reference purposes within **Appendix G**. An analysis to determine which federal and state special-status species have the potential to occur within the Off-site Improvement Areas was conducted. Habitat requirements for each species were assessed and compared to the type and quality of habitats observed during the biological surveys. Special-status species with the potential to occur on each of the Off-site Improvement Areas are listed in **Table 3.5-2**. Refer to **Table 3.5-1** for a description of the federal or State listing status of species within **Table 3.5-2**, as well as the habitat requirements, distribution, and period of identification. With the exception of SJKF and American badger, regionally-

occurring species do not have the potential to occur within the Off-site Improvement Areas due to a lack of suitable habitat, elevation range, lack of suitable substrate/soils, and/or geographic distribution.

TABLE 3.5-2
POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES ON THE OFF-SITE IMPROVEMENT AREAS

<i>Scientific Name</i> Common name	Potential to Occur		
	40-Acre Site	8-Acre Site	Lift Station & Pipeline Improvement Areas
Plants			
<i>Clarkia springvillensis</i> Springville Clarkia	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.
<i>Fritillaria striata</i> Striped adobe lily	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.
<i>Pseudobahia peirsonii</i> San Joaquin adobe sunburst	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.
<i>Sidalcea keckii</i> Keck's checkerbloom	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.
<i>Mimulus pictus</i> Calico monkeyflower	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.	No. Suitable habitat and soils for this species is absent from the site.
Animals			
Invertebrates			
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.
Fish			
<i>Hypomesus transpacificus</i> Delta smelt	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.
Amphibians			
<i>Rana aurora draytonii</i> California red-legged frog	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.
Mammals			
<i>Dipodomys nitratooides nitratooides</i> Tipton Kangaroo Rat	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	Unlikely. Potential foraging areas and ground squirrel burrows are fragmented and disturbed. They would, at best, be considered marginal due to intensive surrounding agricultural and commercial uses. SJKF are not expected to breed or regularly forage on the site, but may pass through during dispersal movements.	Unlikely. Potential foraging areas and ground squirrel burrows are fragmented and disturbed. They would, at best, be considered marginal due to intensive surrounding agricultural and commercial uses. SJKF are not expected to breed or regularly forage on the site, but may pass through during dispersal movements.	Unlikely. Potential foraging areas and ground squirrel burrows are fragmented and disturbed. They would, at best, be considered marginal due to intensive surrounding agricultural and commercial uses. SJKF are not expected to breed or regularly forage on the site, but may pass through during dispersal movements.

<i>Scientific Name</i> Common name	Potential to Occur		
	40-Acre Site	8-Acre Site	Lift Station & Pipeline Improvement Areas
<i>Taxidea taxus</i> American badger	Possible. Although the majority of the site offers only marginal habitat for this species due to past and ongoing disturbance, foraging habitat may be present on the site. Denning habitat is absent.	Possible. Although the majority of the site offers only marginal habitat for this species due to past and ongoing disturbance, foraging habitat may be present on the site. Denning habitat is absent.	Possible. Although the majority of the site offers only marginal habitat for this species due to past and ongoing disturbance, foraging habitat may be present on the site. Denning habitat is absent.
Reptiles			
<i>Thamnophis gigas</i> Giant garter snake	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.
<i>Gambelia sila</i> Blunt-nosed leopard lizard	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.	No. Suitable habitat for this species is absent from the site.

40-acre Site

Habitat Types

The only habitat type on the 40-acre site is an active agricultural field (**Figure 3.5-1**). Dominant vegetation observed included young barley (*Hordeum vulgare*) that was being grown in the southern portion. The middle and northern portions of the site were being actively disked for future agricultural use at the time of survey.

Wetlands and Waters of the U.S.

The 40-acre site contains agricultural ditches along the north, west, and southern borders. None of the ditches are dominated by hydrophytic vegetation and none connect to jurisdictional Waters. Therefore, the agricultural ditches do not have the potential to be jurisdictional Waters of the U.S. No wetlands are present on the 40-acre site.

Special-Status Species

Potential special-status species that may occur on the 40-acre site are listed in **Table 3.5-1**. Based on the biological desktop review and field surveys, the same species with the potential to occur on the Airport Site also have the potential to occur on the 40-acre site: SJKF and the American badger.

Critical Habitat

No designated critical habitat occurs on the 40-acre site or in the immediate vicinity.

Migratory Birds and Other Birds of Prey

Migratory birds and other birds of prey have the potential to nest within the agricultural field on the 40-acre site. Bird species, including killdeer, Brewer’s blackbird, western meadowlark, mourning dove

(*Zenaida macroura*), dark-eyed junco (*Junco hyemalis*), and various sparrow species (*Passeridae* ssp.) may nest within or adjacent to the 40-acre site. The nesting season ranges from February 15 to September 15.

Potential impacts to migratory birds and other birds of prey are listed in **Section 4.5** and mitigation is described in **Section 5.5**.

8-acre Site

The 8-acre site is dominated by non-native annual grassland and contains a vegetated swale running along the southern border. Elevation on the 8-acre site ranges from 410 to 430 feet (125 to 131 meters) amsl.

Habitat Types

The only habitat type on the 8-acre site is non-native annual grassland (**Figure 3.5-1**). A 10-foot high U-shaped berm is also present in the middle of the site. Annual grassland species that were observed include black mustard, Russian thistle, shepherd's purse, crane's bill geranium, and wild radish, puncture vine, and weeping wood sorrel, among others.

Wetlands and Waters of the U.S.

The 8-acre site contains a vegetative swale running along its southern border. The swale is man-made, dominated by non-native grasses, contains no bed, and does not connect to any jurisdictional navigable Waters. Therefore, the swale does not have the potential to be a jurisdictional wetland or Water of the U.S.

Special-Status Species

Potential special-status species that may occur on the 8-acre site are listed in **Table 3.5-1**. Based on the biological desktop review and field surveys, the same species with the potential to occur on the Airpark Site also have the potential to occur on the 8-acre site: SJKF and the American badger. The site contains an abundant number of ground squirrel burrows and a U-shaped berm predominately covered by non-native grassland species with small patches of bare ground and large burrows with recent signs of larger mammal use, likely coyote.

Critical Habitat

No designated critical habitat occurs on the 8-acre site or in the immediate vicinity.

Migratory Birds and Other Birds of Prey

Migratory birds and other birds of prey have the potential to nest within the non-native annual grassland habitat on the 8-acre site. Bird species, including killdeer, Brewer's blackbird, western meadowlark,

mourning dove, dark-eyed junco, California quail (*Callipepla californica*), and various sparrow species (*Passeridae* spp.) may nest within or adjacent to the 8-acre site. The nesting season ranges from February 15 through September 15. Potential impacts to migratory birds and other birds of prey are listed in **Section 4.5** and mitigation is described in **Section 5.5**.

Lift Station and Pipeline Improvement Areas

The lift station and pipeline improvement areas consist entirely of ruderal/developed habitat with elevations ranging from 410 to 430 feet (125 to 131 meters) amsl.

Habitat Types

The habitat type in the lift station and pipeline improvement areas is ruderal/developed (**Figure 3.5-1**). The southern and northern portions of the lift station and pipeline improvement areas are primarily bare ground due to high levels of human use. The Porterville Sports Complex portion of the site consists of actively maintained grassland and small ornamental trees such as Peruvian pepper and red oak.

Wetlands and Waters of the U.S.

The lift station and pipeline improvement areas do not contain any potential jurisdictional Waters. No evidence of hydrophytic vegetation, hydric soils, or wetland hydrology were observed anywhere in these areas.

Special-Status Species

Special-status species that may potentially occur on the lift station and pipeline improvement areas are listed in **Table 3.5-1**. Based on the biological desktop review and field surveys, the same species with the potential to occur on the Airpark Site also have the potential to occur on the lift station and pipeline improvement areas: SJKF and the American badger.

Critical Habitat

No designated critical habitat occurs on the lift station and pipeline improvement areas or in the immediate vicinity.

Migratory Birds and Other Birds of Prey

Migratory birds and other birds of prey have the potential to nest within the disturbed and non-native annual grassland habitat in the lift station and pipeline improvement areas. Bird species, including killdeer, Brewer's blackbird, western meadowlark, mourning dove, dark-eyed junco, California quail, and various sparrow species (*Passeridae* spp.) may nest within or adjacent to the lift station and pipeline improvement areas. The nesting season ranges from February 15 through September 15.

Potential impacts to migratory birds and other birds of prey are listed in **Section 4.5** and mitigation is described in **Section 5.5**.

3.5.4 EAGLE MOUNTAIN CASINO SITE

The approximately 12-acre Eagle Mountain Casino Site is contained within the Tribe's current reservation (**Figure 2-5**). The site consists of the Eagle Mountain Casino and surrounding developed and paved areas. The South Fork Tule River runs adjacent to the north and western border, the South Reservation Road borders the southern boundary, and scrubland habitat borders the eastern side of the site. Elevation on site ranges from 1,170 to 1,254 feet (356 to 382 meters) amsl.

Methodology

The following biological information was obtained and reviewed for the Eagle Mountain Casino Site:

- USFWS Official Species List, dated February 8, 2017, of federally-listed species with the potential to occur on or be affected by projects on the Globe USGS 7.5-minute topographic quadrangle (quad; USFWS, 2017d);
- CNPS query, dated May 12, 2017, of federally-listed and state special-status plant species known to occur on the Globe quad (CNPS, 2017b);
- CNDDDB query, dated May 12, 2017, of federally-listed and state special-status species known to occur on the Globe quad (CDFW, 2017c);
- NWI map of wetland features in the vicinity of the Eagle Mountain Casino Site (USFWS, 2017e);
- Soil Report of the Eagle Mountain Casino Site and surrounding areas (NRCS, 2017b); and
- A critical habitat map (USFWS, 2017c).

Analysis

The USFWS, CNDDDB, and CNPS lists of regionally occurring special-status species are included for reference purposes within **Appendix G**. The habitat requirements for each species were assessed and compared to the type and quality of habitats observed during the biological surveys. Several regionally occurring species were eliminated due to a lack of suitable habitat, elevation range, lack of suitable substrate/soils, and/or geographic distribution. Additionally, although State special-status species may have the potential to occur on-site, the Eagle Mountain Casino Site has federal trust status and therefore no mitigation for state-listed special-status species is required.

Habitat Types

The habitat type within the Eagle Mountain Casino Site consists entirely of ruderal/developed (**Figure 2-5**). Developed areas within the Eagle Mountain Casino Site include structures, parking areas, and roads.

Areas around the structures are paved and contain ornamental trees or shrubs. Some non-native annual grassland species may also be present within or along the border of the Eagle Mountain Casino Site.

Wetlands and Waters of the U.S.

The Eagle Mountain Casino Site does not contain any potential jurisdictional waters; however, the South Fork of the Tule River is adjacent to the northern and eastern boundary of the site and is considered a Water of the U.S.

Special-Status Species

Potential special-status species that may occur on the Eagle Mountain Casino Site are listed in **Table 3.5-3**. As the site has already been taken into federal trust, state regulations for special-status species do not apply. Based on biological desktop review, no special-status species have the potential to occur on the Eagle Mountain Casino Site.

Critical Habitat

No designated critical habitat occurs on the Eagle Mountain Casino Site or in the immediate vicinity.

Migratory Birds and Other Birds of Prey

Migratory birds and other birds of prey have the potential to nest within the entire Eagle Mountain Casino Site. Bird species, including killdeer, Brewer's blackbird, mourning dove, dark-eyed junco, and various sparrow species may nest within or adjacent to the site. The nesting season ranges from February 15 through September 15.

Potential impacts to migratory birds and other birds of prey are listed in **Section 4.5** and mitigation is described in **Section 5.5**.

TABLE 3.5-3
POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES ON THE EAGLE MOUNTAIN CASINO SITE

<i>Scientific Name</i> Common name	Federal/ State/CNPS Listing	Distribution	Habitat Requirements	Period of Identification	Potential To Occur On Site
Plants					
<i>Allium abramsii</i> Abram's onion	--/--/1B.2	Known to occur in Fresno, Madera, and Tulare Counties.	A perennial bulbiferous herb often found in granitic sand in lower or upper montane coniferous forest. Elevations range from 885 to 3,050 meters.	May-July	No. Suitable habitat for this species is absent from the Eagle Mountain Casino Site.
<i>Iris munzii</i> Munz's iris	--/--/1B.3	Known to occur in Tulare County.	A perennial rhizomatous herb found in cismontane woodland. Elevations range from 305 to 800 meters.	March-April (May)	No. Suitable habitat for this species is absent from the Eagle Mountain Casino Site.
<i>Brodiaea insignis</i> Kaweah brodiaea	--/CE/1B.2	Known to occur in Tulare County.	A perennial bulbiferous herb found in granitic or clay in cismontane woodland, meadows and seeps, valley and foothill grassland.	April-June	No. Suitable habitat for this species is absent from the Eagle Mountain Casino Site.
<i>Delphinium recurvatum</i> Recurved larkspur	--/--/1B.2	Known to occur in Alameda, Butte*, Contra Costa, Colusa*, Fresno, Glenn, Kings, Kern, Madera, Merced, Monterey, San Joaquin, San Luis Obispo, Solano and Tulare Counties.	Chenopod scrub, cismontane woodland, and valley and foothill grassland (alkaline). Elevation ranges from 3 to 750 meters.	March-June	No. Suitable habitat for this species is absent from the Eagle Mountain Casino Site.
<i>Eryngium spinosepalum</i> Spiny-sepaled button-celery	--/--/1B.2	Known to occur in Contra Costa, Fresno, Kern, Madera, Merced, San Luis Obispo, Stanislaus, Tulare, and Tuolumne Counties.	An annual/perennial herb found in valley and foothill grasslands and vernal pools. Elevation range from 80 to 975 meters.	April-June	No. Suitable habitat for this species is absent from the Eagle Mountain Casino Site.
Animals					
Invertebrates					
<i>Desmocerus californicus dimorpha</i> Valley elderberry longhorn beetle	FT/--/--	Restricted to the Central Valley from Redding to Bakersfield. Counties include Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kern, Madera, Mariposa, Merced, Napa, Placer, Sacramento, San Joaquin, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba counties; 0 to 762 meters elevation.	Riparian forest communities. Exclusive host plant is elderberry (<i>Sambucus</i> species), which must have stems \geq 1-inch diameter for the beetle.	Year-round	No. Suitable habitat for this species is absent from the Eagle Mountain Casino Site.

3.0 Affected Environment

<i>Scientific Name</i> Common name	Federal/ State/CNPS Listing	Distribution	Habitat Requirements	Period of Identification	Potential To Occur On Site
Fish					
<i>Hypomesus transpacificus</i> Delta smelt	FT/CT/--	Occurs almost exclusively in the Sacramento-San Joaquin estuary, from the Suisun Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties. May also occur in the San Francisco Bay.	Estuarine waters. Majority of life span is spent within the freshwater outskirts of the mixing zone (saltwater-freshwater interface) within the Delta.	Consult Agency	No. The Eagle Mountain Casino Site is well outside this species known range.
Amphibians					
<i>Rana aurora draytonii</i> California red-legged frog	FT/CSC/--	Known to occur along the Coast from Mendocino County to Baja California, and inland through the northern Sacramento Valley into the foothills of the Sierra Nevada mountains, south to eastern Tulare County, and possibly eastern Kern County. Currently accepted range excludes the Central Valley.	Occurs in permanent and temporary pools of streams, marshes, and ponds with dense grassy and/or shrubby vegetation. Elevations range from 0 to 1160 meters	November – March (breeding) June - August (non-breeding)	No. Suitable habitat for this species does not occur on site and the species current distribution is not recorded in Tulare County.
<i>Rana boylei</i> Foothill yellow-legged frog	--/CSC/--	Known from California and Oregon.	Require shallow, flowing water in moderate sized streams with some cobble substrate.	November-March (breeding) June-August (non-breeding)	No. Suitable habitat for this species is absent from the Eagle Mountain Casino Site.
Birds					
<i>Cypseloides niger</i> Black swift	--/CSC/--	Breeds in the central and southern Sierra, the coastal cliffs and mountains of San Mateo, Santa Cruz, and Monterey counties, the San Gabriel, San Bernardino, and San Jacinto mountains of southern California, and within a small region of the Cascade Range.	Steep cliffs or ocean bluffs with ledges, cavities or cracks for nesting along ocean shore, inland deep canyons and often behind waterfalls. Forages in a wide variety of habitats including forests, canyons, valleys, and plains. Breeding elevations range from 0 to 2285 meters.	May-July	No. Suitable nesting habitat for this species does not exist in the Eagle Mountain Casino Site.
<i>Agelaius tricolor</i> Tricolored blackbird	--/CSC/--	California and Baja California, Mexico.	Nests in dense thickets of cattails, tules, willow, blackberry, wild rose, and other tall herbs near fresh water.	All Year	No. Suitable nesting habitat for this species does not exist in the Eagle Mountain Casino Site.

3.0 Affected Environment

<i>Scientific Name</i> Common name	Federal/ State/CNPS Listing	Distribution	Habitat Requirements	Period of Identification	Potential To Occur On Site
<i>Empidonax traillii extimus</i> Southwestern willow flycatcher	FE	Known to occur in Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Santa Barbara Counties.	Breeds in dense riparian habitats along rivers, streams, or other wetlands. The vegetation can be dominated by dense growths of willows or other shrubs and medium-sized trees. There may be an overstory of cottonwood, tamarisk, or other large trees. One of the most important characteristics of the habitat appears to be the presence of dense vegetation, usually throughout all vegetation layers present. Almost all Southwestern Willow Flycatcher breeding habitats are within close proximity (less than 60 feet) of water or very saturated soil. This water may be in the form of large rivers, smaller streams, springs, or marshes.	April-September	No. Suitable nesting habitat for this species does not exist in the Eagle Mountain Casino Site.
<i>Gymnogyps californianus</i> California condor	FE/CE/--	California condors were absent from the wild until 1992 when the first eight captive reared birds were released in southern California. The reintroduction of birds continued in Arizona in 1996, Central Coastal California in 1997, northern Baja California, Mexico in 2002, and Pinnacles National Monument, California, in 2003.	California condors are primarily a cavity nesting species and typically nest in cavities located on steep rock formations or in the burned out hollows of old-growth conifers (coast redwood [<i>Sequoia sempervirens</i>] and giant sequoia trees [<i>Sequoiadendron giganteum</i>]). Less typical nest sites include cliff ledges, cupped broken tops of old growth conifers, and in several instances, nests of other species. California condors predominately forage in open terrain of foothill grassland and oak savanna habitats, and at coastal sites in central California (birds released from Big Sur and Pinnacles National Park), but have also been observed feeding in more wooded areas, though this is less common.	Consult Agency	No. Suitable nesting habitat for this species does not exist in the Eagle Mountain Casino Site.
Mammals					
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	FE/CT/--	Contra Costa County south to Kern County, California.	Alkali sink, valley grassland, foothill woodland. Hunts in areas with low sparse vegetation that allows good visibility and mobility.	All Year	No. Suitable habitat for this species does not occur in the Eagle Mountain Casino Site.

3.0 Affected Environment

<i>Scientific Name</i> Common name	Federal/ State/CNPS Listing	Distribution	Habitat Requirements	Period of Identification	Potential To Occur On Site
Reptiles					
<i>Emys marmorata</i> Western pond turtle	--/CSC/--	Distribution ranges from Washington to northern Baja California.	Inhabit rivers, streams, lakes, ponds, reservoirs, stock ponds, and permanent and ephemeral wetland habitats.	Year-round	No. Suitable habitat for this species is absent from the Eagle Mountain Casino Site.
<p>Source: USFWS 2017a; CDFW 2017a; CNPS, 2017a. Note: Months in parenthesis are uncommon.</p> <p>STATUS CODES</p> <p>FEDERAL: United States Fish and Wildlife Service FE Federally Endangered FT Federally Threatened</p> <p>STATE: California Department of Fish and Wildlife CE California Listed Endangered CT California Listed Threatened CSC California Species of Special Concern</p> <p>OTHER: CNPS CRPR 1B Plants rare or endangered in California and elsewhere PR 2 Plants rare or endangered in California, but more common elsewhere</p> <p>Threat Ranks 0.1-Seriously threatened in California (high degree/immediacy of threat) 0.2-Fairly threatened in California (moderate degree/immediacy of threat)</p>					

3.6 CULTURAL AND PALEONTOLOGICAL RESOURCES

This section describes the existing environmental conditions related to cultural and paleontological for the alternative sites described in **Section 2.2**. The general and site-specific description of cultural resources contained herein provides the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**. This section is based on three separate studies, two of which (Easton, 2008 and Whitley et al., 2016) focused only on the Airpark Site. The more recent study, prepared by Analytical Environmental Services (AES) in 2017, focused on the potential Off-site Improvements Areas.

3.6.1 REGULATORY SETTING

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) as amended and its implementing regulations found in 36 Code of Federal Regulations (CFR) Part 800, require federal agencies to identify cultural resources that may be affected by actions involving federal lands, funds, or permitting. The Bureau of Indian Affairs (BIA) must comply with Section 106 for the proposed trust acquisition. The significance of the resources must be evaluated using established criteria outlined in 36 CFR 60.4, as described below.

If a resource is determined to be a *historic property*, Section 106 of the NHPA requires that effects of the federal undertaking on the resource be determined. A historic property is defined as:

...any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in the National Register of Historic Places [NRHP], including artifacts, records, and material remains related to such a property... (NHPA §301[5])

Section 106 of the NHPA prescribes specific criteria for determining whether a project would adversely affect a historic property, as defined in 36 CFR 800.5. An impact is considered adverse when prehistoric or historic archaeological sites, structures, or objects that are listed on or eligible for listing, in the NRHP are subjected to the following:

- physical destruction of or damage to all or part of the property;
- alteration of a property;
- removal of the property from its historic location;
- change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- neglect of a property that causes its deterioration; and

- transfer, lease, or sale of the property out of federal control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property’s historic significance.

If the historic property will be adversely affected by the undertaking, then prudent and feasible measures to resolve adverse impacts must be taken. The State Historic Preservation Officer (SHPO) must be provided an opportunity to review and comment on these measures prior to project implementation.

National Register of Historic Places

The NHPA authorizes the Secretary of the Interior to maintain and expand a National Register of districts, sites, buildings, structures, and objects of significance in American history, architecture, archaeology, engineering, and culture. A property may be eligible for listing in the NRHP if it meets criteria for evaluation as defined in 36 CFR 60.4, as follows:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history;
- B. That are associated with the lives of persons significant in our past;
- C. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Additionally, the SHPO advocates that all historical resources over 45 years old be recorded for inclusion in the SHPO filing system, although professional judgment is urged in determining whether a resource warrants documentation. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP. In addition to meeting at least one of the criteria outlined above, the property must also retain enough integrity to enable it to convey its historic significance. The NRHP recognizes seven aspects or qualities that, in various combinations, define integrity. These seven elements of integrity are location, design, setting, materials, workmanship, feeling, and association. To retain integrity a property will always possess several, and usually most, of these aspects.

While most historic buildings and many historic archaeological properties are significant because of their association with important events, people, or styles (Criteria A, B, and C), the significance of most prehistoric archaeological properties are usually assessed under Criterion D. This criterion stresses the importance of the information contained in an archaeological site, rather than its intrinsic value as a surviving example of a type or its historical association with an important person or event. It places importance not on physical appearance, but rather on information potential.

Native American Graves Protection and Repatriation Act (NAGPRA)

The Native American Graves Protection and Repatriation Act (NAGPRA), 25 United States Code [USC] 3001 *et seq.*, provides a process for museums and Federal agencies to return Native American cultural items – human remains, funerary objects, sacred objects, or objects of cultural patrimony – to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on Federal and Tribal lands, and penalties for noncompliance and illegal trafficking.

Archaeological Resources Protection Act (ARPA)

The Archaeological Resources Protection Act of 1979 (ARPA) (Public Law [PL] 96-95; 16 USC 470aa-mm), provides for the protection of archaeological resources and sites which are on public and Indian lands, and fosters increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979. ARPA also provides for penalties for noncompliance and illegal trafficking.

National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) requires that federal agencies take all practical measures to “preserve important historic, cultural, and natural aspects of our national heritage.” NEPA’s mandate for considering the impacts of a federal project on important historic and cultural resources is similar to that of Section 106 of the NHPA, and the two processes are generally coordinated when applicable. Section 800.8(a) of NHPA’s implementing regulations provides guidance on coordination with NEPA.

Antiquities Act of 1906

The Antiquities Act of 1906 provided for the creation of national monuments and historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on federal land, including paleontological specimens. Fossils are important resources, due to their scientific and educational value.

Additional provisions appear in the Archaeological and Historic Data Preservation Act of 1974, as amended, for the survey, recovery, and preservation of significant scientific, prehistoric, historic, archaeological, or paleontological data, in such cases wherein this type of data might be otherwise destroyed or irrecoverably lost as a result of federal projects.

3.6.2 REGIONAL ENVIRONMENTAL SETTING

Prehistory

The southern San Joaquin Valley has received relatively little attention from archaeologists, though enough work has been done to identify a broad regional culture similar to that seen in central California. Regionally, the presence of sites has been greatly influenced by the presence of water and large-scale climactic shifts. The cultural sequence in the project region consists of the following:

Paleo-Indian Period (10,000 to 7500 years before present [BP]). The vicinity of the alternative sites is situated within the southern San Joaquin Valley, far from the Late Pleistocene/early Holocene pluvial lakes that provided attractive settlement locations for early occupation of the region. Near those water sources, Paleo-Indian presence is seen in the characteristic fluted points associated with this period. Groups were likely organized as small mobile bands of hunter-gatherers crossing the landscape to take advantage of seasonal resources (Moratto, 1984).

Early Horizon (7500 to 4000 BP). Use of inland areas near the southern San Joaquin Valley was still minimal, as most populations were based closer to the coastline and more easily obtained resources; climactic conditions led to the drying of the pluvial lakes, encouraging migration to the coast. Manos and metates were used to grind seeds and nuts, indicating a degree of reliance on plant food resources to supplement hunting (Moratto, 1984). Most tools were manufactured of local materials, and exchange activities were limited.

Middle Horizon (4000 to 1500 BP). Warmer and wetter conditions prevailed, leading to increased populations, more use of the interior valleys, and development of acorn processing with mortar and pestle. The ancestral Yokuts may have entered central California during this period. The expansion in settlement and establishment of larger site complexes were accompanied by an increase in the range of environments and resources exploited. Increasing political and social organization developed with population expansion (Moratto, 1984).

Late Horizon (1500 to 800 BP). This period is marked by the Medieval Climactic Anomaly, resulting in major drought episodes and widespread population shifts including abandonment of much of the Valley. Technologically, the bow and arrow were introduced, ultimately replacing the dart and atlatl, with a corresponding reduction in projectile point size. It is unclear whether regional populations actually decreased or whether people simply gathered into fewer but larger groups closer to the reduced number of water sources (Whitley et al., 2016).

Ethnographic Period (800 to 250 BP). During this period, ethnographic groups adopted the lifeways noted by Europeans as they entered the region (Whitley et al., 2016).

Ethnographic Background and Tule River Indian Tribe

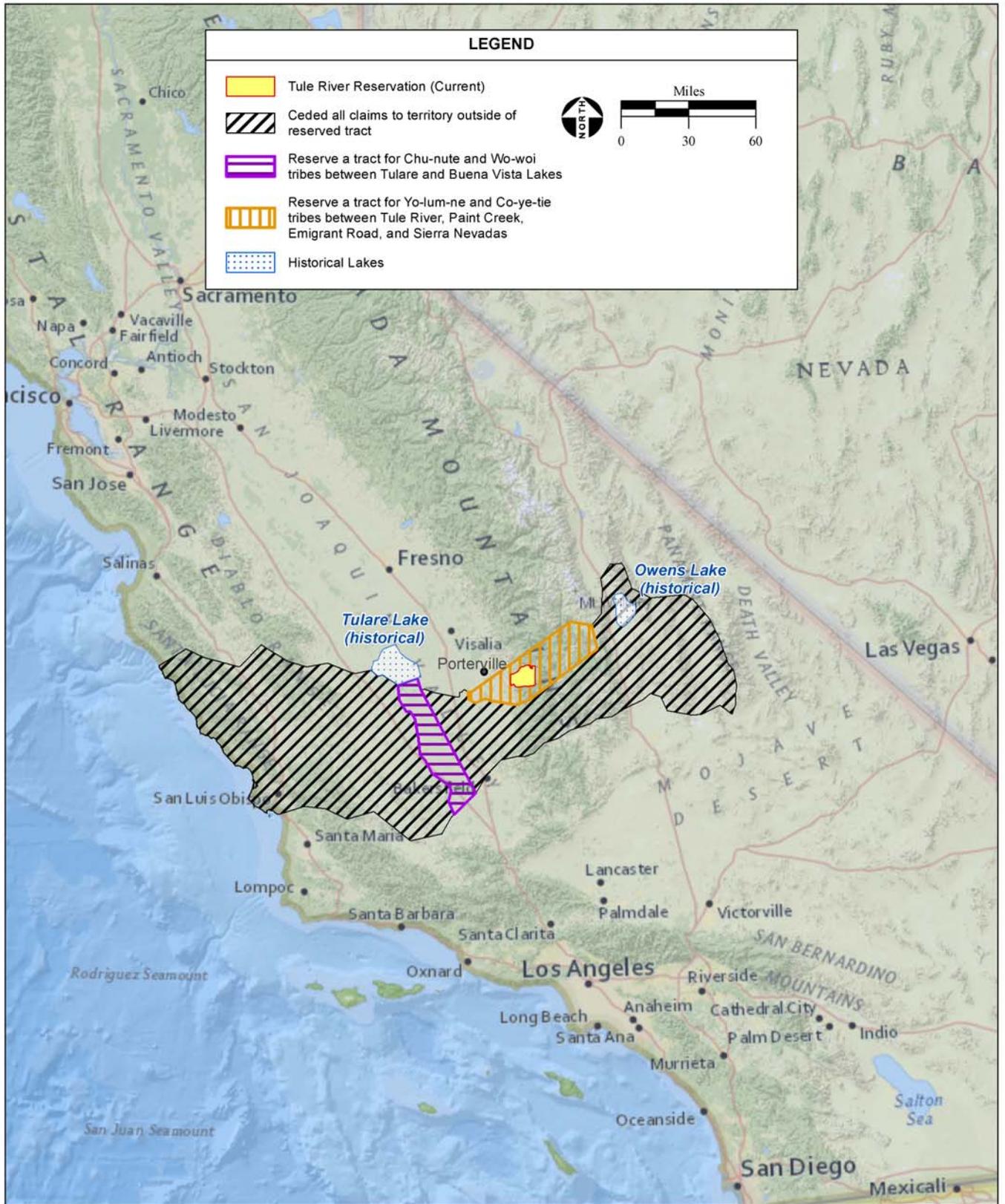
California ethnographic data are largely based on studies conducted by University of California, Berkeley students under the direction of Alfred Kroeber and Frank Latta in the 1920s and 1930s and later by A. H. Gayton in 1948. Their consensus is that 40 to 50 Penutian-speaking Yokuts tribal groups occupied the prehistoric San Joaquin Valley and much of the nearby Sierra Nevada, including the project region (Wallace, 1978; Whitley et al., 2016). Those groups have been subdivided into geographical units for ease of general reference, and in geographic terms, the Tule River project vicinity was occupied by the Southern Valley Yokuts, who were further subdivided into cultural units or tribes; the Porterville region, including the Airpark Site vicinity, lies in what has historically been identified as Koyeti Yokuts territory (Gayton, 1948; Kroeber, 1925; Wallace, 1978); Kroeber described Koyeti lands as stretching from “the swampy sloughs of Tule River from Porterville down.” This is where Gabriel Moraga, during his 1806 expedition, made contact with a large Koyeti Yokuts village (Cook, 1960).

Though divided into different tribes, Southern Valley Yokuts lived similarly, occupying permanent or semi-permanent villages in the winter, dispersing into mobile groups to take advantage of seasonally available resources for the rest of the year. Lineages (inherited paternally) each had a totem, such as eagle, falcon, bear, and cougar, which gave strength and wisdom to members of the group. The key tribal offices, particularly Chief and Messenger, passed from father to son. Each tribe normally had several chiefs, usually at least one in each village, and the chief’s status derived from a combination of his totem and his wealth. Each chief was expected to contribute to communal events, feed the poor, and offer hospitality. To help with his responsibilities, the Chief relied on the Messenger, who saw to the execution of the Chief’s orders, spread information, and frequently was a shaman, allowing him to travel with impunity (Spier, 1978).

Although population estimates vary and population size was greatly affected by the introduction of Euro-American diseases and social disruption (Cook, 1978), there are estimates that the Yokuts region contained 27 percent of the aboriginal population in the state at the time of contact; other estimates are even higher (Whitley et al., 2016).

A number of early explorers visited the region, including Pedro Fages in 1772, Jedediah Smith in 1827, and John C. Frémont in 1830 and again in 1844. Around the same time, the establishment of Spanish missions started to impact the area. The southernmost tribes were partially removed by the Spanish to missions, and some Native peoples converted (or were converted) to Catholicism and adapted to European ways; however, others resisted, resulting in a series of armed revolts at the missions and elsewhere in the San Joaquin Valley; the general instability of the region slowed the process of European settlement.

In 1851, the Treaty of Paint Creek (**Figure 3.6-1** depicts the Treaty lands) was negotiated with the Yokut Tribes, but never ratified by Congress, as the influx of miners after the discovery of gold pressured Congress to reject earlier treaties. In part, Article 3 of the Treaty of Paint Creek states:



SOURCE: Tule River Painted Rock Treaty, 6/3/1851; NatGeo, 2017; AES, 2/12/2019

Figure 3.6-1
Tule River Tribal Lands Designated in Painted Rock Treaty

It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians...to the Ya-lum-ne and Co-ye-tie tribes, all that district of country lying between the Tule River and Paint Creek, and between the Emigrant road...and the Sierra Nevada, running the lines from the head of Tule river and Paint Creek in the same general direction of said streams to the nearest points of the Sierra Nevada...(Government Printing Office, 1927).

In 1853, Congress established the office of Superintendent of Indian Affairs in California in order to relocate tribes to reservations. The first of these in the South San Joaquin Valley was the Sebastian Indian Reservation, a multi-tribal community mixing Southern Valley Yokuts, Chumash, Tataviam, Fernandeno, Kawaiisu, and Tule River Indians. However, establishment of the Sebastian Indian Reservation did not accomplish its goal of reducing local tensions; in the 1856 Tule River Indian War, a local militia attacked a group of Indians accused of stealing livestock; the Indians established a fortified position along the North Fork of the Tule River and held the militia off for five weeks, until the U.S. Cavalry arrived and overran the position.

As a result of the conflict, the Tule River Agency was created in 1856. It was located on a Koyeti village east of Porterville, and established the original Tule River Reservation; this location is depicted in Kroeber (1925, Plate 47) as the location of a village. This, the Tule River Indian Farm, extended from the Tule River south to Paint Creek, on the eastern edge of Porterville. Soon thereafter, unscrupulous Indian Agents Thomas Madden and John Benson applied for and were issued land patents of over 1,000 acres each of the Tule River Farm, forcing the U.S. government to pay them rent on the property. An ensuing investigation found that their actions were illegal but failed to repossess the lands; instead, on January 9, 1873, President Grant issued an Executive Order (EO) creating a new reservation for the Tribe located in the mountains east of the original reservation, on lands that provided few agricultural opportunities and a limited water supply; this is the Tribe's current Reservation.

Porterville

The City of Porterville was founded in 1854 with the establishment of a Butterfield Overland Mail stage stop; by 1856 there was a store providing goods to miners and Native Americans in the region. Royal Porter Putnam arrived in 1860, purchasing lands to raise cattle, horses, and pigs. He built a store and hotel and divided his holdings into lots, selling them on a "buy one get one free" basis. The Southern Pacific Railway built a branch line from Fresno in 1888, encouraging further growth (City of Porterville, 2017a).

3.6.3 BACKGROUND RESEARCH

Two records searches were completed by the Southern San Joaquin Valley Information Center (SSJVIC), the first on February 17, 2016, for the Airpark Site and the second on February 13, 2017, for the Off-site Improvements Areas. The SSJVIC is the official state repository of archaeological and historic records

and reports for Tulare County. The records searches were done to (1) determine whether known cultural resources had been recorded within or adjacent to the area of potential effects (APE) and determine if the APE was subject to survey in the past; (2) assess the likelihood of unrecorded cultural resources based on archaeological, ethnographic, and historical documents and literature; and (3) to review the distribution of nearby archaeological sites in relation to their environmental setting. Collectively, the SSJVIC reported that a total of eight archaeological surveys have been completed within 0.5-mile of the APE: three of the studies included at least some portion of the APE for the Airpark Site and two included at least some portion of the APE for the Off-site Improvements Areas. None of the surveys resulted in the identification of any cultural resources.

3.6.4 SITE SPECIFIC CULTURAL STUDIES

Airpark Site

Background research and archaeological field surveys for the Airpark Site were completed in 2008 and again in 2016 (Easton, 2008; Whitley et al., 2016). At the time of the surveys, the Airpark Site had recently been disked and was covered with low to medium density grasses, allowing for adequate ground surface visibility. Parallel pedestrian transects spaced no more than 15 meters apart were made over the entire 40-acre site. No cultural resources were identified. On February 23, 2010, the BIA submitted the findings of the 2008 study (Easton, 2008) to the SHPO, asking for a concurrence with a finding of No Historic Properties Affected for the Airpark Site (BIA, 2010). SHPO concurrence was received on March 16, 2010 (SHPO, 2010). These letters are included in **Appendix H**.

Off-site Improvement Areas

A record search and an intensive archaeological field survey for the Off-site Improvements Areas was completed by AES in early 2017. The record search indicated that the bulk of the Off-site Improvement Areas had been surveyed previously; however, due to the passage of time, an additional field survey was conducted. The results of the survey are summarized below. On April 5, 2019, the BIA submitted a request for SHPO concurrence with a finding of No Historic Properties Affected for the Off-site Improvements Areas. SHPO concurrence was received on April 16, 2019, and is included in **Appendix R**.

40-acre Site

The 40-acre site is located southwest of the Airpark Site. At the time of the survey, it was being used as an agricultural field. Half of the site had been recently planted in young barley (*Hordeum vulgare*), while the other half had been recently disked. In both cases, survey transects were spaced at 30 meter intervals, ground surface visibility was 100 percent, and no cultural resources were identified.

8-acre Site

The 8-acre site is located east of the Airpark Site. Since at least 1952, it has been used as a shooting range, though is no longer in active use. There was a vegetated swale running along the southern edge and a cleared 6-foot wide strip along the northern edge. Internally, the parcel was divided: in the west half, it was fenced and overgrown with a 10-foot high, U-shaped earthen berm shooting range backstop in the east half; beyond the berm, a large rectangular depression stretching to the edges of the parcel indicates the source of the backstop. Within the depression, there was a small dirt stockpile. The stockpile, the shooting range, and the strip running along the northern edge of the parcel averaged 80 percent ground surface visibility. The remainder of the 8-acre site was covered with thick weeds and grasses, offering less than 2 percent ground surface visibility. Survey transects were spaced 15 meters apart, and periodic boot scrapes were used to expose surface soils for investigation; rodent burrow soils were also examined. The only artifacts noted were fragments of modern debris, including shell casings, plastic, and bottle glass with the exception of one milk glass fragment seen on the berm surface. No cultural resources were identified.

Lift Station and Pipeline Improvement Areas

Two transmission line corridors and lift stations are included within the Off-site Improvement Areas. The first is a linear pipeline corridor running along the eastern edge of the 40-acre site and western edge of the Airpark Site, then an additional 400 feet north on West Street, before turning east to run 1,200 feet along the top of the Porterville Sports Complex to a lift station. The second is 600-foot sewer line that would carry effluent to a lift station east of the 8-acre site and to the extant wastewater treatment plant ponds. In both cases, the pipeline routes were either within disturbed road edges, the Porterville Sports Complex access road, or in disturbed lands on the north side of the extant wastewater treatment plant ponds. The road edges were grassy, offering poor visibility. The portion of the pipeline route along the north edge of the Porterville Sports Complex could not be surveyed due to lack of access; however, the area was highly disturbed and unlikely to contain cultural resources. That portion of the pipeline route extending from the southeast corner of the 8-acre site towards the extant WWTP ponds was in disturbed soils, but ground surface visibility was 100 percent. No cultural resources were identified along the pipeline routes or lift station locations.

Eagle Mountain Casino Site

The Eagle Mountain Casino Site hosts the existing casino on an already paved site.

3.6.5 NATIVE AMERICAN COORDINATION

In accordance with Section 106 of the NHPA, letters requesting a check of the Sacred Lands File for the site of the Proposed Project and alternatives were sent to the California Native American Heritage Commission (NAHC) in 2017. The NAHC is a nine-member body appointed by the Governor to identify and catalog cultural resources in California. The NAHC is charged with the duty of preserving and

ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, and maintenance of an inventory of Native American sacred sites located on public lands, and review of current administrative and statutory protections related to these sacred sites.

The NAHC responded in a letter dated February 2, 2016, that the Sacred Lands file does not indicate the presence of Native American cultural resources in the vicinity of the Airpark Site. The NAHC provided a list of tribes and individuals with traditional lands or cultural places located within the boundaries of Tulare County. In accordance with the consultation requirements of the NHPA 36 CFR §800, letters were sent to those individuals on February 13, 2017, and follow-up telephone calls were made on February 27, 2017. None of the individuals contacted had knowledge of any cultural resources within the APE; however, several indicated that the Proposed Project was within the Tribe's territory, and therefore they deferred to the Tribe.

3.6.6 PALEONTOLOGICAL RESOURCES

Paleontological resources are defined as the traces or remains of prehistoric plants and animals. Such remains often appear as fossilized or petrified skeletal matter, imprints, or endocasts, and reside in sedimentary rock layers. Paleontological resources are considered important for their scientific and educational value. Fossil remains of vertebrates are considered significant. Invertebrate fossils are considered significant if they function as index fossils. Index fossils are those that appear in the fossil record for a relatively short and known period of time, allowing geologists to interpret the age range of the geological formations in which they are found.

The Antiquities Act of 1906 (PL 59-209; 16 USC 431 *et seq.*; 34 Stat. 225) calls for the protection of historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on lands owned or controlled by the Government of the United States. Additional provisions appear in the Archaeological and Historic Data Preservation Act of 1974, as amended, for the survey, recovery, and preservation of significant scientific, prehistoric, historic, archaeological, or paleontological data, in such cases wherein this type of data might be otherwise destroyed or irrecoverably lost as a result of Federal projects.

A search was conducted on the online database of the University of California Museum of Paleontology (UCMP). The UCMP indicated that 12 mammalian fossils, including mammoth, horse, and camel, have been recorded in Pleistocene deposits in Tulare County, and several of these finds occurred within a few miles of the Airpark Site, indicating a modest potential for fossil finds during ground-disturbing activities.

3.7 SOCIOECONOMIC CONDITIONS

This section describes the existing socioeconomic conditions of the Tule River Indian Tribe (Tribe), the alternative sites described in **Section 2.2**, and surrounding regions. The general and site-specific profiles of socioeconomic conditions contained herein provide the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**.

3.7.1 REGIONAL SOCIOECONOMIC CHARACTERISTICS

Population

In 2015, the population of Tulare County (County) was 459,863, and the population of the City of Porterville (City) was 56,058. Between 2010 and 2014, the County's population increased approximately 4.0 percent relative to its 2010 population of 442,179, while the City's population increased approximately 3.5 percent compared its 2010 population of 54,165 (**Table 3.7-1**).

TABLE 3.7-1
REGIONAL POPULATION

Location	Population	
	2010	2015
Tulare County	442,179	459,863
City of Porterville	54,165	56,058
Source: U.S. Census Bureau, 2016.		

Housing

As shown in **Table 3.7-2**, based on the 2011-2015 American Community Survey (ACS) 5-Year Estimates, County has 144,792 housing units, with a vacancy rate of 7.8 percent, while the City has 17,063 total housing units, with a vacancy rate of 7.3 percent.

TABLE 3.7-2
REGIONAL HOUSING STOCK

Location	Total Units	Vacant Units	Vacancy Rate
Tulare County	144,792	11,222	7.8%
City of Porterville	17,063	1,242	7.3%
Source: U.S. Census Bureau, 2015a.			

Employment

The average unemployment rate of people 16 years of age and older from 2011 to 2015, the most recent five-year estimate available, was approximately 9.9 percent statewide, 12.0 percent for the County, and 12.6 percent for the City (U.S. Census Bureau, 2015b). In 2015, the County had a labor force of over

200,000, with an unemployment rate of 11.7 percent. This equates to nearly 23,800 unemployed persons in the County (**Appendix B**).

Income

The U.S. Census Bureau's *2011-2015 American Community Survey (ACS) 5-Year Estimates* is the most current household income dataset available by Census tract. **Figure 3.7-1** shows the Census tracts in the vicinity of the Airpark and Eagle Mountain Casino Sites. **Table 3.7-3** displays the median household income and poverty income limit for the State of California, County, the City, and each identified Census tract.

Property Tax

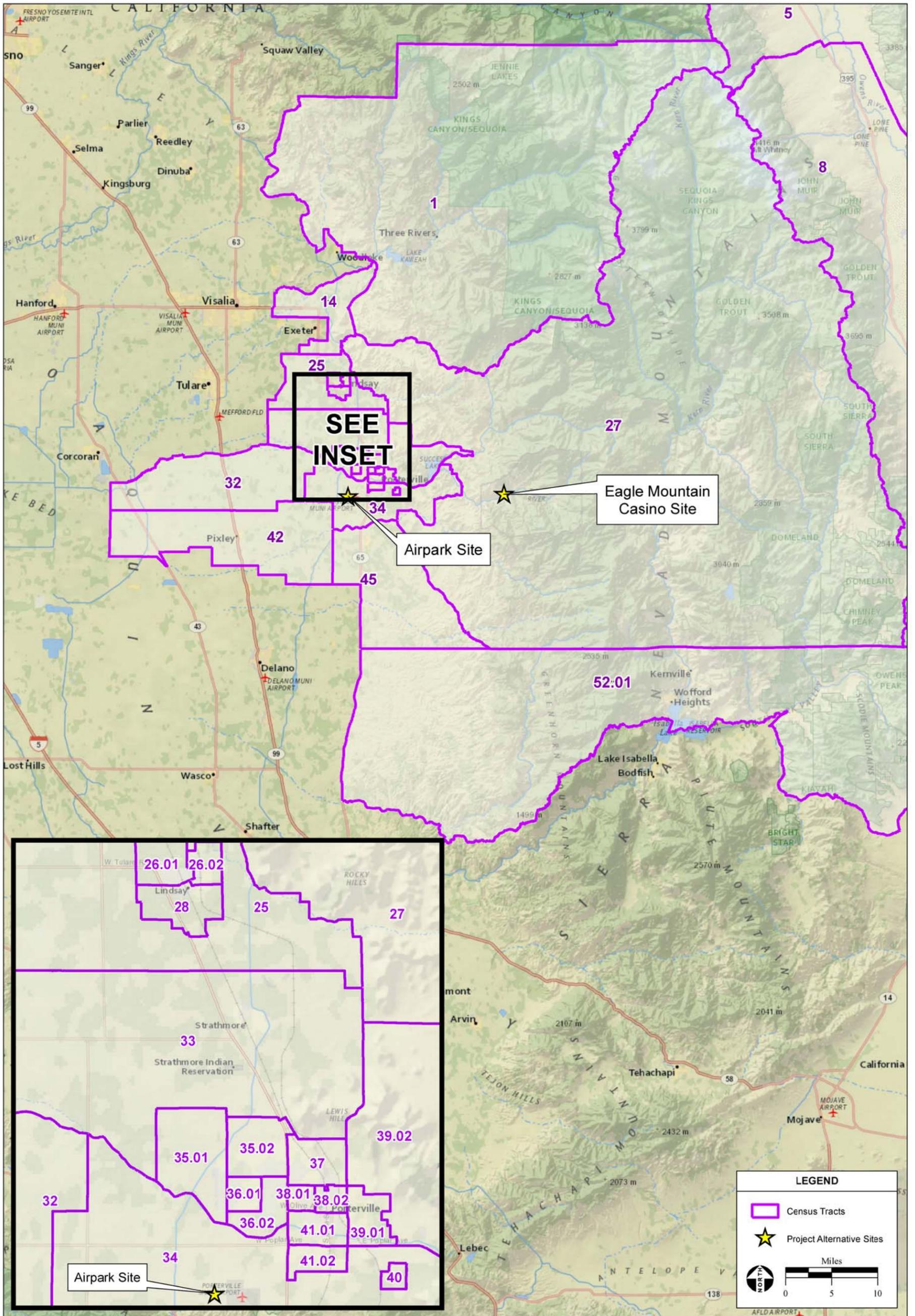
Property tax data for the 17 parcels that compose the Airpark Site are shown below in **Table 3.7-4**. All of the parcels are zoned Airport Industrial (City of Porterville, 2017a). Because the Eagle Mountain Casino Site is currently tribal land held in federal trust for the Tribe, the land is not subject to state or local property tax.

Schools

The vicinity of the Airpark Site is served by the Porterville Unified School District (PUSD) and Burton School District. PUSD currently operates 10 elementary schools, 3 middle schools, 7 high schools, and 3 alternative schools, including an adult education school. The 2014 to 2015 enrollment at PUSD elementary schools was 5,882; the middle school enrollment was 847; the high school enrollment was 6,212; and the alternative school enrollment, excluding the enrollment of the adult school, was 115 (PUSD, 2017). Burton School District operates six elementary schools, one middle school, one high school, and one combination middle/high school (Burton School District, 2017).

There are no schools within two miles of the Airpark Site. The closest school is Summit Charter Academy, located approximately 2.1 miles north of the Airpark Site. Porterville College is a community college located in Porterville, California that is a member of the Kern Community College District; it is located approximately 3.4 miles east of the Airpark Site.

The Eagle Mountain Casino Site is within the service boundary of PUSD, which provides K-12 schooling to children living on the Tule River Indian Reservation (Reservation). Butterfield Charter High School Independent Study program, an alternative educational program within PUSD, has a satellite location on the Reservation (PUSD, 2017). The Eagle Mountain Casino Site is concurrently served by the Tule River Education Department (Education Department), which serves all students living on the Reservation. The Education Department provides after school tutoring and summer school programs for K-12 students, adult education programs, and extracurricular clubs and activities, among other services. The Education Department provides tutoring and support services out of two locations: the Towanits Indian Education



Center, located on the Reservation approximately 0.9 miles west of the Eagle Mountain Casino Site; and the Tule River Indian Study Center in Porterville, California, approximately 14.3 miles west of the site (Tule River Education Department, 2017).

TABLE 3.7-3
HOUSEHOLD INCOME AND POVERTY THRESHOLDS BY CENSUS TRACT

Geographic Area	Median Household Income	Average Household Size	Poverty Threshold ¹
California State	\$61,818	2.96	\$20,090
Tulare County	\$42,031	3.36	\$24,250
City of Porterville	\$38,456	3.41	\$24,250
Alternative Sites Census Tracts			
Tulare 27 (Eagle Mountain Casino Site)	\$54,118	2.35	\$20,090
Tulare 34 (Airpark Site)	\$34,333	3.79	\$24,250
Adjacent Census Tracts			
Tulare 1	\$58,801	2.46	\$20,090
Tulare 14	\$47,854	3.11	\$24,250
Tulare 25	\$56,125	3.79	\$24,250
Tulare 26.01	\$33,533	3.89	\$24,250
Tulare 26.02	\$34,509	3.75	\$24,250
Tulare 28	\$22,135	3.61	\$24,250
Tulare 32	\$31,147	4.00	\$28,410
Tulare 33	\$36,364	3.54	\$24,250
Tulare 35.01	\$49,071	2.84	\$20,090
Tulare 35.02	\$56,250	3.69	\$24,250
Tulare 36.01	\$39,595	3.57	\$24,250
Tulare 36.02	\$35,257	3.21	\$24,250
Tulare 37	\$41,837	3.58	\$24,250
Tulare 38.01	\$40,625	3.13	\$24,250
Tulare 38.02	\$20,160	2.95	\$20,090
Tulare 39.01	\$39,107	3.86	\$24,250
Tulare 39.02	\$39,815	3.83	\$24,250
Tulare 40 ²	n/a	n/a	n/a
Tulare 41.01	\$25,279	3.42	\$24,250
Tulare 41.02	\$24,931	3.37	\$24,250
Tulare 45	\$34,286	3.77	\$24,250
Inyo 5	\$48,542	2.17	\$20,090
Inyo 8	\$32,000	1.97	\$15,930
Kern 52.01	\$43,777	1.94	\$15,930

Notes:

- 1 - For poverty threshold calculations, average Household Size was conservatively rounded up to the nearest whole number of people.
- 2 - Either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

Source: U.S. Census Bureau, 2015c; HHS, 2015.

TABLE 3.7-4
2016 TO 2017 AIRPARK SITE PROPERTY TAX INFORMATION¹

Assessor's Parcel Number (APN)	Acreage	Assessed Value	Property Taxes
302-400-001	2.00	\$1,459,700	\$15,689
302-400-002	1.02	\$590,533	\$6,347
302-400-003	1.01	\$43,099	\$463
302-400-004	1.75	\$74,674	\$803
302-400-005	5.06	\$215,915	\$2,321
302-400-006	5.01	\$213,781	\$2,298
302-400-007	5.07	\$216,344	\$2,325
302-400-008	1.76	\$75,103	\$807
302-400-009	1.02	\$43,524	\$468
302-400-010	1.02	\$43,524	\$468
302-400-011	2.01	\$85,769	\$922
302-400-012	2.01	\$85,769	\$922
302-400-013	2.00	\$85,344	\$917
302-400-014	1.00	\$42,670	\$459
302-400-015	1.00	\$42,670	\$459
302-400-016	2.00	\$85,344	\$917
302-400-017	2.01	\$85,769	\$922
Total	35.75	\$3,489,532	\$37,504
Notes: Values are rounded to the nearest dollar; does not include roads. Source: Tulare County Treasurer-Tax Collector, 2017a.			

Libraries and Parks

The closest library to both the Airpark Site and Off-site Improvement Areas is the Margaret J. Slattery Children's Library within the Heritage Community Center, approximately 4.1 miles northeast of the sites. The Porterville Public Library is approximately 4.2 miles northeast of the Airpark Site. The closest parks to the Airpark Site are the off-highway vehicle (OHV) park, which borders the Airpark Site to the north and east, and the Porterville Sports Complex, located approximately 300 feet east 500 feet north of the Airpark Site. The Porterville Sports Complex includes 11 soccer fields, 3 football fields, 2 softball fields, restroom facilities, and parking for over 300 vehicles. The OHV park features roughly two miles of dirt trails for motor vehicle use within an approximately 17-acre plot. The City owns and manages these facilities. There are no other public parks within two miles of the Airpark Site or Off-site Improvement Areas.

The nearest library to the Eagle Mountain Casino Site is the Springville Branch of the Tulare County Library in Springville, California, approximately 7.1 miles to the north. Painted Rock Campground is an unfurnished campground within the Reservation located on the northern bank of the South Fork, just south of Indian Reservation Drive. It is approximately 2.1 miles east of the Eagle Mountain Casino Site.

River Island Country Club on Highway 190 in Porterville, California is approximately 6.1 miles northwest of the site. Bartlett Park, below the Lake Success Dam in Porterville, California, is the closest public park to the Eagle Mountain Casino Site; it is located approximately 8.3 miles to the west.

Gaming Market

Table 3.7-5 lists existing gaming facilities whose market areas may overlap with the potential market area of the Airpark or Eagle Mountain Casino Sites, excluding the existing Eagle Mountain Casino itself. As listed in **Table 3.7-5**, gaming operations of six different tribes are located within approximately a 100-mile radius of the Airpark and Eagle Mountain Casino Sites. There are five card rooms and one other tribal casino within a 50-mile radius of the Airpark Site, not including the existing Eagle Mountain Casino. On a regional basis, there are another 14 Indian casinos and 37 card rooms in California, and 17 casinos in neighboring Nevada within a 200-mile radius. Combined, these 71 gaming facilities have almost 26,450 electronic gaming devices (EGDs) and almost 2,000 table games (KlasRobinson, 2016).

TABLE 3.7-5
COMPETITIVE ENVIRONMENT

Casino Facility	Ownership	Location	Total Gaming Positions	Distance from Airpark Site (miles)	Distance from Eagle Mountain Casino Site (miles)
Tachi Palace Hotel and Casino	Tachi Yokut Tribe	Lemoore, CA	2,217	40.6	56.8
Table Mountain Casino	Table Mountain Rancheria	Friant, CA	2,378	72.7	81.2
Winnedumah Winn's Casino	Fort Independence Indian Community of Paiute Indians	Independence, CA	96	72.8	63.2
Mono Wind Casino	Big Sandy Rancheria Band of Western Mono Indians	Auberry, CA	349	75.7	81.9
Chukchansi Gold Resort & Casino	Picayune Rancheria	Coarsegold, CA	1,854	88.3	96.1
Paiute Palace Casino	Bishop Paiute Tribe	Bishop, CA	387	99.5	94.7
Cardrooms (including The Aviator in Delano)	Private	Various	Various	Various	Various
Source: KlasRobinson, 2016.					

3.7.2 SOCIOECONOMIC CHARACTERISTICS OF TULE RIVER INDIAN TRIBE

Population

The population of the Tribe and the Reservation are summarized below in **Table 3.7-6**.

According to the latest demographic information available for the Reservation, the average age of residents on the Reservation is 24.3 years old, which is significantly lower than the average age of 30.3 in the County in the same period (U.S. Census Bureau, 2015d). The population aged 18 and under was approximately 41 percent of the overall population, which was significantly higher than the

approximately 35 percent of the population aged 19 and under in the County in the same period (U.S. Census Bureau, 2015e). The ratio of males to females living on the Reservation, including unenrolled residents, is 47 percent to 53 percent (Tule River Tribe, 2015).

TABLE 3.7-6
TULE RIVER INDIAN TRIBE AND RESERVATION POPULATION

Tribal Enrollment	Total
Total Tribal Enrolled Membership	1,875
On-Reservation Enrolled Member Population	1,088
Off-Reservation Enrolled Member Population	787
Total Reservation Population¹	1,353
Note: 1 - Includes all individuals living on the Reservation regardless of tribal membership status.	
Source: Tule River Tribe, 2017a.	

The Tribe's Planning Program for the Master Plan, prepared by the Tribe's Planning Department, provides an estimate of the total Reservation population in the year 2030 based on a 3 percent annual growth rate and the eventual return of 750 enrolled members to the Reservation. Based on these inputs, the Plan concludes that approximately 3,410 people will live on the Reservation in 2030 (Tule River Tribe, 2015).

Governmental Services

As described in **Section 1.2**, the Tribe is currently facing several obstacles to providing adequate services to its membership in both the short and long term. Departmental budgets were reduced in fiscal year 2016 to 2017, and employee positions were eliminated due to a lack of funding; departments experiencing the largest budget and personnel reductions include: the Department of Public Safety, the Department of Family and Social Services, and the Public Works Department (Tule River Tribe, 2017b). The Tribe's existing sources of revenue are inadequate to meet its current and future expenditures as the Tribe's expenditures have and will continue to increase over time as a result of the Reservation's increasing population, reductions in federal grant funding, and a need to address inadequate and deteriorating infrastructure. In the absence of additional or expanded revenue sources, the Tribe's annual general fund deficit is expected to increase quickly and substantially (Tule River Tribe, 2017b). In response, the Tribe will be compelled to again tap into its diminishing reserves or institute further cuts to departments and programs, either of which would have significant ramifications on the provision of services to members and the exertion of tribal sovereignty.

Tribal Housing

A water shortage on the Reservation has led to a building moratorium on new structures, including much-needed tribal housing. The housing shortage is also being exacerbated by the Tribe's growing membership. There are currently 350 homes on the Reservation, 82 of which are in immediate need of

replacement due to a lack of Americans with Disabilities Act compliance or general degradation. Additionally, mobile homes currently house about 120 families on the Reservation, and because these mobile homes were constructed in 2007, they are already approaching the halfway point of their 25-year life spans. There is a housing waiting list for which over 200 tribal members have signed up, and there is an immediate need for at least 500 new housing units on the Reservation (including the 82 existing homes that require replacement) (Camarena, 2017).

3.7.3 ENVIRONMENTAL JUSTICE

Regulatory Setting

Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, directs federal agencies to develop an Environmental Justice Strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations. The Council on Environmental Quality (CEQ) has oversight responsibility of the federal government's compliance with EO 12898 and National Environmental Policy Act (NEPA), and, in consultation with the United States Environmental Protection Agency (USEPA) and other agencies, has developed guidance to ensure environmental justice concerns are effectively identified and addressed.

According to guidance from the CEQ (1997) and USEPA (1998), agencies should consider the composition of the affected area to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by a proposed action and, if so, whether there may be disproportionately high and adverse environmental effects to those populations. The geographic scale of this analysis is the Census tract. Census tracts are small, relatively permanent statistical subdivisions of a county designed to be relatively homogeneous units with respect to population characteristics, economic status, and living conditions at the time of establishment. Therefore, statistics of Census tracts provide a more accurate representation of a community's racial and economic composition.

Communities may be considered "minority" if one of the following characteristics apply:

- The cumulative percentage of minorities within a Census tract is greater than 50 percent (primary method of analysis).
- The cumulative percentage of minorities within a Census tract is less than 50 percent, but the percentage of minorities is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis (secondary method of analysis).

The following races are considered minorities under EO 12898:

- American Indian or Alaskan Native;

- Asian or Pacific Islander;
- Black, not of Hispanic origin; and
- Hispanic

Populations of two or more races and populations classified as “other” were also considered to be minority races for the purpose of the environmental justice analysis.

According to USEPA, either the county or the state can be used when considering the scope of the “general population.” A definition of “meaningfully greater” is not given by the CEQ or USEPA, although the latter has noted that any affected area that has a percentage of minorities above the state’s percentage is a potential minority community and any affected area with a minority percentage double that of the state’s is a definite minority community under EO 12898.

Communities may be considered “low-income” if one of the following characteristics applies:

- The median household income for a Census tract is below the poverty line (primary method of analysis).
- Other indications are present that indicate a low-income community is present within the Census tract (secondary method of analysis).

In most cases, the primary method of analysis will suffice to determine whether a low-income community exists in the affected environment. However, when a Census tract income may be just over the poverty line or where a low-income pocket within the tract appears likely, the secondary method of analysis may be warranted. Other indications of a low-income community under the secondary method of analysis include limited access to health care, overburdened or aged infrastructure, and dependence on subsistence living.

Census tracts that were analyzed under the *Environmental Justice* heading of **Section 3.7.2** include Tulare 34, which contains the Airpark Site, and Tulare 27, which includes the Eagle Mountain Casino Site, as well as adjacent Census tracts.

Race

The U.S. Census Bureau 2011-2015 ACS 5-Year Estimates provide the most current racial data available by Census tract. The racial composition of the Census tracts is not expected to have changed substantially since the time the data was reported. **Table 3.7-7** displays the population of each minority race by Census tract in the vicinity of the Airpark and Eagle Mountain Casino Sites.

The State of California has a 61 percent minority population out of over 38 million residents. The population in the Census tract containing the Airpark Site (Tulare 34) is composed of approximately 76

TABLE 3.7-7
MINORITY POPULATION – AIRPARK AND EAGLE MOUNTAIN CASINO SITES AND ADJACENT CENSUS TRACTS

Area (State, County, Census Tract)	Total Population	White (alone)	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Other Race	Two or More Races	Hispanic or Latino (of any race)	Total Minority Population	Percent Minority
California State	38,421,464	14,879,258	2,160,795	142,191	5,192,548	139,009	84,477	1,072,500	14,750,686	23,542,206	61.27%
Tulare County	454,033	139,581	6,021	3,069	14,542	551	288	6,448	283,533	314,452	69.26%
City of Porterville	55,218	14,840	413	146	2,745	80	16	643	36,335	40,378	73.12%
Alternative Sites Census Tracts											
Tulare 27 (Eagle Mountain Casino Site)	5,710	3,606	11	916	55	43	14	170	895	2,104	36.85%
Tulare 34 (Airpark Site)	7,862	1,870	36	213	454	0	3	83	5,203	5,992	76.21%
Adjacent Census Tracts											
Tulare 1	4,852	3,320	7	31	40	8	0	139	1,307	1,532	31.57%
Tulare 14	5,732	2,056	43	2	36	0	0	52	3,543	3,676	64.13%
Tulare 25	4,152	860	0	2	76	0	0	0	3,214	3,292	79.29%
Tulare 26.01	4,714	329	37	0	43	0	9	65	4,231	4,385	93.02%
Tulare 26.02	5,809	786	0	7	166	0	0	11	4,839	5,023	86.47%
Tulare 28	3,541	355	24	59	12	0	0	31	3,060	3,186	89.97%
Tulare 32	6,780	981	9	6	0	0	0	59	5,725	5,799	85.53%
Tulare 33	7,918	2,379	0	0	28	0	0	18	5,493	5,539	69.95%
Tulare 35.01	2,691	1,242	13	10	228	0	0	16	1,182	1,449	53.85%
Tulare 35.02	11,256	3,857	125	0	480	0	16	126	6,652	7,399	65.73%
Tulare 36.01	7,053	3,001	109	0	522	0	0	63	3,358	4,052	57.45%
Tulare 36.02	7,114	2,129	0	41	568	5	0	68	4,303	4,985	70.07%
Tulare 37	6,585	1,714	26	26	322	0	0	43	4,454	4,871	73.97%
Tulare 38.01	3,339	1,014	8	6	45	46	0	36	2,184	2,325	69.63%
Tulare 38.02	4,536	1,111	25	6	10	10	0	30	3,344	3,425	75.51%
Tulare 39.01	6,704	963	31	18	276	0	0	95	5,321	5,741	85.64%

3.0 Affected Environment

Area (State, County, Census Tract)	Total Population	White (alone)	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Other Race	Two or More Races	Hispanic or Latino (of any race)	Total Minority Population	Percent Minority
Tulare 39.02	5,706	1,746	0	21	105	20	0	24	3,790	3,960	69.40%
Tulare 40	623	317	65	1	3	19	0	28	181	297	47.67%
Tulare 41.01	8,743	701	26	28	356	0	0	120	7,512	8,042	91.98%
Tulare 41.02	2,046	423	0	45	67	0	0	29	1,482	1,623	79.33%
Tulare 45	6,282	1,096	254	5	28	0	30	47	4,822	5,186	82.55%
Inyo 5	2,489	1,531	9	496	71	30	0	43	309	958	38.49%
Inyo 8	2,807	1,870	49	220	11	0	0	17	640	937	33.38%
Kern 52.01	5,178	4,623	6	9	29	38	0	27	446	555	10.72%

Source: U.S. Census Bureau, 2015f.

percent minorities, qualifying it as a minority population. The Eagle Mountain Casino Site Census tract (Tulare 27) contains 37 percent minorities, which is under the threshold to be considered a minority community. Adjacent Census tracts vary in minority population numbers, but nearly all of the Census tracts shown in **Table 3.7-7** except those outside the County include substantial minority populations. Members of the Tribe, regardless of where they reside, are considered a minority population. The Tribe is considered to be a minority community for the purposes of the required EO 12898 analysis.

Income

A low-income community is defined as a Census tract where the median household income falls below the poverty limit.

As shown in **Table 3.7-3**, the median household income of each Census tract surveyed in the vicinity of the alternative sites was greater than the poverty threshold, except for Tulare 28. The poverty threshold for each Census tract was determined from the average household size of the Census tract (U.S. Census Bureau, 2015c). The poverty threshold assumes average household size is conservatively rounded up to the nearest person. Tulare 28 has a median household income less than the determined poverty threshold. In addition to Tulare 28, the tracts Tulare 38.02, Tulare 41.01, and Tulare 41.02 have median household incomes just above the poverty line. To be conservative, all four of these Census tracts have been identified as low-income communities in the vicinity of the Airpark and Eagle Mountain Casino Sites.

3.8 TRANSPORTATION/CIRCULATION

This section describes the existing environmental conditions related to transportation and circulation for the alternative sites described in **Section 2.2**. The general and site-specific descriptions of transportation and circulation contained herein provide the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**.

3.8.1 LEVEL OF SERVICE STANDARDS

Traffic operations have been quantified through the determination of level of service (LOS). LOS was calculated using the methodology described in the 2010 Highway Capacity Manual (HCM; Transportation Research Board, 2010). In accordance with the HCM, intersections are rated between LOS A and F, representing progressively worsening traffic conditions. For Two-Way Stop Control (TWSC) intersections, LOS is determined by the worst minor street approach. For All-Way Stop Control (AWSC) and signalized intersections, LOS is determined as an average delay for all entering vehicles. These criteria for intersections are shown below in **Table 3.8-1**. LOS criteria for roadway segments are shown in **Table 3.8-2**.

TABLE 3.8-1
INTERSECTION LEVEL OF SERVICE CRITERIA

Level of Service	Control Delay (Seconds Per Vehicle)	
	Unsignalized Intersections	Signalized Intersections
A	≤10	≤10
B	>10–15	>10–20
C	>15–25	>20–35
D	>25–35	>35–55
E	>35–50	>55–80
F	>50	>80

Source: **Appendix I** – TIS.

Consultation and Methodology

A Traffic Impact Study (TIS) was conducted by Omni-Means, Ltd. (Omni) to address the traffic and transportation effects of the proposed alternatives. The TIS is provided as **Appendix I**. The results serve as a baseline from which the opening year and 2040 cumulative year traffic volume projections are derived (**Section 4.8** and **Section 4.15**, respectively). The TIS was prepared based on criteria set forth by the City of Porterville (City) and Tulare County (County), as well as input from the California Department of Transportation (Caltrans) on topics including the selection of study roadways and freeway facilities, as well as the analysis methodology, procedures, and assumptions. Synchro 9, a software

program based on the 2010 HCM and consistent with the 2002 Caltrans Guide for the Preparation of Traffic Studies, was used for the analysis.

TABLE 3.8-2
ROADWAY LEVEL OF SERVICE CRITERIA

Roadway Segment Type	Total Two-Way Average Daily Traffic (ADT)				
	LOS A	LOS B	LOS C	LOS D	LOS E
6-Lane Divided Freeway	42,000	64,800	92,400	111,600	120,000
4-Lane Divided Freeway	28,000	43,200	61,600	74,400	80,000
6-Lane Freeway	36,900	61,100	85,300	103,600	115,300
4-Lane Freeway	23,800	39,600	55,200	67,100	74,600
6-Lane Divided Expressway (with left-turn lane)	35,500	42,200	46,200	55,800	60,000
6-Lane Divided Expressway (no left-turn lane)	32,000	38,000	43,000	49,000	54,000
4-Lane Divided Expressway (with left-turn lane)	22,000	25,000	29,000	32,500	36,000
4-Lane Divided Expressway (no left-turn lane)	18,000	21,000	24,000	27,000	30,000
2-Lane Arterial (with left-turn lane)	11,000	12,500	14,500	16,000	18,000
2-Lane Arterial (no left-turn lane)	9,000	10,500	12,000	13,500	15,000
2-Lane Collector/Local Street	6,000	7,500	9,000	10,500	12,000
Note: All volumes are approximate and assume ideal roadway characteristics. Actual threshold volumes for each LOS listed above may vary depending on a variety of factors including curvature and grade, intersection or interchange spacing, driveway spacing, percentage of trucks and other heavy vehicles, travel lane widths, signal timing characteristics, on-street parking, volume of cross traffic and pedestrians, etc. Traffic exceeding LOS E thresholds is LOS F. Source: Appendix I – TIS.					

3.8.2 EXISTING CIRCULATION NETWORK

Roadways in the vicinity of the Airpark Site, Eagle Mountain Casino Site, and Off-site Improvement Areas are shown in Figure 1 of **Appendix I** and are described below.

State Route (SR) 190 is an east-west interregional connection between SR-99 and the City. In the vicinity of the Airpark Site and Off-site Improvement Areas, SR-190 ranges from a two-lane conventional highway, to a four-lane conventional highway, to a four-lane divided freeway. At the interchange with SR-65 approximately 2.5 miles northeast of the Airpark Site and Off-site Improvement Areas, SR-190 currently carries an Annual Average Daily Traffic (AADT) of approximately 26,100 vehicles and truck traffic represents approximately 10 to 18 percent of the daily traffic. At the interchange with Road 284, the primary access route for the Eagle Mountain Casino Site (at which the construction of a single-lane roundabout has recently been completed), SR-190 carries an AADT of approximately 8,700 vehicles and truck traffic represents approximately 8 percent of daily traffic.

SR-65 is a north-south regional connection between SR-137 and SR-99 in Bakersfield, south of the City. In the vicinity of the Airpark Site and Off-site Improvement Areas, SR-65 is a four-lane divided conventional highway. At its interchange with SR-190, approximately 2.5 miles northeast of the Airpark Site and Off-site Improvement Areas, SR-65 currently carries an AADT of approximately 26,500 vehicles and truck traffic represents approximately 8 to 12 percent of the daily traffic.

West Street is an undivided north-south roadway that borders the Airpark Site to the west and the 40-acre site to the east.

Scranton Avenue is a two-lane collector street that runs east-west through southern Porterville and provides access to Porterville Municipal Airport.

Teapot Dome Avenue is an undivided, two-lane minor arterial that runs east-west through southern Porterville. Teapot Dome Avenue provides access to Porterville Municipal Airport as well as businesses, residences, and commercial development west of SR-65.

Westwood Street is an undivided, two-lane minor arterial that runs north-south through western Porterville. Westwood Street provides access to agricultural and residential uses south of SR-190 and north of Porterville Municipal Airport.

Newcomb Street is a discontinuous north-south street to the west of SR-65. North of SR-190, Newcomb Street transitions from a four-lane arterial to a divided, two-lane minor arterial before terminating. The street picks back up south of SR-190 as an undivided, two-lane minor arterial.

Success Valley Drive is a two-lane undivided roadway in southern Tulare County that originates between Lake Success and SR-190 and provides access to Reservation Road, where it terminates. Success Valley Drive is the primary access route for residents in the Springville area to travel to and from the Eagle Mountain Casino Site.

Reservation Road is a narrow and winding two-lane road that provides direct access to the Tule River Indian Reservation and Eagle Mountain Casino Site. Several turnouts were installed on Reservation Road within the last 10 years due to unsafe conditions.

Intersections

The weekday AM peak hour is defined as a continuous one-hour period of peak traffic flow between 7:00 AM and 9:00 AM, and the PM peak hour is defined as a continuous one-hour period of peak traffic flow between 4:00 PM and 6:00 PM. Existing AM and PM peak hour traffic volumes at the study intersections, shown on **Figure 3.8-1**, were conducted by Metro Traffic Data, Inc. (Metro Traffic) from April 12 to April 14, 2016, while school was in session and during normal weather conditions. Existing

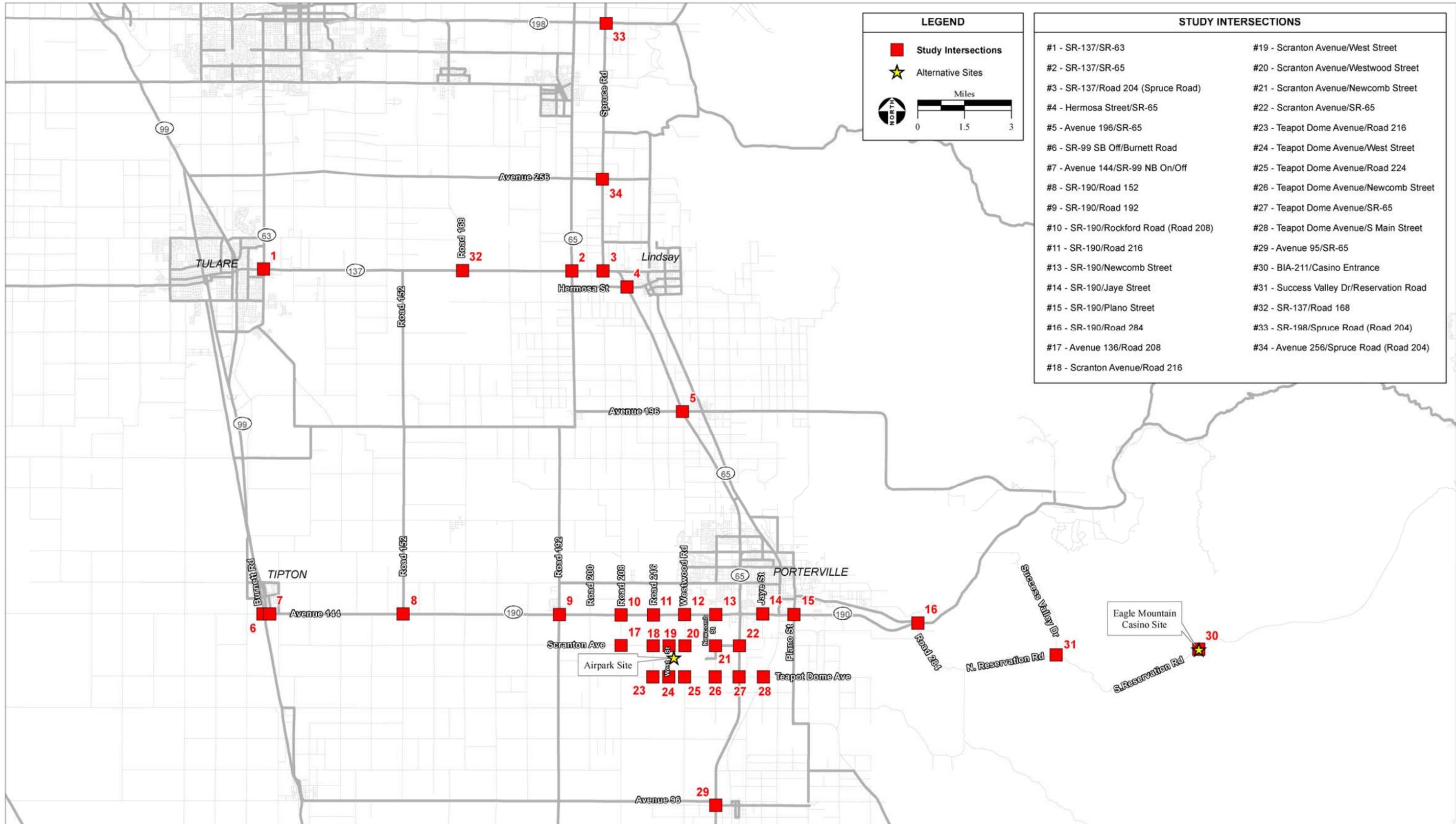


Figure 3.8-1
Study Intersections

weekend peak 4-hour turning movement counts were conducted by Metro Traffic at Eagle Mountain Casino on a typical non-holiday weekend in September, based on discussions with the Casino and Caltrans. A supplemental traffic signal warrant analysis was conducted at each unsignalized study intersection to evaluate the potential need for a traffic signal. “Signal warrants” refers to the list of established criteria in the 2014 California Manual on Uniform Traffic Control Devices (MUTCD) to determine the need for a traffic signal at an unsignalized intersection.

Airpark Site and Off-site Improvement Areas

The following intersections in the vicinity of the Airpark Site and Off-site Improvement Areas were identified as intersections of concern for this study:

1. SR-137/SR-63
2. SR-137/SR-65
3. SR-137/Road 204 (Spruce Road)
4. Hermosa Street/SR-65
5. Avenue 196/SR-65
6. SR-99 Southbound (SB) Off Ramp/Burnett Road
7. Avenue 144/SR-99 Northbound (NB) On/Off Ramps
8. SR-190/Road 152
9. SR-190/Road 192
10. SR-190/Rockford Road (Road 208)
11. SR-190/Road 216
12. SR-190/Westwood Street
13. SR-190/Newcomb Street
14. SR-190/Jaye Street
15. SR-190/Plano Street
16. SR-190/Road 284
17. Avenue 136/Road 208
18. Scranton Avenue/Road 216
19. Scranton Avenue/West Street
20. Scranton Avenue/Westwood Street
21. Scranton Avenue/Newcomb Street
22. Scranton Avenue/SR-65
23. Teapot Dome Avenue/Road 216
24. Teapot Dome Avenue/West Street
25. Teapot Dome Avenue/Road 224
26. Teapot Dome Avenue/Newcomb Street
27. Teapot Dome Avenue/SR- 65
28. Teapot Dome Avenue/South Main Street
29. Avenue 95/SR-65
30. BIA - 211/Casino Entrance
31. Success Valley Drive/Reservation Road
32. SR-137/Road 168
33. SR-198/Road 204 (Spruce Road)
34. Avenue 256/ Road 204 (Spruce Road)

Eagle Mountain Casino Site

The following intersections in the vicinity of the Eagle Mountain Casino Site were evaluated for existing weekday AM and PM peak hour conditions, as well as the potential need for a traffic signal at currently unsignalized intersections:

- | | |
|-------------------------------------|---|
| 1. SR-137/SR-63 | 13. SR-190/Newcomb Street |
| 2. SR-137/SR-65 | 14. SR-190/Jaye Street |
| 3. SR-137/Road 204 (Spruce Road) | 15. SR-190/Plano Street |
| 4. Hermosa Street/SR-65 | 16. SR-190/Road 284 |
| 5. Avenue 196/SR-65 | 22. Scranton Avenue/SR-65 |
| 6. SR-99 SB Off Ramp/Burnett Road | 27. Teapot Dome Avenue/SR-65 |
| 7. Avenue 144/SR-99 NB On/Off Ramps | 29. Avenue 95/SR-65 |
| 8. SR-190/Road 152 | 30. BIA-211/Casino Entrance |
| 9. SR-190/Road 192 | 31. Success Valley Drive/Reservation Road |
| 10. SR-190/Rockford Road (Road 208) | 32. SR-137/Road 168 |
| 11. SR-190/Road 216 | 33. SR-198/ Road 204 (Spruce Road) |
| 12. SR-190/Westwood Street | 34. Avenue 256/ Road 204 (Spruce Road) |

Table 3.8-3 presents the existing weekday and weekend peak hour delay and LOS for each of the above study intersections. As shown in the tables, all of the study intersections currently operate at acceptable LOS during the weekend peak hour. However, two of the intersections currently operate at unacceptable AM or PM peak hour LOS during weekdays: the unsignalized intersection of SR-190 and Westwood Street and the signalized intersection of Scranton Avenue and SR-65. Additionally, the SR-190 and Westwood Street intersection currently meets the MUTCD Peak-Hour Warrant 3 during existing weekday AM peak hour conditions, indicating that installation of a traffic signal should be considered.

Roadways

Study roadway segments were evaluated using average daily traffic (ADT) counts from April 2016. The following roadway segments were evaluated for existing weekday AM and PM peak hour conditions:

Airpark Site and Off-site Improvement Areas

- | | |
|---|---|
| ▪ SR-137 from SR-63 to Road 204 (Spruce Road) | ▪ SR-65 from Road 204 (Spruce Road) to Hermosa Street |
|---|---|

TABLE 3.8-3
EXISTING CONDITIONS – STUDY INTERSECTIONS

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
1	SR-137/SR-63	Signal	D	50.6	D	45.8	C	32.4
2	SR-137/SR-65	Signal	C	24.2	C	25.6	C	21.3
3	SR-137/Road 204 (Spruce Road)	Signal	C	28.3	C	31.8	C	23.5
4	Hermosa Street/SR-65	Signal	C	26.1	C	25.4	B	19.9
5	Avenue 196/SR-65	Signal	C	22.7	C	20.8	B	16.6
6	SR-99 SB Off Ramp/Burnett Road	TWSC	A	9.7	A	9.8	A	9.8
7	Avenue 144/SR-99 NB On/Off Ramps	TWSC	A	8.5	A	9.2	A	7.9
8	SR-190/Road 152	TWSC	B	11.7	B	13.2	B	11.3
9	SR-190/Road 192	AWSC	A	10.0	B	11.4	B	11.2
10	SR-190/Rockford Road (Road 208)	TWSC	B	14.8	B	15.0	B	12.8
11	SR-190/Road 216	TWSC	B	12.9	B	14.0	B	13.2
12	SR-190/Westwood Street	AWSC	F	54.7	C	20.0	B	12.7
13	SR-190/Newcomb Street	TWSC	B	14.2	B	12.4	B	11.8
14	SR-190/Jaye Street	Signal	D	35.5	C	32.3	C	27.5
15	SR-190/Plano Street	Signal	D	47.6	D	38.4	C	25.1
16	SR-190/Road 284	TWSC ¹	C	22.1	C	21.2	D	27.7
17	Avenue 136/Road 208	TWSC	B	10.1	A	10.0	B	10.1
18	Scranton Avenue/Road 216	TWSC	A	9.5	A	9.4	A	9.7
19	Scranton Avenue/West Street	TWSC	A	9.4	A	9.0	A	8.8
20	Scranton Avenue/Westwood Street	TWSC	A	8.9	B	9.8	B	10.7
21	Scranton Avenue/Newcomb Street	AWSC	A	7.8	A	7.8	A	7.5
22	Scranton Avenue/SR-65	Signal	B	12.2	E	61.4	B	12.9
23	Teapot Dome Avenue/Road 216	TWSC	A	9.7	A	9.2	A	9.2
24	Teapot Dome Avenue/West Street	TWSC	A	9.2	A	9.3	A	8.5
25	Teapot Dome Avenue/Road 224	TWSC	A	9.3	A	9.1	A	9.6
26	Teapot Dome Avenue/Newcomb Street	TWSC	A	9.9	A	9.9	A	9.6
27	Teapot Dome Avenue/SR-65	Signal	B	16.6	B	19.0	B	16.3
28	Teapot Dome Avenue/S Main Street	AWSC	A	9.7	B	11.3	A	9.8
29	Avenue 95/SR-65	Signal	B	13.2	B	18.5	B	17.7
30	BIA-211/Casino Entrance	TWSC	A	9.6	B	10.7	A	10.0
31	Success Valley Dr/Reservation Road	TWSC	A	9.7	B	10.5	B	10.1
32	SR-137/Road 168	TWSC	C	20.1	C	20.4	C	20.1
33	SR-198/Road 204 (Spruce Road)	Signal	B	16.6	B	14.6	B	10.4
34	Avenue 256/Road 204 (Spruce Road)	AWSC	C	25.0	C	17.9	B	12.8

Notes: AWSC = All-Way Stop Control; TWSC = Two-Way Stop Control
Target LOS for all intersections is LOS D or better.

Bolded text indicates failure to meet current LOS target.

1 – This intersection has been updated with a roundabout control; however, traffic counts were taken before this improvement was installed.

Source: **Appendix I** – TIS

- SR-65 from Hermosa Street to Pioneer Avenue
- SR-65 from Pioneer Avenue to SR-190
- SR-65 from SR-195 to Avenue 95
- SR-190 from SR-99 to Road 192
- SR-190 from Road 192 to SR-65
- SR-190 from SR-65 to Plano Street
- SR-190 from Plano Street to Road 284
- Scranton Avenue from Rockford Road (Road 208) to SR-65
- Teapot Dome Avenue from Rockford Road (Road 208) to SR-65
- Rockford Road (Road 208) from Teapot Dome Avenue to SR-190
- Road 216 from Teapot Dome Avenue to SR-190
- West Street from Teapot Dome Avenue to SR-190
- Westwood Street from Scranton Avenue to SR-190
- Newcomb Street from Teapot Dome Avenue to SR-190
- Reservation Road from Success Valley Drive to Reservation Entrance

Eagle Mountain Casino Site

- SR-137 from SR-63 to Road 204 (Spruce Road)
- SR-65 from Road 204 (Spruce Road) to Hermosa Street
- SR-65 from Hermosa Street to Pioneer Avenue
- SR-65 from Pioneer Avenue to SR-190
- SR-65 from SR-195 to Avenue 95
- SR-190 from SR-99 to Road 192
- SR-190 from Road 192 to SR-65
- SR-190 from SR-65 to Plano Street
- SR-190 from Plano Street to Road 284
- Scranton Avenue from Rockford Road (Road 208) to SR-65
- Rockford Road (Road 208) from Teapot Dome Avenue to SR-190
- Road 216 from Teapot Dome Avenue to SR-190
- Reservation Road from Success Valley Drive to Reservation Entrance

Roadway segments are analyzed based on daily roadway traffic volumes and capacity thresholds, shown in **Table 3.8-2**. **Table 3.8-4** presents the existing conditions for each of the above roadway segments. As shown in the table, all study roadway sections currently operate at acceptable levels of service with the exception of SR-65 from Road 204 (Spruce Road) to Hermosa Street.

TABLE 3.8-4
EXISTING ROADWAY SEGMENT CONDITIONS

Segment	Lanes	ADT	LOS
SR-137 from SR-63 to Road 204 (Spruce Road)	2	11,000	B
SR-65 from Road 204 (Spruce Road) to Hermosa Street	2	19,900	F
SR-65 from Hermosa Street to Pioneer Avenue	4	21,100	A
SR-65 from Pioneer Avenue to SR-190	4	24,500	B
SR-65 from SR-190 to Avenue 95	2	11,100	C
SR-190 from SR-99 to Road 192	2	4,250	A
SR-190 from Road 192 to SR-65	2	5,500	A
SR-190 from SR-65 to Plano Street	4	23,700	B
SR-190 from Plano Street to Blue Heron Parkway	4	12,200	A
SR-190 from Blue Heron Parkway to Road 284	2	8,700	A
Scranton Avenue from Rockford Road (Road 208) to SR-65	2	560	A
Teapot Dome Avenue from Rockford Road (Road 208) to SR-65	2	1,270	A
Rockford Road (Road 208) from Teapot Dome Avenue to SR-190	2	1,860	A
Road 216 from Teapot Dome Avenue to SR-190	2	300	A
West Street from Teapot Dome Avenue to SR-190	2	380	A
Westwood Street from Scranton Avenue to SR-190	2	1,750	A
Newcomb Street from Teapot Dome Avenue to SR-190	2	1,190	A
Reservation Road between SR-190 and Reservation Entrance	2	3,210	A
Notes: ADT = Average Daily Traffic Bolded text indicates failure to meet current LOS target. Source: Appendix I – TIS.			

Freeway Ramps

A merge/diverge analysis was performed on the SR-190/SR-65 interchange. Freeway segment and ramp volumes were obtained from information provided by Caltrans. Density (passenger cars per mile per lane) was evaluated using 2010 Highway Capacity Software. **Table 3.8-5** presents the existing density and LOS for the SR-190/SR-65 interchange. As shown in the table, all merge/diverge segments at the SR-190/SR-65 interchange currently operate at acceptable levels of service.

3.8.3 TRANSIT SERVICES

This section summarizes the existing public and private transit services available in the vicinity of the alternative sites.

Airpark Site and Off-site Improvement Areas

The Airpark Site and vicinity are not currently served by existing transit providers. Major transit providers nearby include Porterville Transit, which operates a fixed route service in more heavily populated areas of the City, and Tulare County Area Transit, a regional transit agency that provides transit

services between cities and within small communities throughout the County. Dial-a-ride and private taxi services are available in the vicinity of the Airpark Site and Off-site Improvement Areas (**Appendix I**).

TABLE 3.8-5
EXISTING PEAK HOUR FREEWAY CONDITIONS

Interchange Movements	Junction Type	Density (cars/mi/lane)	LOS
SR-190 Ramps at SR-65			
EB SR-190 to NB SR-65	Merge	5.8	A
EB SR-190 to NB SR-65	Diverge	0.9	A
EB SR-190 to SB SR-65	Merge	3.8	A
EB SR-190 to SB SR-65	Diverge	4.5	A
WB SR-190 to NB SR-65	Merge	14.6	B
WB SR-190 to NB SR-65	Diverge	11.4	B
WB SR-190 to SB SR-65	Merge	13.3	B
WB SR-190 to SB SR-65	Diverge	7.8	A
SR-65 Ramps at SR-190			
NB SR-65 to EB SR-190	Merge	4.6	A
NB SR-65 to EB SR-190	Diverge	5.9	A
NB SR-65 to WB SR-190	Merge	5.8	A
NB SR-65 to WB SR-190	Diverge	4.1	A
SB SR-65 to EB SR-190	Merge	19.3	B
SB SR-65 to EB SR-190	Diverge	9.2	A
SB SR-65 to WB SR-190	Merge	15.0	B
SB SR-65 to WB SR-190	Diverge	10.1	B
Notes: EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound. Bolded text indicates failure to meet current LOS target. Source: Appendix I – TIS.			

Eagle Mountain Casino Site

Porterville Transit provides fixed route transit services between the City and the Tule River Indian Reservation seven days per week on Route 9. Bus services are available approximately once per hour from 6:00 AM to 10:00 PM on weekdays and Saturdays and from 8:00 AM to 4:00 PM on Sundays. In addition to the Casino, this route also provides access to Vallarta Super Market, the Eagle Mountain Casino Park-n-Ride, tribal offices and administration buildings, and South County Justice Facility.

The Casino also offers private, fixed route transit services to the facility from Bakersfield, Shafter, Wasco, Delano, Lindsay, Exeter, Orosi, and Visalia. Two daily round-trip routes are provided to and from Bakersfield, and a single daily round-trip route is provided for the other communities within Tulare and Kern Counties (**Appendix I**).

3.8.4 BICYCLE AND PEDESTRIAN FACILITIES

This section discusses existing bicycle and pedestrian facilities in the vicinity of the alternative sites. For the purposes of this analysis, bicycle routes are classified based on Caltrans methodology, described below.

Class I: A multi-use path that is completely separated from the main roadway and intended for the exclusive use of bicycles and pedestrians with cross-flow minimized. Class I paths are separated from the main roadway by 5 feet plus standard shoulder widths.

Class II: A striped lane parallel to the car lane on a street or highway. This lane is intended for one-way bike travel. The minimum width for a Class II lane is 4 feet on roadways with a posted speed limit lower than 40 mph and 6 feet on roadways with a posted speed limit of 40 mph or higher.

Class III: A signed, shared roadway that provides for shared use with motor vehicle, bicycle, and pedestrian traffic. Class III routes are typically utilized on low-volume roadways (Caltrans, 2017).

Airpark Site and Off-site Improvement Areas

There are currently no designated bicycle lanes or paths in the vicinity of the Airpark Site and Off-site Improvement Areas. Class II bike paths are currently being planned by the City on both sides of West Street between Teapot Dome Avenue and Scranton Avenue, along Scranton Avenue between West Street and Hillcrest Street, and along Teapot Dome Avenue throughout southern Porterville. The City also designates Newcomb Street as a future major arterial and plans to expand it to four lanes with Class II bike paths. The City also designates Westwood Street as a Class III bicycle facility. These bike paths are currently in the planning stage and have not yet been funded (**Appendix I**).

The east side of West Street is lined with approximately 3,900 feet of sidewalk, including a 600-foot stretch from Edison Court to Scranton Avenue.

Eagle Mountain Casino Site

The Eagle Mountain Casino Site currently contains limited pedestrian facilities, consisting primarily of walking paths between the existing parking areas and the Casino building. A courtesy golf cart is available to assist those with limited walking abilities. Automobiles and buses are the primary method of accessing the Eagle Mountain Casino Site due to the narrow, mountainous conditions on the roads that provide access to the site. There are currently no pedestrian or bicycle facilities on the roadways surrounding the Casino.

3.8.5 TULARE COUNTY ROADWAYS ENVIRONMENT

An inspection of the pavement conditions of West Street, Scranton Avenue, Teapot Dome Avenue, and Westwood Street, which are the primary, local County and City roads leading to the Airpark site from SR-190 and SR-65, was conducted in early 2019 and is provided in **Appendix S**. The inspection found that pavement conditions along these roadways varied from good (no visible distress) to poor (major structural distress) (refer to Figure 1 in **Appendix S**). Based on the field observations, the following roadways exhibit major distress in terms of both rutting and pavement surface condition:

- Teapot Dome Avenue between Westwood Street (Road 224) and Newcomb Street
- Westwood Street between Scranton Avenue and approximately one half mile north of Scranton Avenue.

In addition, West Street between Scranton Avenue and Teapot Dome Avenue exhibited minor surface distress.

3.9 LAND USE

This section describes the existing environmental conditions related to land use for the alternative sites described in **Section 2.2**. The general and site-specific description of land use contained herein provides the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.9**.

3.9.1 REGULATORY SETTING

Federal Aviation Regulations

In accordance with 14 Code of Federal Regulations (CFR) 77, which provides requirements, standards, and processes for determining obstructions to air navigation, the Federal Aviation Administration's (FAA's) primary objective is to promote air safety and the efficient use of the navigable airspace. In furthering this mission, the FAA conducts aeronautical studies based on information provided on FAA Form 7460-1, Notice of Proposed Construction or Alteration, by proponents of construction or development in the vicinity of airports. Developers must file Form 7460-1 with the FAA at least 45 days prior to construction if any of the following parameters are met:

- Proposed structure(s) will exceed 200 feet above ground level;
- Proposed structure(s) will be in proximity to an airport and will exceed the slope ratio;
- Proposed structure(s) involves construction of a traverseway (i.e. highway, railroad, waterway, etc.) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b);
- Proposed structure(s) will emit frequencies, and do/does not meet the conditions of the FAA Co-location Policy;
- Proposed structure(s) will be in an instrument approach area and might exceed part 77 Subpart C;
- Proposed structure(s) will be in proximity to a navigation facility and may impact the assurance of navigation signal reception;
- Proposed structure(s) will be on an airport or heliport; or
- Filing has been requested by the FAA (FAA, 2017a).

Local Planning Documents

While local land use policies would not apply to lands taken into federal trust, impacts to the community may occur in terms of a federal project's relation to growth and development visions as described in these guidance documents.

Tulare County Comprehensive Airport Land Use Plan

The Tulare County Comprehensive Airport Land Use Plan (County Airport Plan) was prepared by the Tulare County Airport Land Use Commission (ALUC) to provide policies, criteria, and guidance to local

agencies to promote public safety and the long-term economic viability of public-use airports in Tulare County (County). The County Airport Plan contains general land use policies and a land use compatibility matrix, which are then applied to specific airports throughout the County. The ALUC is responsible for determining planning boundaries which delineate areas affected by different aircraft operations. The most general boundary is the Airport Influence Area, defined as the area surrounding an airport that is in some way affected by airport operations, including height and noise restrictions as well as safety zones (Tulare County, 2012b). Height restrictions are applied within the Airport Influence Area to ensure that tall objects or structures do not interfere with aircraft safety or interfere with aircraft operations by occupying space necessary for aircraft during takeoff and landing maneuvers. The ALUC has limited expertise in determining hazards to air navigation; thus, it relies on aeronautical studies conducted by the FAA. The Tulare County ALUC adopts Federal Aviation Regulation Part 77 as the basis for determining height restrictions within the Airport Influence Area (Tulare County, 2012b). Safety zones are discussed below; see **Section 3.11** for a description of airport-related noise restrictions in the vicinity of the Airpark Site.

Safety Zones

The County Airport Plan identifies six distinct safety zones, referred to as Airport Compatibility Zones, which represent relative safety risks in the event of an airport contingency. These Airport Compatibility Zones and risk factors are summarized in **Table 3.9-1** below.

2006 Airport Layout Plan

In 2003, the City of Porterville (City) initiated an Airport Layout Plan (ALP) for the Porterville Municipal Airport to update the ALP in accordance with FAA Advisory Circular 150/5300-13, Airport Design. It contains aviation activity forecasts and rationale for the airport development strategy (City of Porterville, 2003).

City of Porterville General Plan

The central purpose of the City of Porterville 2030 General Plan (City General Plan) is to set out a long-term vision for the City's growth. The plan outlines policies, standards, and programs to guide day-to-day decisions concerning the City's development through the year 2030. The Airpark Site lies within the City's boundaries, as well as the Planning Boundaries set forth in the City General Plan. The General Plan update process was initiated in the summer of 2005, and the City Council adopted the updated General Plan on March 4, 2008. The plan consists of eight elements, including a Land Use element (City of Porterville, 2008).

The City General Plan shows the land use designation of the Airpark Site and Off-site Improvement Areas as vacant, with the exception of the 40-acre site, which is designated Agricultural Rural Conservation, as shown on **Figure 3.9-1** (City of Porterville, 2008). The area between the Airpark Site

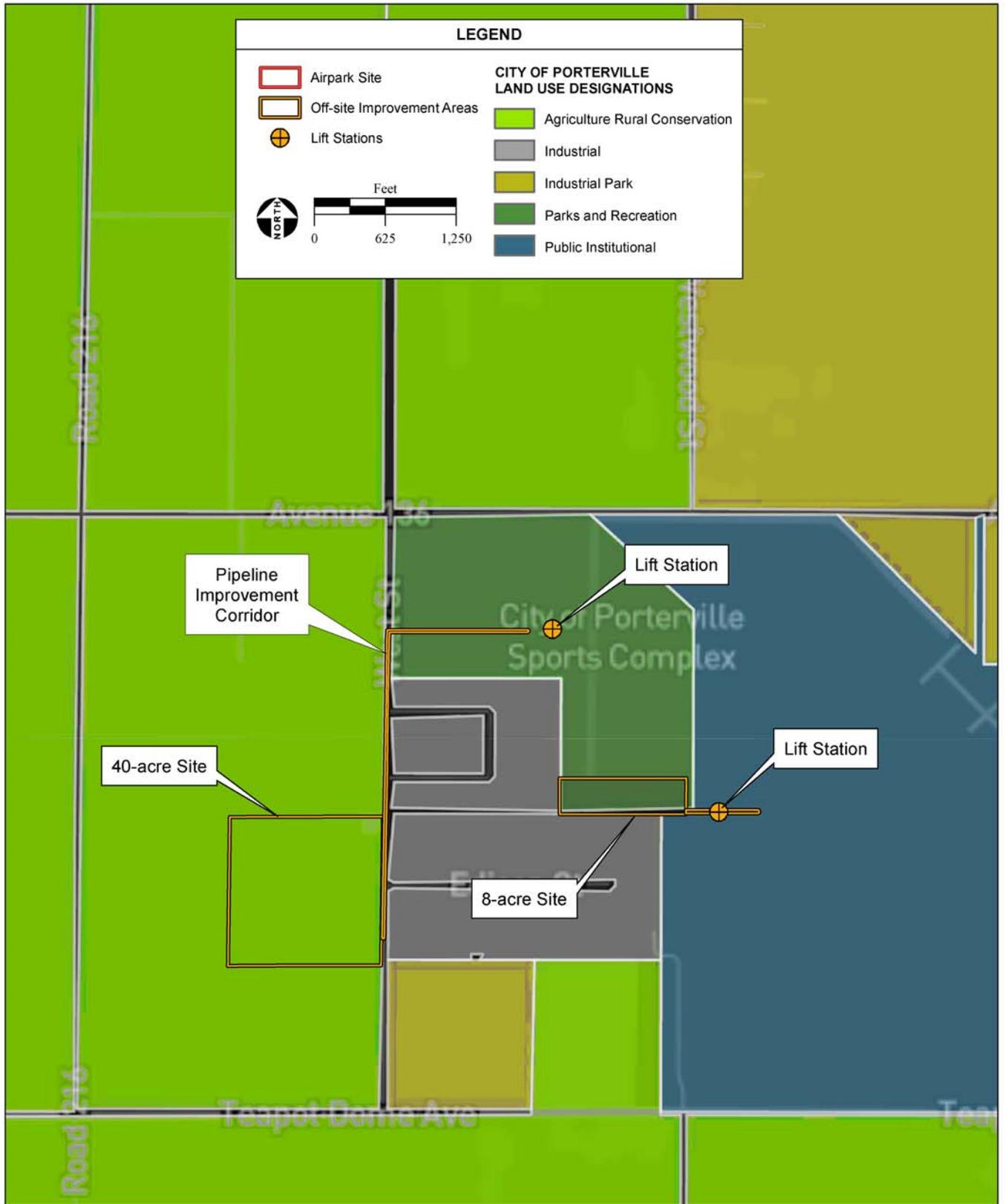


Figure 3.9-1
City of Porterville Land Use Designations

and the Porterville Municipal Airport and the land to the immediate north and south of the Airpark Site is also designated vacant, while land to the west is designated rural/agricultural/conservation.

TABLE 3.9-1
TULARE COUNTY AIRPORT COMPATIBILITY ZONES

Zone	Description
Runway Protection Zone	The Runway Protection Zone (RPZ) is a trapezoidal area located immediately off each end of a runway. This area is defined by FAA who recommends it be a part of the airport property due to its very high risk factors. Aircraft over fly this area at altitudes below 200 feet. Caltrans research indicates that 20 to 21 percent of near-runway accidents occur in this zone.
Inner Approach/Departure Zone	The Inner Approach/Departure Zone is a rectangular area located along the extended runway centerline immediately beyond the RPZ. Aircraft over fly this area at altitudes between 200 and 400 feet above the runway elevation. Caltrans research indicates that 8 to 22 percent of near-runway accidents occur in this zone.
Inner Turning Zone	The Inner Turning Zone is a cone shaped zone which lies on either side of the Inner Approach/Departure Zone. The sides of this zone are defined by a 20 or 30 degree angle, depending upon runway length, measured from the runway centerline. The apex of the cone is located on the runway at a distance from the runway end that is also dependent upon runway length. This zone encompasses locations where arriving aircraft are typically turning from the base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude or where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and has begun to turn to their en route heading. Aircraft are less than 500 feet above the runway elevation. Caltrans research indicates that 4 to 8 percent of near-runway accidents occur in this zone.
Outer Approach/Departure Zone	The Outer Approach/Departure Zone is a rectangular area, which lies immediately beyond the Inner Approach/Departure Zones along the extended runway centerline. Particularly applicable for runways with straight-in instrument approach procedures, and other runways where straight-in or straight-out flight paths are common. Approaching and departing aircraft are usually at less than 1,000 feet above the runway elevation. Caltrans research indicates that 2 to 6 percent of near-runway accidents occur in this zone.
Sideline Zone	The Sideline Zone encompasses close-in areas lateral to the runway. These areas are typically within the airport property. The area is not normally over flown and the primary risk is from twin-engine aircraft losing directional control on takeoff. Caltrans research indicates that 3 to 5 percent of near-runway accidents occur in this zone.
Traffic Pattern Zone	The Traffic Pattern Zone is an oval shaped area centered on the extended runway centerline. This zone encompasses all other portions of the regular traffic patterns and pattern entry routes. This area generally has a low likelihood of accident occurrence at most airports, except where high concentrations of people present the potential for severe consequences. Caltrans research indicates that 18 to 29 percent of near-runway accidents occur in this zone, but that these numbers are misleading due to the large size of this zone.
Source: Tulare County, 2012b.	

Table 3.9-2 depicts the City General Plan’s guiding and implementation policies that may be applicable to the Airpark Site.

TABLE 3.9-2
CITY OF PORTERVILLE APPLICABLE GENERAL PLAN LAND USE POLICIES

Policy	Description
LU-G-5	Ensure that new development pays for the public facilities and infrastructure improvements required to meet the demands resulting from that growth.
LU-I-5	Require contiguous development within the urban development boundary unless it can be demonstrated that development of property which is contiguous to urban development is unavailable.
LU-I-8	Approve development projects only after making findings that one or more of the following conditions are met: <ul style="list-style-type: none"> ▪ No General Fund revenue will be used to replace developer funding that has or would have been committed to any other public project; ▪ The development project will fully fund all public facilities and infrastructure, including streets, water, sewer and storm drainage systems, parks and public safety facilities and equipment, as necessary to directly mitigate the impact of the new development; and ▪ The development project will pay impact fees for public facilities and infrastructure improvements in proportion to the development's impacts, as per the approved master plans.
Source: City of Porterville, 2008.	

Porterville Development Ordinance

The Porterville Development Ordinance specifies immediate uses for land and is the primary instrument for implementing City General Plan policies. The City Code provides information on the permitted uses in each zone, as well as development standards for the use of property (City of Porterville, 2013).

The Airpark Site is zoned Airport Industrial (IA), as shown on **Figure 3.9-2**. The Off-site Improvement Areas are zoned Parks and Public Recreation Facilities (PK), with the exception of the 40-acre site, which is zoned Agricultural/Conservation (AC) and the eastern portion of the 8-acre site, which is zoned Public/Semi-Public (PS; City of Porterville, 2012). Land to the west of the Airpark Site is unincorporated County land and shown as AC on the City of Porterville's Final Zoning Map. Land to the south of the Airpark Site is zoned IA, with land zoned PK to the immediate north and east.

Tulare County General Plan

The 2012 Tulare County General Plan 2030 Update (County General Plan) lays out the following objectives or "value statements":

- The beauty of the County and the health and safety of its residents will be protected and enhanced;
- The County will create and facilitate opportunities to improve the lives of all County residents;
- The County will protect its agricultural economy while diversifying employment opportunities;
- Every community will have the opportunity to prosper from economic growth; and
- Growth will pay its own way providing sustainable, high quality infrastructure and services.

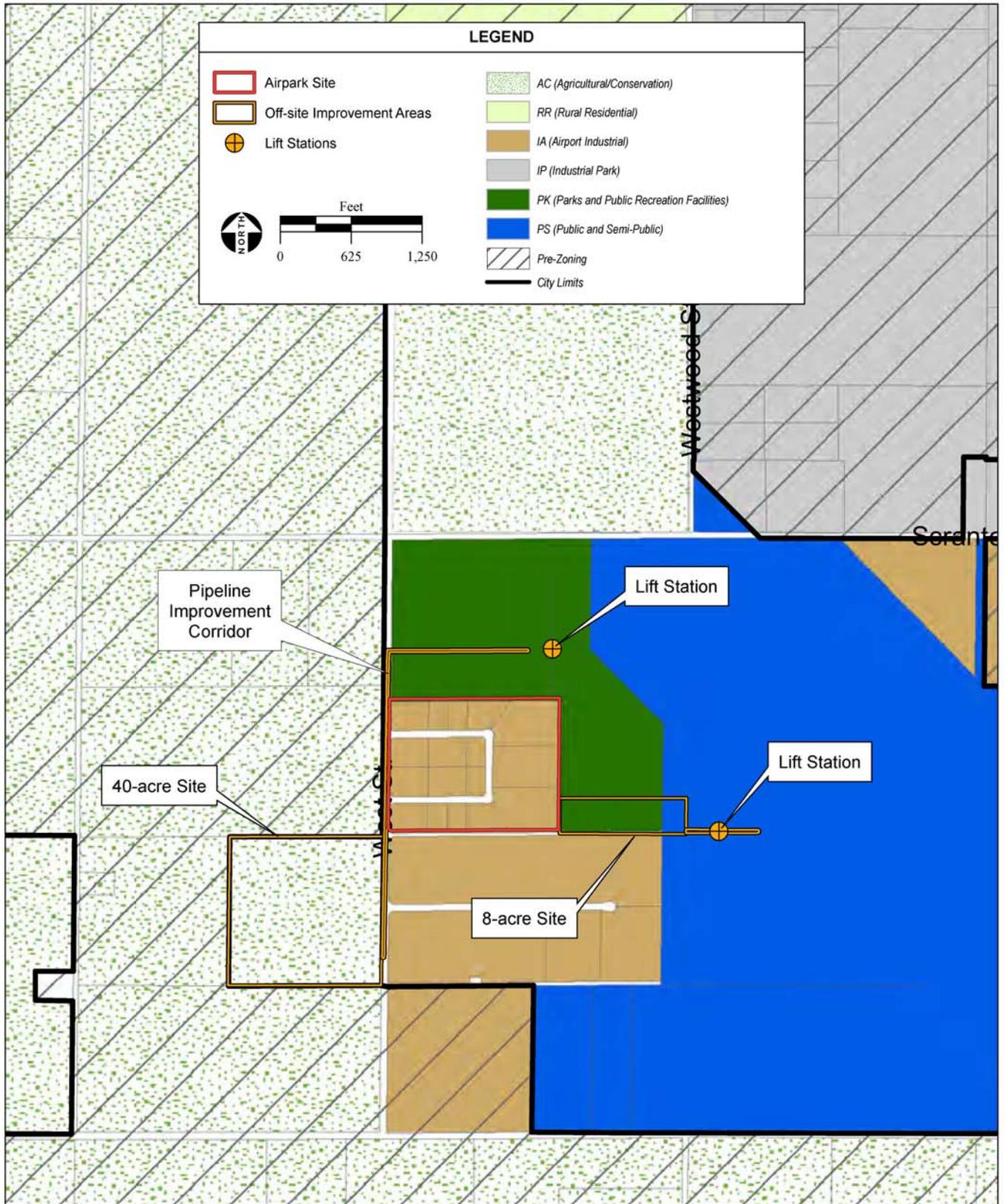


Figure 3.9-2
City of Porterville Zoning Designations

Originally adopted in 1964, the County General Plan was most recently revised and updated in 2012 for planning efforts through the year 2030. It is organized into three parts: the Goals and Policies Report, Area Plans, and existing planning documents. Part 1 consists of 14 planning elements that apply countywide, including the Land Use element, which outlines land use designations, permitted uses, and standards for development for each designation (Tulare County, 2012a).

3.9.2 ENVIRONMENTAL SETTING

Airpark Site

Regional Setting

The Airpark Site is located within the incorporated boundaries of the City of Porterville in Tulare County, California. The City is located on the eastern edge of the San Joaquin Valley, which is predominantly agricultural, and just west of the foothills of the Sierra Nevada mountain range. It is located approximately 30 miles southeast of the County seat, the City of Visalia, and approximately 17 miles east of State Route (SR) 99. Locally, the City is served by SR-65 and SR-190 (City of Porterville, 2008).

Local Land Use Setting

The approximately 40-acre Airpark Site property is comprised of 17 tax parcels and is bound by West Street to the west, a recreational area for off-road vehicles to the north and east, and a solar farm to the south. The Porterville Municipal Airport is immediately east of the Airpark Site.

The Airpark Site was originally divided into 17 separate parcels by the Tribe for the purpose of industrial development. Two parcels in the northeast of the site have been developed in accordance with this original plan and contain buildings and paved surfaces (City of Porterville, 2003). Currently, one of the buildings is used by the Tribe for administrative support and managing economic development programs; the other is leased by various governmental agencies (Tule River Tribe, 2016). The remaining parcels are undeveloped and consist mostly of cleared fields. Adjacent land uses include an off-highway vehicle (OHV) park owned by the City to the north and east, the Porterville Sports Complex to the north, and a photovoltaic power station (solar farm) operated by Southern California Edison (SCE) to the south. To the west are orchards and other agricultural uses in unincorporated the County. The Porterville Municipal Airport borders the Airpark Site to the east.

The City's zoning map designates the Airpark Site as IA (City of Porterville, 2012). This zoning district is intended to provide areas for the municipal airport and other businesses that have the potential to create adverse visual, noise, or other impacts to surrounding properties. No retail uses are allowed under this designation. Surrounding properties are zoned IA, PK, and AC (City of Porterville, 2016b).

Porterville Municipal Airport

The Porterville Municipal Airport, east of the Airpark Site, is a general/regional airport that is open to the public and experiences an average of approximately 119 aircraft operations per day. The majority (approximately 97 percent) of these operations are transient and local general flights (FAA, 2017c). The airport has a single 5,908 foot by 150 foot runway, which is angled northwest to southeast (Tulare County, 2012b). The northwest end of the runway is the closest portion of the runway to the Airpark Site, located approximately 1,600 feet from the site's northeast boundary.

The City is currently planning to obtain additional land southeast of the Porterville Municipal Airport in order to extend the runway to the southeast by 1,742 feet. A subsequent relocation of the northwestern end of the runway 650 feet to the southeast is also proposed. **Figure 3.9-3** shows the Airport Compatibility Zones planned for the Porterville Municipal Airport once the runway extension is complete. As shown in the figure, the Airpark Site is within the Airport Influence Area as well as its Traffic Pattern Zone.

Off-site Improvement Areas

The Off-site Improvement Areas are also located within the City. Because these areas would not be taken into trust, they would be subject to the previously described provisions in the City General Plan and Development Ordinance.

40-acre Site

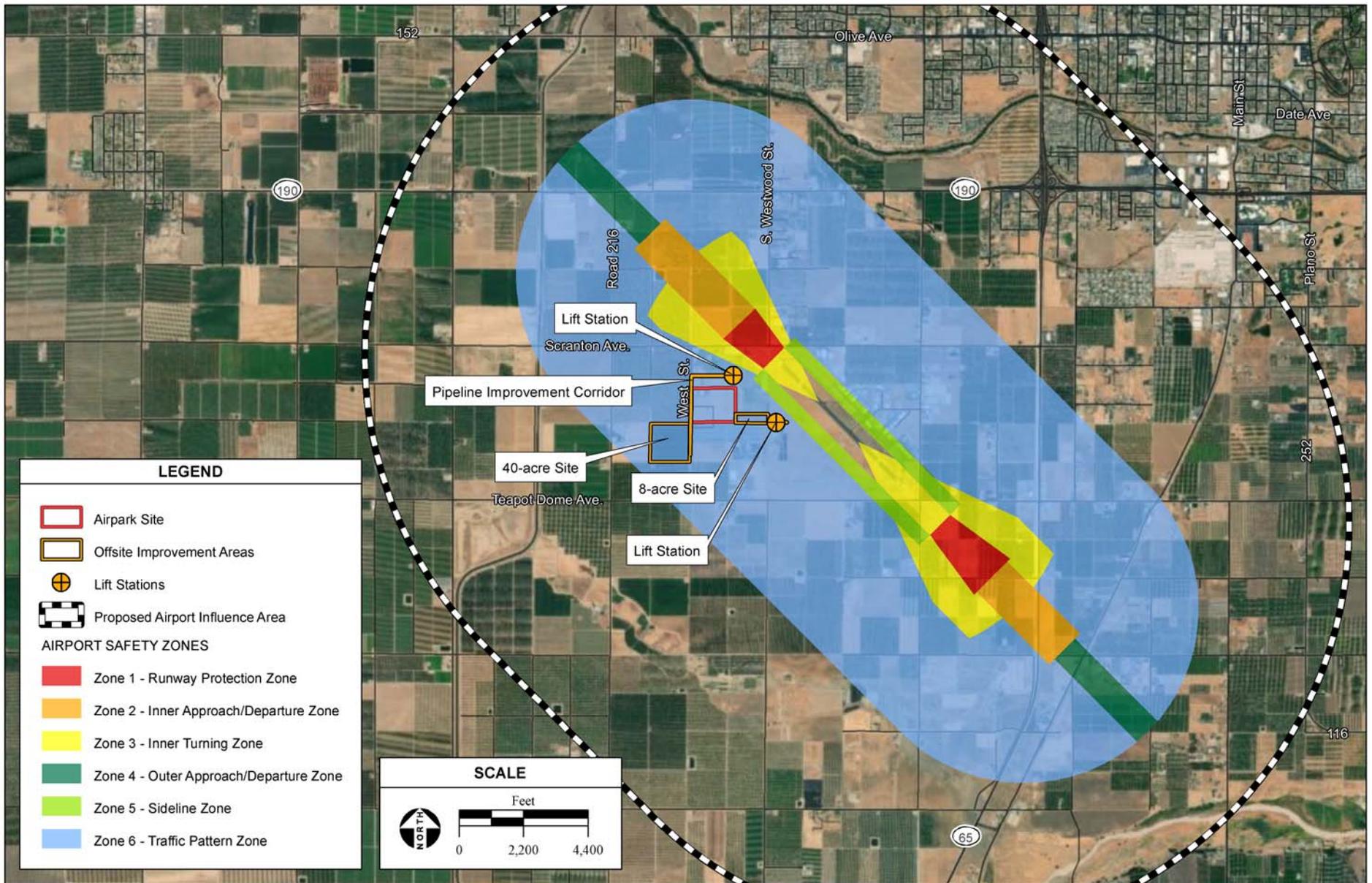
This parcel is located diagonally across West Street and adjacent to the solar farm south of the Airpark Site. The parcel is zoned AC (City of Porterville, 2012). With the exception of the solar farm, surrounding properties are undeveloped and include cleared fields and agricultural operations. The 40-acre site is currently used as a dispersal area for biosolids produced at the City's wastewater treatment plant (WWTP); it is leased to a farmer and irrigated with potable water for the cultivation of non-human consumption crops.

8-acre Site

This parcel is adjacent to the Airpark Site and the solar farm, located east of the former and north of the latter. The site was formerly used a shooting range. It is currently undeveloped and consists of cleared fields. The parcel is zoned PK (City of Porterville, 2012).

Lift Station and Pipeline Improvement Areas

The pipeline improvement area consists of a two pipeline routes and two sewer lift stations. One lift station is located on the edge of the Porterville Sports Complex on the adjacent property north of the Airpark Site; the other is located east of the 8-acre site.



SOURCE: Tulare County/Aries Consultants, Ltd, 9/27/2012; NAIP aerial photograph, 6/17/2014; AES, 2/12/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 3.9-3
Porterville Airport Safety Zones

Eagle Mountain Casino Site

The Eagle Mountain Casino Site is located within the Tribe's Reservation, approximately 17 miles east of the Airpark Site. The approximately 12-acre site is developed with the Tribe's existing Eagle Mountain Casino and associated facilities. To the southwest are tribal administrative offices, but the majority of the vicinity of the Eagle Mountain Casino Site is undeveloped, rural, and mountainous.

Because the site has already been taken into trust for the Tribe, local guidance documents such as the County General Plan are not applicable and have no bearing on planned future land uses on the Eagle Mountain Casino Site. There are no tribal land use plans that would apply to the site.

3.9.3 AGRICULTURE

The United States Department of Agriculture (USDA) performs a state-by-state census of agriculture every five years and collects census data from a list of all known potential agriculture operators. The census reports on various statistics relating to crop yields, farm acreage, and farm economics. Out of the total 3,112,320 acres in Tulare County, 1,239,000 acres (approximately 40 percent) were part of a farm. The market value of agricultural products sold by the 4,931 farms in Tulare County in 2012 was approximately \$401,707,300 (USDA, 2012).

Federal

Farmland Protection Policy Act

The Farmland Protection Policy Act is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It ensures that federal programs are administered in a manner that is compatible with state and local units of government and private programs and policies to protect farmland.

The Natural Resources Conservation Service (NRCS), an agency of the USDA, fulfills the directives of the Soil and Water Conservation Act by identifying significant areas of concern for the protection of our resources. NRCS uses a land evaluation and site assessment system to establish a Farmland Conversion Impact Rating (FCIR) score. This evaluation is completed on Form AD 1006 (FCIR Form). The FCIR Form has two components: the land evaluation, which rates soil quality up to 100 points, and the site assessment, which measures other factors that affect the farm's viability up to 160 points. The total FCIR score is used as an indicator for the project's sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level. Sites receiving a combined score of less than 160 (out of 260 possible points) do not require further evaluation; alternative project locations should be considered for sites with a combined score greater than 160 points.

State

Farmland Mapping and Monitoring Program (FMMP)

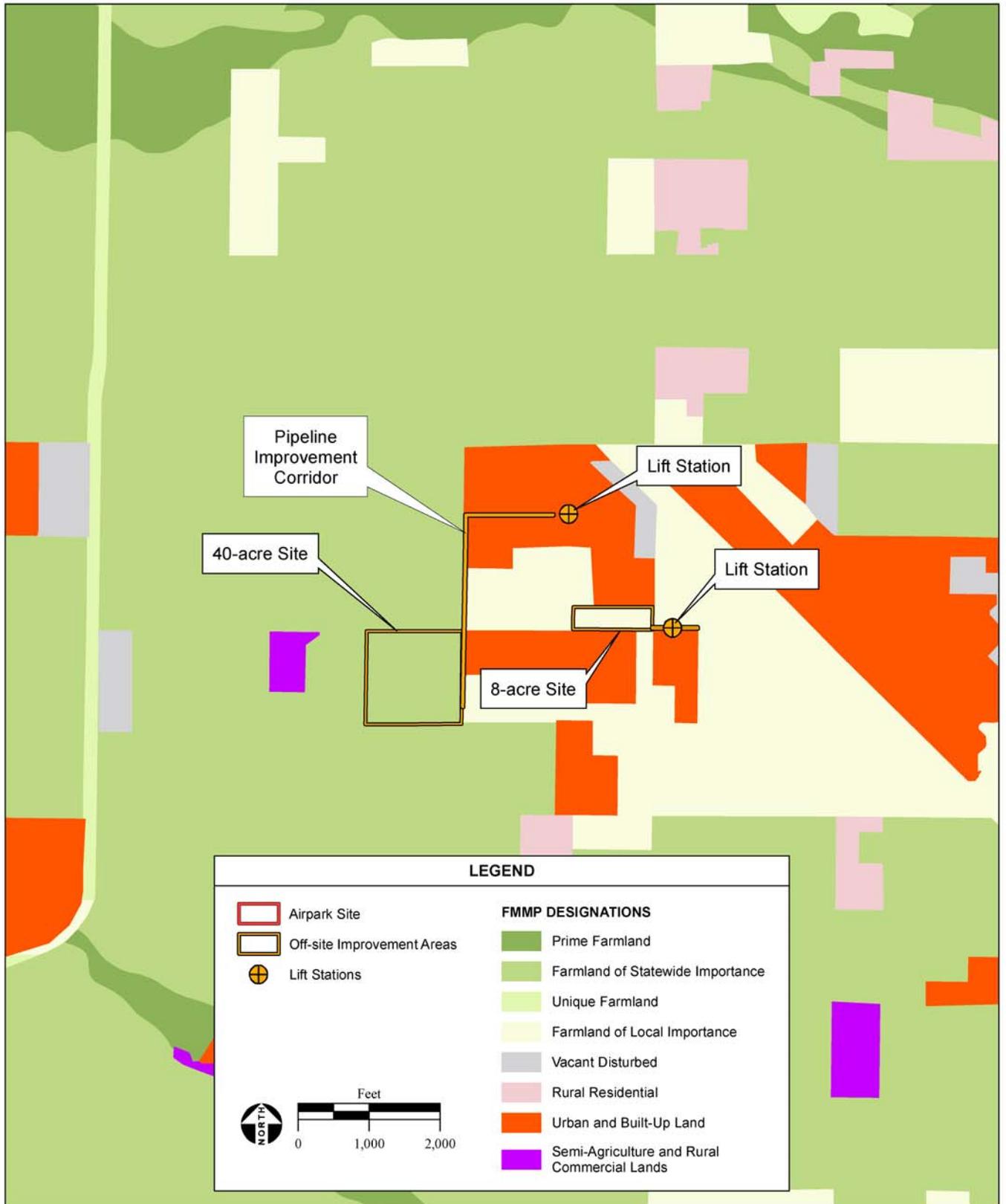
The State of California developed the Farmland Mapping and Monitoring Program (FMMP) to provide data to decision makers for use in planning for the present and future of California's agricultural land resources. To meet this goal, FMMP's objective is to provide maps and statistical data to the public; academia; and local, state, and federal governments to assist them in making informed decisions for the best utilization of California's farmland. The California Department of Conservation (DOC) classifies lands into seven agriculture-related categories: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, Urban and Built-up Land, and Other Land.

As shown on **Figure 3.9-4**, according to the FMMP, the majority Airpark Site and the entirety of the 8-acre site are classified as Farmland of Local Importance, while the northeast corner of the Airpark Site and the location of the lift stations are classified as urban and built-up land. Farmland of Local Importance is a designation applied to lands that produce dryland grains (barley and wheat); lands that have physical characteristics that would qualify for "prime" or "statewide important" farmlands except for the lack of irrigation water; and lands that currently support confined livestock, poultry, and/or aquaculture operations (FMMP, 2014).

The 40-acre site is designated Farmland of Statewide Importance, which indicates that the soil on the site has a good combination of physical and chemical properties for sustaining long-term agricultural operations, but with minor shortcomings (such as increased slopes or reduced ability to store moisture) that prevent the soil from being classified as Prime Farmland. Additionally, the land must have been used for irrigated agricultural production within four years prior to the mapping date in order to receive this rating (FMMP, 2014).

Williamson Act

The California Land Conservation Act of 1965, commonly known as the Williamson Act, is designed to preserve farmlands and open space lands by discouraging premature and unnecessary conversion to urban uses. Under the provisions of the Williamson Act, landowners contract with counties to maintain agricultural or open space use of their lands in return for a reduced property tax assessment. The contract is self-renewing and the landowner may notify the county at any time of intent to withdraw the land from its preserve status. Withdrawal involves a 10-year period of tax adjustment to full market value before protected open space can be converted to urban uses. Alternatively, landowners can petition the County Board of Supervisors to withdraw prematurely from a Williamson Act Contract. In order to cancel a contract without instituting the 10-year tax adjustment period, the Board of Supervisors make the required findings that the cancellation is consistent with the purposes of the Williamson Act, and that cancellation is in the public interest. In order to find that the cancellation is consistent with the Williamson Act, the Board of Supervisors must find the following:



SOURCE: CA Dept. of Conservation, Farmland Mapping and Monitoring Program, 2014; USDA FSA NAIP Aerial Photograph, 2014; AES, 2/12/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 3.9-4
Airpark Site FMMP Designations

1. That the cancellation is for land on which a notice of nonrenewal has been served;
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use;
3. That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan;
4. That cancellation will not result in discontinuous patterns of urban development; and
5. That there is no proximate, noncontracted land which is both available and suitable for the proposed use or that development of the contracted land would provide more contiguous patterns of urban development (Government Code [GC] §51282[b]).

In order to find that the cancellation is in the public interest, the Board of Supervisors must additionally find the following:

1. That other public concerns substantially outweigh the objectives of the Williamson Act; and
2. That there is no proximate, noncontracted land which is both available and suitable for the proposed use, or, that development of the contracted land would provide more contiguous patterns of urban development (GC §51282[c]).

In addition to the required findings, the landowner must also pay a cancellation fee equal to 12.5 percent of the unrestricted fair market value of the property.

California Civil Code Section 3482.5

California Civil Code Section 3482.5, also known as the Right to Farm Act, contains provisions to ensure that agricultural operations are not considered nuisances, so long as they do not obstruct navigable waterways or public areas. This ordinance supersedes any conflicting local regulations, but does not prohibit local jurisdictions from adopting ordinances that allow notification to those in close proximity to an agricultural activity that they are subject to the provisions of the Right to Farm Act.

Local

Tulare County Ordinance No. 2931

Commonly known as the Right-to-Farm Ordinance, Part VII, Chapter 29 of the Tulare County Ordinance Code was adopted to promote a good neighbor policy between agriculturalists and other residents by making clear what rights each has when they live near one another. The ordinance is designed to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help purchasers and residents understand the inconveniences that may occur as the natural result of living in or near agricultural areas. Policy AG-1.14 of the County General Plan involves noticing regarding this ordinance, as an acknowledgment that residents in the area should be prepared to accept the inconveniences and discomfort associated with normal farming activities and that an established agricultural operation shall not be considered a nuisance due to changes in the surrounding area (Tulare County, 2012).

Local Planning Documents

The City and County General Plans do not contain any provisions related to agricultural uses that are relevant to the Airpark Site or Off-site Improvement Areas.

Setting

Airpark Site

The Airpark Site is not designated for agriculture, nor are any agriculture activities currently occurring on the site. The Airpark Site is not currently under an active Williamson Act Contract (DOC, 2015).

Off-site Improvement Areas

40-acre Site

The 40-acre site, zoned as AC and located across West Street and south of the Airpark Site and included as part of the Off-site Improvement Areas, is currently under a Williamson Act Contract, which restricts land uses on that parcel to agricultural production only. The contract was filed in 1971 for an initial term of 10 years, and has renewed automatically on the first day of each subsequent year. As mentioned in **Section 3.9.2**, this parcel is currently used as a biosolids dispersal area; it is leased to a farmer who uses biosolids produced at the City's WWTP as fertilizer for non-human consumption crops.

8-acre Site

The 8-acre site is not located on land zoned or designated for agricultural use, and there are no agricultural operations currently occurring on site.

Lift Station and Pipeline Improvement Areas

These areas are not located on land zoned or designated for agricultural use, and there are no agricultural operations currently occurring on these areas.

Eagle Mountain Casino Site

There are no farming operations on the Eagle Mountain Casino Site nor infrastructure that would support land cultivation.

3.10 PUBLIC SERVICES

This section describes the existing environmental conditions for the alternative sites described in **Section 2.2**. The general and site-specific descriptions of public services contained herein provide the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**. The services that are addressed in this section include: water supply, wastewater treatment, solid waste, law enforcement, fire protection and emergency medical services, and electricity and natural gas. Schools, libraries, and parks are discussed in **Section 3.7, Socioeconomic Conditions**.

3.10.1 WATER SUPPLY

Airpark Site and Off-site Improvement Areas Setting

The Airpark Site and Off-site Improvement Areas are within the City of Porterville's (City's) boundaries and are therefore within the service area of the City's water system. A description of the City's water supply system is provided within the Water and Wastewater Study (Psomas, 2018a) included as **Appendix C** and summarized below.

Water Supply Infrastructure

According to the City's 2009 Groundwater Conditions Report, the municipal water system consists of 35 active wells, 5 hillside storage reservoirs, approximately 200 miles of pipelines, booster pump stations, storage tanks, and pressure reducing valves, all of which are managed by the City's Public Works Department (**Appendix C**). Most of the 35 active municipal wells are clustered in the western portion of the City, west of Plano Avenue and south of Westfield Avenue (Tulare County, 2014a). Groundwater in the western portion of the City is generally of a higher quality than that extracted from the City's hillier eastern regions. All active municipal wells produce water that satisfies State and federal drinking water quality regulations. Groundwater disinfection occurs at each of the well sites (**Appendix C**).

As described in **Section 2.3.3**, the Airpark Site is currently connected to the City's municipal potable water system via an 8-inch water main loop, which in turn connects to a 12-inch water main loop that runs parallel to West Street, West Scranton Drive, South Newcomb Street, and West Teapot Dome Avenue (see Figure 2 of **Appendix C**). The Airpark Site is within the Central Pressure Zone of the City's water system, which is served by a 3.0 million gallon (MG) Martin Hill storage reservoir, the 3.0 MG Scenic Heights storage reservoir, and the 0.3 MG Airport storage tank. The Airpark Site is within the service area of the Martin Hill storage reservoir is the closest to the Airpark Site, located approximately 4.3 miles east of the Airpark Site (**Appendix C**). The worst-case fire storage for the Martin Hill storage reservoir (the amount of fire storage necessary to handle the projected worst-case fire within the reservoir's service area) is estimated at approximately 960,000 gallons per day (gpd; 4,000 gallons per minute [gpm] for 4 hours) or greater (**Appendix C**).

None of the Off-site Improvement Areas are currently connected to the City's water supply system. The closest water main to the 40-acre site is a 12-inch water main that runs parallel to West Street and which runs directly adjacent to the eastern border of the site. This is the same 12-inch water main to which the existing 8-inch water main loop at the Airpark Site connects. The closest water main to the 8-acre site is a 4-inch water main that, at its nearest point, is directly adjacent to the site's southeast corner. This 4-inch main connects to a 10-inch water main that runs south of the Southern California Edison (SCE) solar array site, which in turn connects to the aforementioned 12-inch water main that runs parallel to West Street (City of Porterville, 2017e).

Water Supply Sources and Demand

The City relies almost exclusively on groundwater for supplying municipal water services. The City also purchases rights to about 900 acre-feet (AF) of surface water annually from the Pioneer Ditch Company and Porter Slough Ditch Company, but while some of this water is used to recharge the groundwater basin, historically most of the water has not been used by the City (Tulare County, 2014a). The City has indicated that in the future it will continue to use these supplies for groundwater recharge and potentially for landscape irrigation or as treated surface water (City of Porterville, 2015).

The recent statewide drought significantly affected the groundwater extraction capacity of both municipal and private wells in and around the City. Between 2010 and 2015, City groundwater production capacity declined by 28 percent, primarily due to the drought (**Appendix C**). Some of the City's wells saw reductions in production capacity as severe as 1,000 gpm, from 1,500 gpm around 2004 to 500 to 600 gpm in 2014 (Tulare County, 2014a). In 2015, the estimated average day demand and maximum day demand for the City was 7,388 gpm and 12,250 gpm, respectively, while the source capacity of the City's wells was approximately 11,965 gpm, or 98 percent of maximum day demand (**Appendix C**). In East Porterville, an unincorporated community adjacent to the City's eastern border, approximately 500 private wells went dry from 2012 to 2014. Tulare County (County) coordinated with the California Department of Water Resources (DWR) and State Water Resources Control Board (SWRCB) to create a new water supply system that would link those East Porterville residences without usable water to the City's water system. Phase I of the project began in August 2016 and was completed in March 2017 with the connection of 304 homes. By the end of 2017 the project is anticipated to have connected up to 1,002 residences in East Porterville to the City's water system (DWR, 2017). This expansion will require four or five new municipal wells to satisfy the area's estimated maximum day demand of 2.45 million gallons per day (MGD). Additionally, a 1.2 MG storage tank is being added and additional pumping capacity is needed to accommodate the East Porterville Area (**Appendix C**).

The City has undertaken policies to address the drought and its impacts, and is pursuing additional regulatory action. These policies include a Water Conservation Plan which establishes water conservation actions for five different phases of drought. In December 2016, the City entered Phase IV of its drought response protocol, the second highest level available, which imposed severe restrictions on

domestic and municipal water use. As of May 2017, the City has reverted to Phase III of its drought response protocol, which applies during periods of “significant water shortage” (City of Porterville, 2017b). Additionally, as described in **Section 3.3.1**, the City is participating in the Eastern Tule Groundwater Sustainability Agency (GSA) pursuant to the Sustainable Groundwater Management Act (SGMA). Because the San Joaquin Valley Groundwater Basin is a high priority basin that is characterized as critically overdrafted, the GSA must prepare a groundwater sustainability plan for the Tule Groundwater Sub-basin by 2020; as of May 2017, the plan has not yet been prepared (Porterville Recorder, 2017). With the exception of constructing new wells as required to supply water to the East Porterville area, the City is pursuing a moratorium on additional well construction until the groundwater sustainability plan is completed (**Appendix C**).

As part of the update to its Urban Water Management Plan and water, recycled water, and wastewater master plans, the City is considering multiple potential projects to expand the amount of potable and recycled water available to the municipal water system. Among these proposals is a plan to construct a water treatment plant to treat surface water diverted from the Tule River and/or the Friant Kern Canal, which would provide the system with a supplementary, non-groundwater source of potable water. Other water supply proposals include increasing groundwater recharge through either non-potable surface water or captured and repurposed storm water runoff. Proposed recycled water projects include the construction of satellite tertiary facilities to provide an unrestricted water source for landscape irrigation at City-owned facilities. Other proposals include various upgrades to the City’s primary wastewater treatment plant (WWTP) that would allow that facility to generate water for either groundwater replenishment or direct potable reuse (**Appendix C**).

Eagle Mountain Casino Site

The Eagle Mountain Casino Site is currently supplied by the Tule River Indian Tribe’s (Tribe’s) water supply system, which serves the majority of the Tule River Indian Reservation’s (Reservation’s) domestic, industrial, and other commercial users. A description of the Tribe’s water supply system is provided within the Water and Wastewater Study (Psomas, 2018a) included as **Appendix C** and summarized below.

The water system is managed by the Tribe’s Public Works Department (PWD). Inputs to the system’s water supply include groundwater from wells throughout the Reservation, spring water, and surface water. However, because the Reservation’s wells suffer from yield and water quality issues and the presence of carbon dioxide in many of the Reservation’s larger springs makes that water suitable only for agricultural use, water drawn from the South Fork of the Tule River (South Fork) makes up the vast majority of the system’s potable water supply (Tule River Tribe, 2013).

Diversions from the South Fork are currently governed by the *Agreement of 1922 Between the United States of America Acting through the Secretary of Interior and the South Tule Ditch Company (1922*

Agreement), executed on behalf of the Tribe by the Secretary of the Interior (Secretary). The 1922 Agreement does not quantify a water right for the Tribe; rather, it authorizes the Tribe to take more or less water from the South Fork, depending on the rate of instream flows at the time of diversion (Tule River Tribe, 2013). Water is diverted from the river to the Tribe's water treatment plant (WTP) via a 10-inch pipe. The WTP was upgraded in 2005 to increase its capacity from 150 gpm to approximately 300 to 350 gpm, which equates to about 500,000 gpd, or 562 acre-feet per year (AFY) at maximum production. The Reservation's estimated maximum day demand is 1,050 gpm, and the Tribe typically runs the WTP at maximum capacity in an attempt to satisfy this demand. Groundwater from the three active wells linked to the water system is relied upon to make up any supply deficits. However, water supplies have not been able to meet high demands in the late summer and early fall in many years due to the declining seasonal flows of the South Fork. Inadequate water supplies have affected economic development and the development of additional tribal housing, preventing off-reservation tribal members from relocating to the Reservation (**Appendix C**).

The water quality of the South Fork is generally good, though it sometimes exceeds Safe Drinking Water Act standards for turbidity and/or bacteria. These exceedances are likely a result of livestock grazing, erosion and sedimentation from road maintenance and construction, and leaching from septic systems. The Tribe currently obtains and tests water samples under a United States Environmental Protection Agency (USEPA) approved Quality Assurance Program Plan, as well as a Sampling and Analysis Program Plan (Tule River Tribe, 2013).

The water storage system is made up of a series of tanks ranging in size from 3,000 gallons to 200,000 gallons; one of these 200,000 gallon storage tanks is located on the Eagle Mountain Casino Site (**Appendix C**). However, due in part to faulty design, these tanks do not function as a coordinated storage system (Tule River Tribe, 2013). In 2013, a new 400,000-gallon storage tank was proposed to serve the Reservation's new Multi-Purpose Justice Center (Justice Center; **Appendix C**). The current distribution system consists of a 4-inch asbestos cement pipe that is roughly 50 years old, 6- and 8-inch distribution pipes of varying ages, and 1- and 2-inch pipes that connect individual—or, in one documented instance, up to five—homes to the water distribution system (Tule River Tribe, 2013). Individual homes are not metered, and few of the system's components are monitored regularly or thoroughly. The amount of water lost due to leakage may be significant, but the lack of metering and sufficient monitoring makes quantifying losses difficult (Tule River Tribe, 2013).

The amount of water used at the Eagle Mountain Casino Site is also not currently metered, but the amount of wastewater treated at the site's designated sequencing batch reactor (SBR) package WWTP is metered. Because there is no exterior water use at the Eagle Mountain Casino Site, the amount of wastewater processed at the WWTP is an adequate approximation of the amount of water used at the site. Thus, it is estimated that Eagle Mountain Casino uses water at a rate of approximately 30,000 gpd (**Appendix C**).

Current water storage within the Reservation's water system is estimated to be inadequate to deal with a major structure fire, particularly during periods of peak domestic demand (**Appendix C**).

3.10.2 WASTEWATER TREATMENT

Airpark Site and Off-site Improvement Areas Setting

The Airpark Site and Off-site Improvement Areas are within the City's boundaries and are therefore within the service area of the City's wastewater system. A description of the City's wastewater system is provided within the Water and Wastewater Study (Psomas, 2018a) included as **Appendix C** and summarized below.

The City maintains 150 miles of sewer pipelines, ranging in diameter from 6 to 36 inches, as well as 21 lift stations and associated force mains. As shown on Figure 3 of **Appendix C**, wastewater from the Airpark Site is conveyed to Lift Station No. 12, located north of the Airpark Site on the southern boundary of the Porterville Sports Complex, via 8-inch sewer pipelines that were built in 1995. From Lift Station No. 12, wastewater is conveyed south and east to Lift Station No. 7. There, it merges with wastewater conveyed north from the SCE solar array site and fair grounds, and is then carried north and east to Lift Station No. 17. Lift Station No. 17 discharges the wastewater into the City's primary 24-inch sewer pipeline, which carries flows northward to the City's WWTP, located at 1333 West Grand Avenue in Porterville, approximately 3.2 miles northeast of the Airpark Site.

The WWTP is operated under the terms of the City's National Pollutant Discharge Elimination System (NPDES) permit that was issued by the Central Valley Regional Water Quality Control Board (CVRWQCB) in 2001 as water discharge requirements (WDR) Order No. R5-2001-103 and renewed in 2008 as WDR Order No. R5-2008-0034. Secondary effluent from the WWTP is carried west and south away from the City via a 24-inch effluent pipeline that discharges into a 712-acre reclamation area southwest of the Airpark Site (**Appendix C**). During periods of low irrigation demand, secondary effluent is discharged into a 52-acre percolation disposal field south of the reclamation site (Tulare County, 2014a). The City's NPDES permit limits the amount of effluent from the WWTP discharged into the reclamation area to 5.3 MGD (CVRWQCB, 2008). The average influent flows at the WWTP have remained relatively constant over recent years, staying within a range of 4.6 to 4.8 (MGD) from 2007 to 2013. This average rate of flow is just under 58.8 percent of the WWTP's rated capacity of 8.0 MGD. Under the Standard Provisions and Reporting Requirements for Waste Discharges, the City would initiate planning for additional WWTP capacity when average influent flows reach 80 percent of existing capacity, or 6.4 MGD. Based on estimates of population growth and rates of per capita wastewater generation, the City anticipates an average influent flow of 12.5 MGD in 2030, or 11.3 MGD if the City General Plan's 10 percent water conservation goal is met (Tulare County, 2014a).

Since 2007, biosolid waste generated at the City's WWTP has been spread and disked into approximately 440 acres at select fields in the area, including the 40-acre site (CVRWQCB, 2008). The disposal of

biosolid waste is conducted under the General Biosolids Order (State Water Board Water Quality Order #2004-12-DWQ, General Waste Discharge Requirements for Discharge of Biosolids to Land for Use as Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities). The dispersal fields are irrigated with potable water from the municipal water supply to promote the growth of non-human consumption crops (**Appendix C**).

Neither the 40-acre site nor the 8-acre site is currently connected to the City's sewer system. The nearest influent wastewater pipeline to the 40-acre site is the southern branch of the 8-inch sewer pipeline that collects wastewater within the existing Airpark Site. The western terminus of that sewer pipeline is located less than 0.1 miles north and east of the northeast corner of the 40-acre site. The 40-acre site is also just under 0.2 miles from the western terminus of the northern branch of the 8-inch sewer pipeline that serves the Airpark Site, and is also under 0.2 miles from the western terminus of the 8-inch sewer pipeline that collects wastewater from the SCE solar array site. The nearest effluent pipeline to the 40-acre site is the primary 24-inch effluent pipeline that carries treated effluent directly from the City's WWTP; it parallels the site's entire southern border.

The nearest influent wastewater pipeline to the 8-acre site is the 8-inch sewer pipeline that carries wastewater south from Lift Station No. 12 to Lift Station No. 7, the latter of which is just east of the site. The 8-inch sewer pipeline passes north to south through the eastern portion of the 8-acre site. The nearest effluent pipeline to the 8-acre site is the primary 24-inch effluent pipeline that carries treated effluent directly from the City's WWTP; it parallels the site's entire eastern border.

As described in **Section 2.2.2** and shown on **Figure 2-3**, the Off-site Improvement Areas include the following components of the City's wastewater system: Lift Station No. 12, located north of the Airpark Site, which collects and pumps effluent from the Airpark Site, off-highway vehicle (OHV) park, and Porterville Sports Complex; an 800 linear foot, 10-inch sewer pipeline, located east of the Airpark Site, which carries the combined wastewater flows from Lift Station No. 12 and Lift Station No. 23 to Lift Station No. 7; Lift Station No. 7, located east of the Airpark Site, which pumps wastewater from the Airpark Site and surrounding properties to Lift Station No. 17; and a 20-linear foot, 6-inch force main, located east of the Airpark Site, which is associated with Lift Station No. 7 (**Appendix C**). The current conditions of these facilities is described below.

Lift Station No. 12 consists of a 5-foot diameter reinforced concrete pipe (RCP) that was constructed in 1985, while the single submersible pump it houses was recently replaced, circa 2015 and has a capacity of 236 gpm. The 6-inch polyvinyl chloride (PVC) force main associated with the lift station is in good condition, though some other mains in the region have suffered from struvite corrosion due to the use of secondary effluent for irrigation in the area (**Appendix C**).

The approximately 800 linear foot, 10-inch sewer pipeline that carries the combined wastewater flows pumped from Lift Station No. 12 and Lift Station No. 23 to Lift Station No. 7 is made of techite, a

fiberglass spun piping material. Techite is no longer used for sewer pipelines because it has been shown to lose its structural integrity over time; it is recommended that this pipe should be replaced under existing conditions (**Appendix C**).

Lift Station No. 7 is a 21-foot deep, 6-foot diameter RCP that was constructed in 1971, and it appears that neither of the two pumps it houses were updated in the subsequent 45+ years. Each individual pump's original and presumed maximum current capacity is 200 gpm, meaning the lift station would have an existing maximum capacity of approximately 400 gpm (City of Porterville, 1998). The pumps' motors are currently being repaired, but if the pumps are in fact 45+ years old, it is recommended that they be replaced under existing conditions (**Appendix C**). The approximately 20-linear foot, 6-inch force main that is associated with Lift Station No.7 is a cast iron pipe that is also 45+ years old. This pipe is deficient due to age and corrosion, and thus is recommended to be replaced under existing conditions (**Appendix C**).

Eagle Mountain Casino Site Setting

As noted above, the Eagle Mountain Casino Site is currently served by its own SBR WWTP. The WWTP has a rated capacity of 80,000 gpd, and treats an average wastewater flow of approximately 30,000 gpd. The casino WWTP is not connected to the Reservation's broader wastewater system. Wastewater generated at the casino WWTP is disposed of through a leach field complex located beneath the parking lot at the existing Eagle Mountain Casino Site. Of the five individual fields making up the leach field complex, two have failed and three are still in operation. Because the WWTP servicing the casino is over 20 years old, the Tribe intends to eventually phase it out of service and connect the Eagle Mountain Casino to the Reservation's community wastewater system (**Appendix C**).

A membrane bioreactor (MBR) WWTP managed by the Tribe's PWD is located approximately a mile from the Eagle Mountain Casino Site. The MBR has a rated capacity of 80,000 gpd and treats wastewater flows from throughout the Reservation, excluding the existing casino complex and residences with a private septic system. The average wastewater flow to the MBR is 25,000 to 30,000 gpd. The Tribe intends to eventually construct a second MBR, also with a capacity of 80,000 gpd, at the site of the existing MBR. The increased capacity provided by this second facility will be necessary as residences on the Reservation increasingly shift away from their current reliance on septic systems and subsequently connect to the communal wastewater system (**Appendix C**). Approximately 30 percent of the Reservation's 280 private septic systems are approaching a state of failure, with some already discharging at the surface (Tule River Tribe, 2013). Additionally, the dual MBR system would have the capacity to treat the wastewater generated by the existing Eagle Mountain Casino once its WWTP is phased out. Secondary effluent generated at the MBR is sprayed on adjacent hillsides for disposal and dust control (**Appendix C**).

3.10.3 SOLID WASTE SERVICES

Airpark Site and Off-site Improvement Areas Setting

The Airpark Site and Off-site Improvement Areas are within the service boundaries of the City's Field Services Division, which is responsible for the collection of solid waste within city limits. Commercial waste collection occurs six times per week. The Tulare County Resource Management Agency (RMA) is responsible for disposal of the waste collected within the incorporated city limits. Collected waste is conveyed to Teapot Dome Landfill at the intersection of Avenue 128 and Road 208 in unincorporated Tulare County (County). The landfill is located approximately 1.1 miles from the Airpark Site. Teapot Dome Landfill is operated by RMA and is a Class III landfill, indicating that it is suitable for non-hazardous materials. It is permitted to accept up to 600 tons of waste per day. All recyclables managed by RMA are conveyed to the Tulare County Recycling Complex, located approximately 21.6 miles northwest of the Airpark Site. The Recycling Center has a permitted capacity of 1,200 tons per day (Tulare County, 2014).

In 2014, it was projected that the Consolidated Waste Management Authority would close Teapot Dome Landfill within the following five years (Tulare County, 2014). After Teapot Dome Landfill's closure, the County anticipates constructing a transfer facility to convey solid waste collected in Porterville to the Visalia Landfill, approximately 29.8 miles northwest of the Airpark Site. The Visalia Landfill is a Class III facility with a permitted discharge capacity of 2,000 tons per day (or 730,000 tons per year), and has nearly 15 million cubic yards of available capacity. The Visalia Landfill has an estimated closure date of 2024 under existing conditions (CalRecycle, 2017c). However, there are approximately 100 acres of undeveloped land at the existing Visalia Landfill site into which the County intends to expand the landfill as it approaches capacity. Following this expansion, it is estimated that Visalia Landfill will be able to accommodate waste generated in the surrounding region for 30 to 40 years, assuming current growth projections (Tulare County, 2017a). Visalia Landfill, unlike Teapot Dome Landfill, is permitted to receive wastewater sludge (CVRWQCB, 2015). The Teapot Dome and Visalia landfills are currently the only two landfills operated by RMA, though it also operates six transfer stations (Tulare County, 2017a). In 2014, the City reported that it foresaw no potential issues with its capacity to continue to provide solid waste collection and disposal services to residential and commercial customers within City limits (Tulare County, 2014).

Eagle Mountain Casino Site Setting

All solid waste generated at the existing Eagle Mountain Casino is compacted on site. The Tribe contracts with Mid Valley Disposal, a private recycling and waste management company based in Kerman, California, to pick up and haul the compacted waste to Teapot Dome Landfill on a weekly basis (Clower, 2017).

3.10.4 LAW ENFORCEMENT SERVICES

Airpark Site and Off-site Improvement Areas Setting

The Airpark Site and Off-site Improvement Areas are within the service boundary of the Porterville Police Department (PPD), the headquarters of which are located at 350 North D Street in Porterville, California, approximately 4.2 miles north of the Airpark Site. The Airpark Site is within Sector 4 of the PPD's service area, which covers the southwestern portion of the City. PPD provides local police protection, including response to service calls, investigations, surveillance, and routine patrolling. PPD also provides specialized services, including narcotics investigation, hostage negotiation, and special weapons and tactics (PPD, 2017). In 2014, PPD had 24 uniformed officers and 22 civilian staff members, and fielded approximately 600 calls per day (Tulare County, 2014). Four officers and one sergeant are assigned to each service sector; at least one officer is on-call in each service sector at any given time (City of Porterville, 2017d). In March 2016, the City officially opened the Porterville Public Safety Building at 980 South Jaye Street near its intersection with State Route (SR) 190 in Porterville, California. The facility, located approximately 2.9 miles east of the Airpark Site, serves Sector 3 and Sector 4 of PPD's service area, and is designed to accommodate approximately 20 uniformed officers. Approximately 10 to 15 total PPD personnel currently staff the Public Safety Building (Contreras, 2017).

Secondary service to the Airpark Site is provided under the terms of a mutual aid agreement with the Tulare County Sheriff's Department (TCSD), which operates out of its Porterville Substation at 379 North 3rd Street in Porterville, California. The substation is approximately 4.4 miles northeast of the Airpark Site. The Airpark Site is within Beat 20B of the TCSD's service area, which encompasses most of the City. TCSD is divided into six service units, including court services, civil affairs, personnel and training, internal affairs, and patrol services. TCSD had 592 sworn officers and 252 support staff in (FY) 2014-15 and received 254,958 total calls for service (TCSD, 2015).

The California Highway Patrol (CHP) responds to all traffic related incidents in the unincorporated County. Additionally, CHP responds to all incidents on SR-65 and SR-190 within the City. The City and County are located within the CHP Central Division. The Central Division oversees thousands of miles of roadway within 15 counties (CHP, 2017a). The Central Division is comprised of 15 Area Offices, 3 Residential Posts, and 2 Commercial Vehicle Enforcement Facilities. The Central Division headquarters are located at 5179 North Gates Avenue in Fresno, California. The closest CHP regional office to the Airpark Site is the Porterville office, located at 861 West Morton Avenue in Porterville, California, approximately 3.5 miles northeast of the Airpark Site. The Porterville office is tasked with patrolling state highways and unincorporated roadways in and around the cities of Porterville and Lindsay, as well as the townships of Strathmore, Terra Bella, Ducor, Poplar, Woodville, Plainview, Richgrove, and Springville (CHP, 2017b).

Eagle Mountain Casino Site Setting

Enacted in 1953, Public Law 83-280 (PL-280) mandatorily conferred criminal jurisdiction in Indian Country from the federal government to the state level in six states, and allowed other states the option of similarly expanding their criminal jurisdiction. California is one of the six “mandatory PL-280” states. Pursuant to PL-280, the State of California has exclusive criminal jurisdiction in Indian Country in all cases involving a non-Indian offender, regardless of whether the victim is Indian or non-Indian, as well as for victimless crimes with non-Indian offenders. In criminal cases in Indian Country involving an Indian offender, including victimless crimes, the State and tribal governments have concurrent jurisdiction.

The Eagle Mountain Casino Site is under the primary jurisdiction of the Tribal Police Department (TPD), which operates under the Tribe’s Department of Public Safety (DPS). TPD currently has eight officers; four of whom are dedicated to the more mountainous eastern portion of the Reservation; these officers provide wilderness patrol-type services. The remaining four officers are divided among the Reservation’s four community service sectors, with one officer assigned to each sector. DPS also oversees a division of 16 unarmed Community Service Officers, who respond to public service calls and some reports of criminal activity (Viscano, 2017).

TCSD provides additional law enforcement services to the Reservation, including the Eagle Mountain Casino Site, through the terms of a mutual aid agreement with the Tribe (Foothills Sun-Gazette, 2017). Since 2014, TCSD has had personnel stationed at the Tribe’s Justice Center, which is located approximately 1.7 miles west of the Eagle Mountain Casino Site. Additional personnel respond to calls on the Reservation from TCSD’s Porterville Patrol Substation, located approximately 13.5 miles from the Eagle Mountain Casino Site.

The existing Eagle Mountain Casino generated 32 total calls for service to TCSD from January 2018 through April 2018, which resulted in 18 total arrests. On average, this is 8 calls per month and 4.5 arrests per month. During this same time period, DPS responded to 14 calls for service at the Casino, for an average of 3.5 calls per month (Tule River Tribe Gaming Commission, 2018).

Emergency medical service (EMS) and security personnel from Tule River Tribal Gaming Security (Gaming Security), which operates under the authority of the Tribe’s Gaming Commission Agency (Gaming Commission), enforce gaming, health, and safety regulations and respond to calls for medical attention at the Eagle Mountain Casino Site. Gaming Security staff includes 35 full-time and 3 part-time security personnel, 8 of whom are full-time EMS officers. There are currently six unfilled vacancies for full-time security positions. The Gaming Commission’s Compliance and Surveillance Departments investigate any alleged and actual gaming violations that occur at Eagle Mountain Casino. The Gaming Commission commonly partners with TCSD’s Tulare Area Gang and Narcotics Enforcement Team to conduct narcotics operations at the Eagle Mountain Casino Site (Porterville Recorder, 2016).

CHP responds to all traffic related incidents in the unincorporated County, including those on roadways within and in the immediate vicinity of the Reservation. The Reservation, like the Airpark Site, is located within the CHP Central Division (CHP, 2017a). The closest regional office to the Eagle Mountain Casino Site is the Porterville office, which is located approximately 14.7 miles west of the Eagle Mountain Casino Site. Additionally, offices within the Justice Center are designated for use by CHP.

3.10.5 FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

Airpark Site and Off-site Improvement Areas Setting

The Airpark Site and Off-site Improvement Areas are within the service boundary of the City of Porterville Fire Department (PFD) operating out of Station 3, which is located within the new public safety building at 980 South Jaye Street in Porterville, California, approximately 2.9 miles east of the Airpark Site. Station 3 has a crew of 12 full-time uniformed personnel and operates on a 3-shift rotation. At any given time the station is staffed by four personnel, including one lieutenant, one engineer, and two firefighters (City of Porterville, 2017c). The station has three vehicles, including one patrol vehicle, one fire engine, and one backup fire engine (Hall, 2017).

PFD provides a range of services, including but not limited to fire suppression, emergency medical response, technical rescue, wild-land interface firefighting, and fire prevention. Its Operations Division includes 36 full-time and up to 30 reserve firefighters. In 2015, PFD responded to 5,018 incidents, including 219 incidents of fire and 3,484 incidents requiring rescue and EMS. PFD's internally-imposed fire response standard for the first arriving engine is five minutes and 30 seconds in 90 percent of cases. In 2015, PFD reached that response time in 80.2 percent of fire incidents. PFD's internally imposed response standard for EMS calls is the arrival of the first emergency medical unit with two medical technicians within five minutes in 90 percent of cases. In 2015, PFD met that response time in 79.7 percent of EMS incidents (PFD, 2016).

Tulare County Fire Department (TCFD) provides secondary EMS to the Airpark Site area via a mutual aid agreement. TCFD serves the area out of its West Olive Fire Station (Fire Station #19) at 22315 Avenue 152 in Porterville, CA, approximately 2.3 miles north of the Airpark Site. The West Olive station is staffed by 17 personnel and has a fleet of three vehicles, including one patrol vehicle (Patrol 19), one fire engine (Engine 19), and one water tender (Water Tender 19) (Tulare County, 2017b). TCFD's Emergency Service Division has a combined total of over 400 full-time firefighters and supplementary on-call personnel. TCFD responds to approximately 12,000 service calls per year (TCFD, 2017).

The only medical facility in the region with a full-service emergency department is the Sierra View Medical Center (Sierra View), located at 465 West Putnam Drive in Porterville, California, approximately 3.6 miles northeast of the Airpark Site. The emergency department is open 24 hours a day and is staffed by physicians, physicians' assistants, registered nurses, trained vocational nurses, and additional support staff. The emergency department receives approximately 160 patient visits per day and over 50,000 visits

per year (Sierra View, 2017). The emergency department currently has 22 beds, but an expansion plan is in place to double the number of beds to 44 within the next two to three years (Cunningham, 2017).

Eagle Mountain Casino Site Setting

The Eagle Mountain Casino Site is within the service area of the Tribe-managed Tule River Fire Department (TRFD), which was established in June 2006. TRFD's headquarters are located within the Reservation at 299 South Reservation Road, less than a mile from the Eagle Mountain Casino Site. TRFD's service area includes the entirety of the roughly 90-square mile Reservation, and it also provides services to residences in the unincorporated County lands that neighbor the Reservation through mutual and automatic aid contracts. The current staff includes 14 fulltime fire personnel, with four personnel on duty at any given time. TRFD has a 2011 Pierce PUC Type 1 fire apparatus, a 2010 Type 2 BLS ambulance, a 2008 Type 4 Patrol, and an ATV in active service, as well as a 1990 Type 2 FMC fire apparatus and a Type 2 BLS ambulance in reserve (TRFD, 2017).

TCFD provides also fire protection and emergency medical services to the Eagle Mountain Casino Site. TCFD typically handles service calls at the site by dispatching units from one or more of five stations. The names of these stations, as well as their approximate distances from the Eagle Mountain Casino Site, their total personnel, and the number of calls each responded to at Eagle Mountain Casino in 2013, are provided in **Table 3.10-1**. Historically, the Doyle Colony, West Olive, and Springville stations are most likely to respond to service calls at the Eagle Mountain Casino Site, but units may be sent from Strathmore or Terra Bella if engines at the primary stations are unavailable. In the 2013 calendar year, these five stations responded to a total of 3,118 calls, and responded to 49 calls at the Eagle Mountain Casino Site (TCIGLCBC, 2014).

TABLE 3.10-1
TCFD STATIONS SERVING THE EAGLE MOUNTAIN CASINO SITE

Station Name	Approximate Distance from Eagle Mountain Casino Site (Miles)	Total Personnel (2013)	Number of Service Calls Responded to at Eagle Mountain Casino (2013)
Springville	7.2	10	23
Doyle Colony	11.6	21	18
Terra Bella	15.6	8	4
West Olive	16.6	17	2
Strathmore	17.7	12	2
Source: TCIGLCBC, 2014.			

The only medical facility in the region with a full-service emergency department is the Sierra View, described above, which is located approximately 14.1 miles west of the Eagle Mountain Casino Site.

3.10.6 ENERGY AND NATURAL GAS

Airpark Site and Off-site Improvement Areas Setting

SCE provides electrical services to the Airpark Site and the vicinity. Underground electrical utility lines run beneath the Airpark Site, and electrical poles line West Street along the western boundary of the property. Southern California Gas Company (SoCalGas) provides natural gas services to the Airpark Site and the vicinity. There are no electrical or natural gas utility lines currently serving the Off-site Improvement Areas.

Southern California Edison)

SCE generates, transmits, and distributes electric power to a 50,000-square mile territory that includes the County and all or portions of Mono, Madera, Fresno, Inyo, Kings, Kern, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and Imperial counties. As of 2014, SCE was the third largest publicly-owned utility in the country in terms of customers served. SCE obtains electricity from a variety of sources, including hydrological dams, cogeneration plants, advanced renewable sources such as wind, solar, and biomass/landfill gas power, and obtains additional energy on the wholesale market (SCE, 2017a). In 2013, SCE operated 33 hydroelectric plants, 5 gas-fired peaking units, 1 combined-cycle gas plant, 1 diesel-driven electric generating plant, 24 rooftop solar photovoltaic (SPV) plants, and 1 ground-based SPV plant (SCE, 2013). SCE operates a 32-acre, 29,400-panel solar array directly adjacent to the Airpark Site's southern border. At the time of its completion, the solar array was the State's largest investor-owned utility SPV power plant. It can generate 6.7 megawatts (MW) of electricity, enough to power 4,300 homes (SCE, 2010).

The region in which the Airpark Site is located is served by SCE's Poplar 66/12 kilovolt (kV) Substation, located approximately 4.3 miles southwest of the Airpark Site. The Poplar Substation is part of SCE's Vestal 220/66 kV System and has a maximum generation capacity of approximately 31.4 MW (SCE, 2017b). SCE is currently planning an expansion of the capacity of the Poplar Substation; construction is anticipated to begin in 2018 and is projected to be completed by the end of 2019 (Garcia, 2017).

Southern California Gas Company

SoCalGas provides natural gas service to approximately 21.6 million consumers in over 500 communities within a 20,000-square mile service area in Central and Southern California. SoCalGas, the nation's largest natural gas distribution utility, provides natural gas service to customers throughout the County, including Porterville. SoCalGas maintains 101,000 miles of natural gas distribution pipelines and delivers approximately 2.8 million cubic feet of natural gas per day via nearly 5.8 million metered connections (SoCalGas, 2013).

Natural gas is provided to the Airpark Site via a 2-inch SoCalGas distribution line that runs beneath Yowlumne Avenue, Yaudanchi Street, and the eastern portion of Wukchimni Avenue on the Airpark Site. The 2-inch line connects to a 4-inch SoCalGas distribution line that runs beneath West Street at the

intersection of West Street and Yowlumne Avenue, just beyond the western boundary of the Airpark Site (SoCalGas, 2017).

Eagle Mountain Casino Site Setting

Electrical service to the Reservation, including the Eagle Mountain Casino Site, is provided by SCE, described above (Tule River Tribe, 2015). No existing natural gas service lines connect to the site. The Eagle Mountain Casino instead uses liquid propane, which is delivered by Delta Liquid Energy (DLE).

Southern California Edison

Electricity is provided to the Eagle Mountain Casino Site by SCE's Boxwood 66/12 kV Substation, which is located in Springville, CA approximately 6.8 miles north of the Eagle Mountain Casino Site. The Boxwood Substation is part of SCE's Springville 220/66 kV System and has a maximum generation capacity of approximately 12.1 MW (SCE, 2017b).

Delta Liquid Energy

DLE is a private liquid propane distribution company based in Santa Rosa, California, with 10 regional offices located throughout Central and Southern California. Their facilities include nine bulk plants, two rail terminals with propane storage infrastructure, and an RV parts store. DLE supplies liquid propane to residential, commercial, industrial, and agricultural customers (DLE, 2017).

3.11 NOISE

This section describes the existing noise conditions at the alternative sites described in **Section 2.2**. The general and site-specific description of the noise setting contained herein provides the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**.

3.11.1 ACOUSTICAL BACKGROUND AND TERMINOLOGY

Sound is defined as any pressure variation in air that the human ear can detect, and is technically described in terms of loudness (amplitude) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The dB scale uses the hearing threshold (20 micropascals of pressure), as a point of reference, defined as 0 dB. Other sound pressures are then compared to the reference pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the dBA sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels in dB.

Community noise is commonly described in terms of the “ambient” noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent sound level (Leq) over a given time period (usually one hour). The Leq is the foundation of the Day-Night Average Level (Ldn) noise descriptor, and shows very good correlation with community response to noise. The Ldn is based upon the average noise level over a 24-hour day, with a +10 dB weighting applied to noise occurring during nighttime (10:00 PM to 7:00 AM) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were louder than daytime exposures. Because Ldn represents a 24-hour average, it tends to disguise short-term variations in the noise environment. Ldn-based noise standards are commonly used to assess noise effects associated with traffic, railroad, and aircraft noise sources. **Table 3.11-1** contains definitions of acoustical terminology used in this section and **Section 4.0**. **Table 3.11-2** shows examples of noise sources and their effects on humans, which correspond to various, sound levels.

Effects of Noise on People

The effects of noise on people fall into three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction;
- Interference with activities such as speech, sleep, and learning; and
- Physiological effects such as hearing loss or sudden startling.

TABLE 3.11-1
ACOUSTICAL TERMINOLOGY

Terms	Definitions
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dBA	Sound pressure level in dBs as measured on a sound level meter using the A-weighting filter network, which de-emphasizes very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, Leq	The average A-weighted noise level during the measurement period.
Day/Night Noise Level, Ldn	The average noise level (in dBA) during a 24-hour day, obtained after addition of 10 dB to levels measured in the night between 10:00 PM and 7:00 AM
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Source: FHWA, 2011.	

TABLE 3.11-2
TYPICAL A-WEIGHTED SOUND LEVELS

Common Noises	Noise Level (dBA)	Effect
Threshold of pain	140	Painfully loud
Jet takeoff (200 feet)	130	Limits of amplified speech
Heavy equipment	120	Maximum vocal effort
Night club (with music)	110	Very annoying
Construction site	100	Annoying
Boiler room	90	
Freight train (100 feet)	80	Telephone use difficult
Classroom chatter	70	
Conversation (3 feet)	60	
Urban residence	50	Quiet
Soft whisper (5 feet)	40	
North Rim of Grand Canyon	30	Very quiet
Silent study room	20	
Normal breathing ¹	10	Just audible
Threshold of hearing	0	Hearing begins
Notes: 1 - Caltrans, 2018 Source: OSHA, 2015.		

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise, or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists, and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Human reaction to a new noise can be estimated through comparison of the new noise to the existing ambient noise level within a given environment. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will likely be judged by the recipients. With regard to increases in dBA noise levels, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in human response would be expected.
- A 10-dBA change is subjectively heard as approximately a doubling in loudness and can cause adverse response.

Noise effects on humans can be physical or behavioral in nature. The mechanism for chronic exposure to noise leading to hearing loss is well established. The elevated sound levels cause trauma to the cochlear structure in the inner ear, which gives rise to irreversible hearing loss. Though not considered a health effect similar to those noted above, noise pollution also constitutes a significant factor of annoyance and distraction in modern artificial environments:

- The meaning listeners attribute to the sound influences annoyance; if listeners dislike the noise content, they are annoyed.
- If the sound causes activity interference (for example, sleep disturbance), it is more likely to annoy.
- If listeners feel they can control the noise source, it is less likely to be perceived as annoying.
- If listeners believe that the noise is subject to third party control, including police, but control has failed, they are more annoyed.

Generally, most noise is generated by transportation systems, principally motor vehicle noise, but also including aircraft noise and rail noise. The level of traffic noise depends on three things: 1) the volume of the traffic, 2) the speed of the traffic, and 3) the number of trucks in the flow of the traffic. Because noise is measured on a logarithmic scale, 70 dBA plus 70 dBA does not equal 140 dBA. Instead, two sources of equal noise added together have been found to result in an increase of 3 dBA. That is, if a certain volume of traffic results in a noise level of 70 dBA, the addition of the same volume of traffic, or doubling, would result in a noise level of 73 dBA (Caltrans, 2013). As stated above, three dBA is just

audible; therefore, if a project doubles the traffic volume there would be an audible increase in the ambient noise level.

Stationary point sources of noise attenuate (lessens) at a rate of 6 to 9 dBA per doubling of distance from the source, depending on environmental conditions (i.e., atmospheric conditions and noise barriers, vegetative or manufactured, etc.). Widely distributed noises, such as a large industrial facility or a street with moving vehicles would typically attenuate at a lower rate, approximately 4 to 6 dBA per doubling of distance.

3.11.2 REGULATORY SETTING

Federal Highway Administration (FHWA) Construction Noise Thresholds

The Federal Highway Administration (FHWA) provides construction noise level thresholds in its Construction Noise Handbook, 2006, which are presented as **Table 3.11-3**.

TABLE 3.11-3
FEDERAL CONSTRUCTION NOISE THRESHOLDS

Noise Receptor Locations and Land Uses	Daytime (7 am - 6 pm)	Evening (6 pm - 10 pm)	Nighttime (10 pm - 7 am)
	dBA, Leq ¹		
Noise-Sensitive Locations (residences, institutions, hotels, etc.)	78 or Baseline + 5 (whichever is louder)	Baseline + 5	Baseline + 5 (if Baseline < 70) or Baseline + 3 (if Baseline > 70)
Commercial Areas (businesses, offices, stores, etc.)	83 or Baseline + 5	None	None
Notes: 1 - Leq thresholds were empirically determined (FHWA, 2006a). Source: FHWA, 2006a.			

Federal Noise Abatement Criteria (NAC)

Operational noise standards used in this study are FHWA Noise Abatement Criteria (NAC) for the assessment of noise consequences related to surface traffic and other project-related noise sources. These standards are discussed below.

The FHWA establishes NAC for various land uses that have been categorized based upon activity. Land uses are categorized on the basis of their sensitivity to noise as indicated in **Table 3.11-4**. The FHWA NAC is based on peak traffic hour noise levels. Sensitive receptors with the potential to be impacted by the project alternatives include residential land uses and recreational areas within the City of Porterville (City); thus, the Category B noise standard (67 dBA Leq) would apply.

TABLE 3.11-4
FEDERAL NOISE ABATEMENT CRITERIA HOURLY A-WEIGHTED SOUND LEVEL DECIBELS¹

Activity Category	Activity Criteria Leq (h), dBA	Evaluation Location	Activity Category Description
A	57	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67	Exterior	Residential.
C	67	Exterior	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails and trail crossings.
D	52	Interior	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E ¹	72	Exterior	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A-D or F.
F	--	--	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, shipyards, utilities (water resources, water treatment, electricity), and warehousing.
G	--	--	Undeveloped lands that are not permitted.
Notes: 1 - Includes undeveloped lands permitted for this activity category. Source: FHWA, 2006b.			

Federal Vibration Standards

The effects of groundborne vibrations typically cause only a nuisance to people, but at extreme vibration levels, damage to buildings may occur. Although groundborne vibration can be felt outdoors, it is typically an annoyance only indoors, where the associated effects of the building shaking can be notable. Groundborne noise is an effect of groundborne vibration and only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room and may consist of the rattling of windows or dishes on shelves.

Peak particle velocity (PPV) is often used to measure vibration. PPV is the maximum instantaneous peak (inches per second) of the vibration signal. The PPV levels are used to estimate L_v or V_{dB} levels (vibration decibels with a reference velocity of one micro-inch per second). Scientific studies have shown that human responses to vibration vary by the source of vibration, which is either continuous or transient. Continuous sources of vibration include construction, while transient sources include truck movements. Generally, the thresholds of perception and annoyance are higher for transient sources than for continuous sources. **Table 3.11-5** summarizes the Federal Transportation Administration's (FTA's) guideline vibration damage criteria for various structural categories. As shown therein, buildings extremely

susceptible to vibration damage could be damaged if vibration levels exceed 90 VdB. Additionally, although sensitive receptors have a perceptibility threshold of 65 VdB, they begin to exhibit a significant response at 70 VdB for ground-borne vibration (FTA, 2006a). Background vibration velocity in residential areas is usually 50 VdB or lower.

TABLE 3.11-5
CONSTRUCTION VIBRATION DAMAGE CRITERIA

Building Category	Approximate L _v (VdB)
Reinforced-concrete, steel, or timber (no plaster)	102
Engineered concrete and masonry (no plaster)	98
Non-engineered timber and masonry buildings	94
Buildings extremely susceptible to vibration damage	90
Source: FTA, 2006a.	

Local Planning Documents – Noise Element

The Noise Element in the City of Porterville General Plan contains noise level performance standards for land uses that would be affected by noise. The City's normally acceptable standard for community noise exposure level (CNEL) is 60 dB for residential land uses and 70 dB for commercial uses (City of Porterville, 2008). The City's conditionally acceptable standard for CNEL is 75 dB for sports areas and outdoor spectator sports; the Noise Element does not identify a normally acceptable standard for these uses (City of Porterville, 2008). As stated in the City noise ordinance (18-90.6), noise sources associated with construction are exempt from City noise standards provided that construction activities do not take place before 6:00 AM or after 9:00 PM on any day except Saturday or Sunday, or before 7:00 AM or after 5:00 PM on Saturday or Sunday.

3.11.3 ENVIRONMENTAL SETTING

Airpark Site

Existing Noise Levels

Existing noise levels in the vicinity of the Airpark Site were measured at locations adjacent to sensitive noise receptors and where project-related noise has the potential to raise the ambient noise level. Measurement equipment consisted of Quest Sound Pro SE/DL sound level meters. An acoustical calibrator was used to calibrate the sound level meter before and after use. All instrumentation satisfies the Type II (precision) requirements.

Sources of existing ambient noise in the vicinity of the Airpark Site includes operation of farm equipment, vehicles traveling on local roadways, the off-highway vehicle (OHV) park north of the site and the Porterville Municipal Airport located east of the site. Noise measurements were taken at the locations shown in **Figure 3.11-1**. As shown in **Table 3.11-6**, readings at noise measurement Sites 1, 2, and 3 were collected over a 24-hour period and measurements at Sites A and B show a 15-minute noise

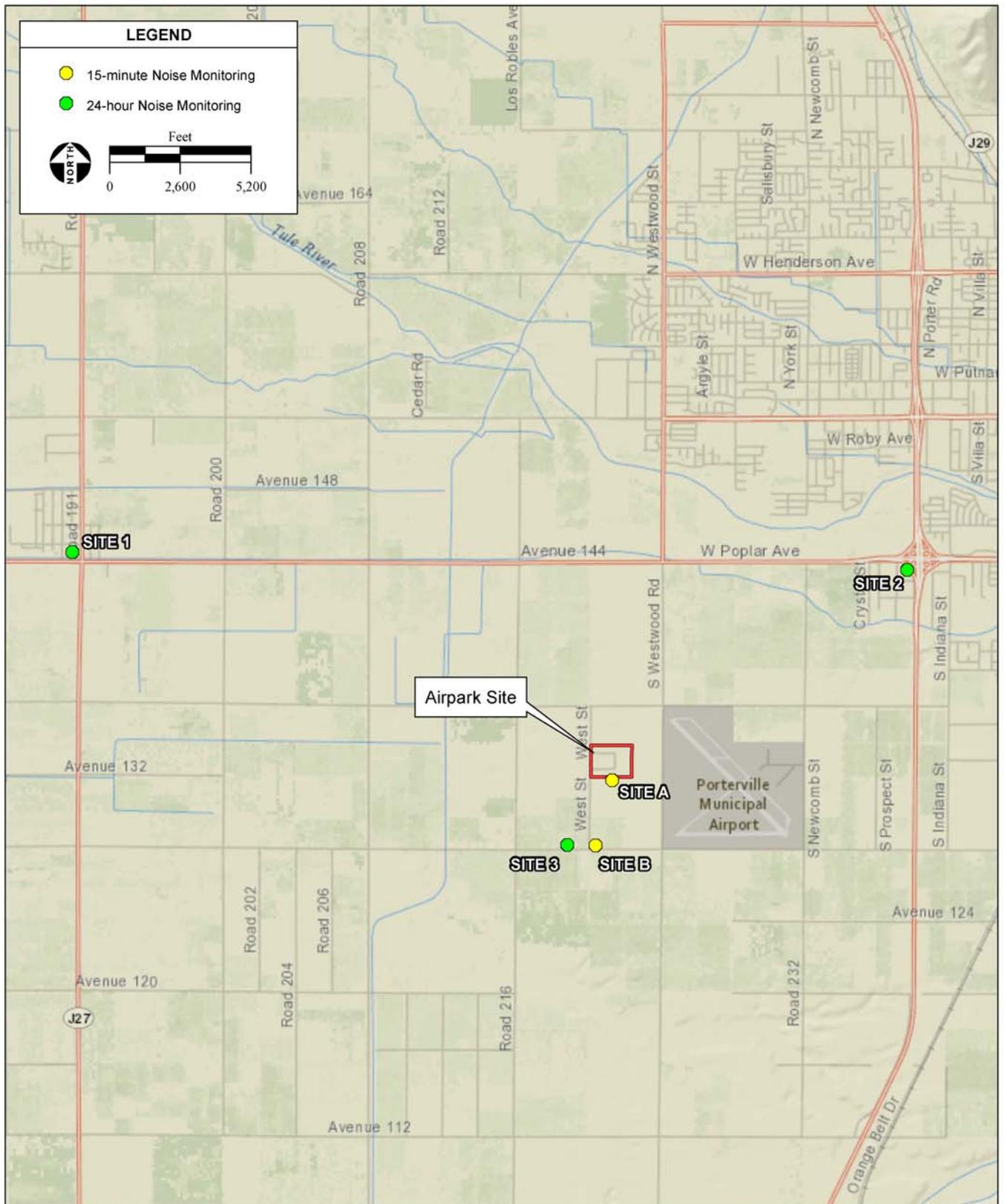


Figure 3.11-1
Airpark Site Noise Monitoring Sites

level readings. The measurements provide the baseline noise levels at the Airpark Site and along roadways that would experience an increase in traffic as a result of the project. Noise measurement output files are provided as **Appendix J**.

TABLE 3.11-6
SUMMARY OF 15-MINUTE AND 24-HOUR NOISE LEVEL MEASUREMENTS AT AIRPARK SITE

Site	Date (2017)	Start Time	End Time	Noise Source	Receptor	Measure Noise Level (dBA Leq) ¹
1	2/1 – 2/2	10:27 AM	10:33 AM	Existing Traffic (SR-190)	Residences	59.7
2	2/1 – 2/2	11:48 AM	11:49 AM	Existing Traffic (SR-190 and SR-65)	Residences	55.1
3	3/13 – 3/14	5:16 PM	5:18 PM	Existing Traffic, Airport	Residences	67.8
A	1/23	2:27 PM	2:43 PM	Airport and Motor Recreation Facility	Residences	62.1
B	1/23	3:21 PM	3:36 PM	Existing Traffic, Airport	Residences	71.6

Notes: 1 - Approximately 50 feet from the roadway.
Source: **Appendix J**.

The Porterville Municipal Airport is located approximately 0.5 miles east of the Airpark Site. The airport, classified as a General Aviation Airport, is owned by the City and serves Porterville and southeastern portions of Tulare County. The 5,908 feet by 150 feet runway is oriented northwest to southeast. The airport is estimated to have 93,900 annual aircraft operations by 2025. The Tulare County Airport Land Use Commission currently has noise restriction policies in place for public-use airports in order to limit the number of people exposed to frequent levels of airport noise (Tulare County, 2012b).

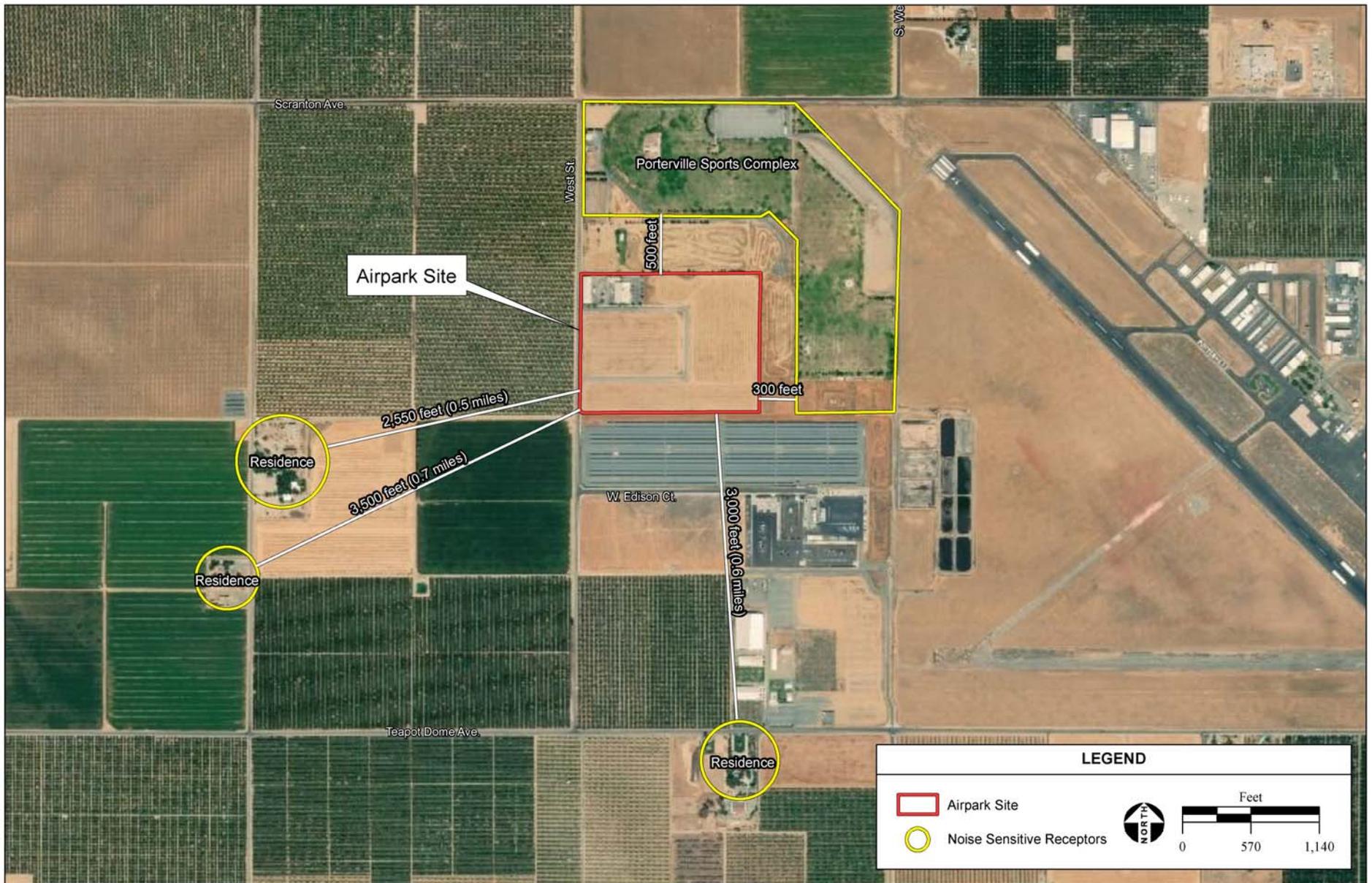
Vibration Level

There are no existing vibration sources on or in the vicinity of the Airpark Site with the potential to create vibration levels that would create audible noise levels or would cause noticeable ground-borne vibrations.

Noise Sensitive Receptors

Noise sensitive land uses are generally defined as land uses with the potential to be adversely affected by the presence of noise. Examples of noise sensitive land uses include residential housing, schools, and health care facilities. As shown in **Figure 3.11-2**, the nearest residences to the Airpark Site are located approximately 2,550 feet (0.5 miles) to the west, 3,000 feet to the south (0.6 miles), and 3,500 feet (0.7 miles) to the southwest. Additionally, a recreational facility is located adjacent to the eastern and northern borders of the Airpark Site; however, as it is an OHV park,¹ it is not considered a noise-sensitive receptor. The Porterville Sports Complex, including several active sport fields, is located directly north and east of the OHV park, approximately 500 feet north of the site and 300 feet east of the site. While users of the Porterville Sports Complex may be somewhat sensitive to elevated noise levels, they would

¹ The OHV park is not considered a noise-sensitive receptor due to the level of noise generated by the off-road vehicles operated on site, which can reach a maximum of 96 to 101 dBA (when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287), as stated in Assembly Bill (AB) 2274, passed by the California legislature in 2002 (OHMVR, 2018).



SOURCE: NAIP aerial photograph, 6/17/2014; AES, 2/12/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 3.11-2
Noise Sensitive Receptors in the Vicinity of the Airpark Site

be much less susceptible to noise effects when compared to residential receptors given that visitation would be temporary and intermittent. Users of the Porterville Sports Complex would not be subject potential effects from prolonged exposure to noise levels or sleep disturbance. Further, the Porterville Sports Complex is already subject to elevated noise levels from adjacent OHV park and Airport.

There are numerous sensitive receptors within 75 feet of local roadways that provide access to the Airpark Site. The nearest school to the Airpark Site is the Summit Charter Academy located approximately 2.1 miles north of the Airpark Site. The nearest hospital is greater than five miles from the Airpark Site.

Eagle Mountain Casino Site

The Eagle Mountain Casino Site is characterized by commercial land uses, surrounded by rural land uses. Noise affecting the site is generated from traffic to and from the existing casino. Traffic volumes on and adjacent to the Eagle Mountain Casino Site are moderate to high.

The closest residence is located approximately 650 feet west of the Eagle Mountain Casino Site. There are numerous sensitive receptors within 75 feet of local roadways that provide access to the Eagle Mountain Casino Site. The Tule River Child Care Center is located approximately 1.5 miles from the Eagle Mountain Casino Site; no hospitals are within five miles of the site.

3.12 HAZARDOUS MATERIALS

This section describes the existing environmental conditions related to hazardous materials for the alternative sites described in **Section 2.2**. The general and site-specific descriptions of hazardous materials contained herein provide the environmental baseline by which direct, indirect, and cumulative environmental effects are identified and measured in **Section 4.0**.

3.12.1 REGULATORY SETTING

Hazardous materials are those materials that may pose a material risk to human health or the environment. These materials are subject to numerous laws and regulations at several levels of government. At the federal level, human exposure to chemical agents, and in some cases environmental and wildlife exposure to such agents, is regulated primarily by four agencies: the United States Environmental Protection Agency (USEPA), the Food and Drug Administration (FDA), the Occupational Safety and Health Administration (OSHA), and the Consumer Product Safety Commission (CPSC). The USEPA administers several Congressional statutes pertaining to human health and the environment, including the Clean Air Act (CAA), which regulates hazardous air pollutants, and the Resource Conservation and Recovery Act (RCRA), codified in 42 United States Code (USC) §6901 et. seq., which regulates land disposal of hazardous materials, which are defined as substances that display one or more of the following characteristics: corrosivity, flammability, reactivity, or toxicity (40 Code of Federal Regulations [CFR] §261). The CPSC plays a limited role in regulating hazardous substances; it deals primarily with the labeling of consumer products. The FDA also plays a limited role in regulating hazardous substances; it primarily regulates food additives and contaminants, human drugs, medical devices, and cosmetics. OSHA regulations (codified in 29 CFR Parts 70-71, 2200-2205, 2400, and 1910) include provisions that require facilities to document the potential risk associated with the storage, use, and handling of toxic and flammable substances. In addition to these regulatory agencies, the United States Department of Transportation regulates the interstate transport of hazardous materials.

“Hazardous material” is defined in the California Code of Regulations (CCR), Title 22, Division 4.5, Chapter 10, Article 2, §66260.10, as “[Any] material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. ‘Hazardous materials’ include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.”

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) addresses the sale, distribution, and labeling of pesticides, as well as the certification and training of pesticide applicators. FIFRA also establishes recordkeeping and reporting requirements on certified applicators of restricted use pesticides, as well as imposing storage, disposal, and transportation requirements on registrants, and applicants for

registration, of pesticides. Pesticide use is regulated through requirements to apply pesticides in a manner consistent with the label. The labeling requirement includes directions for use, warnings, and cautions, along with the uses for which the pesticide is registered (i.e., pests and appropriate applications). Labeling requirements also include specific conditions for the application, mixture, storage, and time period for re-entry to fields following pesticide application, and when crops may be harvested after applications. If a pesticide is used in a manner contrary to its labeling, the use constitutes a violation of the FIFRA.

3.12.2 ENVIRONMENTAL SETTING

Airpark Site

The Airpark Site is partially developed and contains two office/warehouse buildings, several storage containers, a parking lot, and paved roadways. The remainder of the site is undeveloped and consists of cleared fields. A site visit of the Airpark Site was conducted on September 20, 2016. Notable environmental conditions at the time of the survey included miscellaneous tires, discarded kitchen appliances and construction debris, a functioning propane tank, a 55-gallon oil drum, and approximately 35 buckets containing paint, cleaning supplies, and concrete resurfacing products; however, these were confirmed to have since been removed during a site visit conducted by the Bureau of Indian Affairs (BIA) in November 2016. No visible signs of gross contamination or evidence of leakage from the oil drum and buckets, nor any odor, was observed within the Airpark Site.

Current Hazardous Materials Involvement

Current hazardous materials involvement on the Airpark Site include small quantities of chemicals typically used for maintenance in commercial businesses, such as motor oil, hydraulic fluid, solvents, cleaners, lubricants, paint, and paint thinner. The amount and types of hazardous materials that are currently generated are common to commercial sites and do not pose unusual storage, handling, or disposal issues.

The relatively modern age of the structures on the Airpark Site indicates that asbestos containing materials and lead-based paints are not likely present in those structures.

2016 Phase I Environmental Site Assessment (ESA)

A Phase I Environmental Site Assessment (ESA) of the Airpark Site was prepared in accordance with the American Society for Testing and Materials (ASTM) Practice E 1527-13 Environmental Site Assessments and BIA guidelines (**Appendix L**; AES, 2016). The purpose of this assessment was to identify recognized environmental conditions (RECs) and hazardous materials involvement that may pose a material risk to human health or to the environment, or in any way affect the proposed use of the sites. In addition to the site reconnaissance, a historical review was conducted to identify RECs associated with previous land uses, and database searches were conducted for records of known

hazardous material generation, storage, or disposal sites in the vicinity of the Airpark Site. A full listing of databases consulted is provided in the Phase I ESA, included in this document as **Appendix L**. None of the databases revealed reports of past or current contamination on the Airpark Site. No RECs were identified on or in the immediate vicinity of the site that would be likely to pose a significant impact to the environmental integrity of the Airpark Site. The Phase I ESA recommends that the on-site debris, while unlikely to pose a threat to the environmental integrity of the Airpark Site, should be removed and the area re-inspected; in November 2016, the debris was confirmed to have been removed.

Off-site Improvement Areas

Current hazardous materials involvement on the Off-site Improvement Areas includes use of agricultural chemicals on the 40-acre site. Additionally, while the 8-acre site is currently vacant, it was previously developed with a shooting range, which is no longer in use. There may potentially be small quantities of chemicals typically produced from shooting ranges, such as lead, present on the 8-acre site. The site has not gone through any remediation for its past use as a shooting range. There is no known hazardous materials involvement on the lift station and pipeline improvement areas.

Database Search

The Phase I ESA described above analyzes a one-mile radius surrounding the Subject Property, which encompasses the Off-site Improvement Areas. The Off-site Improvement Areas were not listed on any of the environmental databases for potential contamination or known RECs. No RECs were identified on or in the immediate vicinity of the sites that would be likely to pose a significant impact to the environmental integrity of the Off-site Improvement Areas. (**Appendix K**).

Eagle Mountain Casino Site

The Eagle Mountain Casino Site is located within the existing Tule River Reservation and is currently developed with the Eagle Mountain Casino and associated facilities. Areas adjacent to the Eagle Mountain Casino Site are largely undeveloped.

Database Search

AES reviewed a database report for the Eagle Mountain Casino Site, prepared by Environmental Data Resources, Inc. (EDR), in November 2016. The environmental database report has been included in this document as **Appendix K**.

The Eagle Mountain Casino Site is listed in the HAZNET database for potential hazardous material involvement. HAZNET is a database of records received by the Department of Toxic Substances Control (DTSC) for the transportation and disposal of potentially hazardous materials. The HAZNET database identified the Eagle Mountain Casino Site as having disposed of asbestos containing waste in 2002 to a landfill. The HAZNET database also reported the Eagle Mountain Casino Site as having previously

periodic removed unspecified oil-containing waste, which was most likely generated from food preparation. The most recent removal event listed by HAZNET was in the year 2012 (**Appendix L**).

3.13 AESTHETICS

This section describes the existing environmental conditions related to aesthetics for the alternative sites described in **Section 2.2**. The general and site-specific descriptions of the aesthetic environment contained herein provide the environmental baseline by which direct, indirect, and cumulative effects are identified and measured in **Section 4.0**.

3.13.1 AESTHETICS TERMINOLOGY

Viewshed Characteristics

A viewshed is the geographical area that is visible from at least one location, referred to as a viewpoint. Each viewpoint provides a line of sight of the viewshed. The visual experience of an object within a viewshed is comprised of the following constituent elements:

- Clarity in line of sight—the overall visibility of the object within the viewshed, influenced by such factors as trees, buildings, topography, or any other potential visual obstruction within the viewshed;
- Duration of visibility—the amount of time the object is exposed to viewers within the viewshed. For example, a passing commuter will experience a shorter period of viewing time than a resident within the viewshed;
- Proximity of the viewer—the effects of foreshortening due to the distance of the viewer from the object will influence the dominance of the object in the perspective of the viewer within the viewshed; and
- Number of viewers—the number of viewers anticipated to experience the visual character of the object in forward-oriented view (i.e., not through a rear-view mirror). A densely populated residential district or a busy highway within the viewshed of the object would present more viewers than unpopulated areas.

Viewsheds and viewpoints are described by expressing the strength of the viewing experience, framed within the analytical criteria listed above. While the viewing experience is personal and subjective in nature, the application of the above criteria allows for an objective, baseline assessment of the visual environment and subsequent visual impacts.

Scenic Resources

There is no comprehensive list of specific features that automatically qualify as scenic resources; however, certain characteristics can be identified that contribute to the determination of a scenic resource. The following is a partial list of visual qualities and conditions that if present, may indicate the presence of a scenic resource:

- A tree that displays outstanding features of form or age;
- A landmark tree or a group of distinctive trees accented in a setting as a focus of attention;
- An unusual planting that has historical value;
- A unique, massive rock formation;
- An historic building that is a rare example of its period, style, or design, or that has special architectural features and details of importance;
- A feature specifically identified in applicable planning documents as having a special scenic value;
- A unique focus or a feature integrated with its surroundings or overlapping other scenic elements to form a panorama; or
- A vegetative or structural feature that has local, regional, or statewide importance.

3.13.2 REGULATORY SETTING

City of Porterville General Plan and Development Ordinances

Development of the Airpark Site and Off-site Improvement Areas is currently guided by the City of Porterville's (City) General Plan (City General Plan) and zoning ordinance. Components of the City General Plan and zoning ordinance relevant to the topic of aesthetics include land use, use (and protection) of natural features, and lighting.

City General Plan policies related to visual resources that may be applicable to the alternative sites are listed below:

- LU-G-11: Foster strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.
- LU-I-25: Establish buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts.

Porterville Development Ordinance Sections 300.07 (Lighting and Illumination) and 306.07 (Lighting and Glare) provide development standards for sources of light within the City's boundaries. Section 300.07 sets the maximum height of lighting fixtures at 40 feet for Airport Industrial (IA)-designated districts and requires shielding to prevent obtrusive light into public areas or adjacent properties. Section 306.07 requires lighting fixtures to be oriented away from adjacent properties and public streets and prohibits the use of activities that create significant, direct, and incidental glare outside the boundaries of the property upon which the use is taking place (City of Porterville, 2010).

3.13.3 ENVIRONMENTAL SETTING

Airpark Site

The Airpark Site lies on the outskirts of the City, adjacent to the Porterville Municipal Airport. The topography surrounding the Airpark Site is generally flat and typical views of the area are of agricultural fields and orchards with long-range views of the southern Sierra Nevada Mountain to the east. The nearest residences to the site are located approximately 2,550 feet west, 3,000 feet south, and 3,500 feet southwest of the Airpark Site. These residences have a partially blocked view of the Airpark Site as surrounding agricultural features occlude these views. The site can be viewed by vehicles traveling along surface streets, including West Street and Scranton Avenue, as well as from public use areas such as the OHV park and the Porterville fairgrounds. The presence of mature orchards south of the site screen long range views of the site from the south. As described in **Section 3.13.1**, there are no scenic resources in the vicinity of the Airpark Site.

Description of Viewsheds

Selected viewshed locations are shown on **Figure 3.13-1** and photographs of the Airpark Site and its surroundings are shown in **Figure 3.13-2**. The locations of these individual viewpoints were selected based on their coverage of the site and overall representation of typical viewsheds in the vicinity of the Airpark Site. The following are brief descriptions of the depicted viewpoints.

Viewpoint A

This northeast-facing photograph was taken from the southern intersection of Yowlumne Avenue and West Street. It depicts a typical view of the office buildings on the northwest corner of the Airpark Site, as well as the cleared fields which make up a large portion of the site, from the perspective of a motorist traveling north on West Street.

Viewpoint B

This southeast-facing photograph was taken along West Street from the northwest corner of the Airpark Site. It depicts a view of the existing buildings present on northwest corner site, from the perspective of a motorist traveling south on West Street.

Viewpoint C

This south-facing photograph was taken from Scranton Avenue north of the Airpark Site. It depicts a typical long-range view of the cleared fields and office buildings currently present on the site from the perspective of vehicles traveling on Scranton Avenue as well as the Porterville Sports Complex adjacent to the Airpark Site.

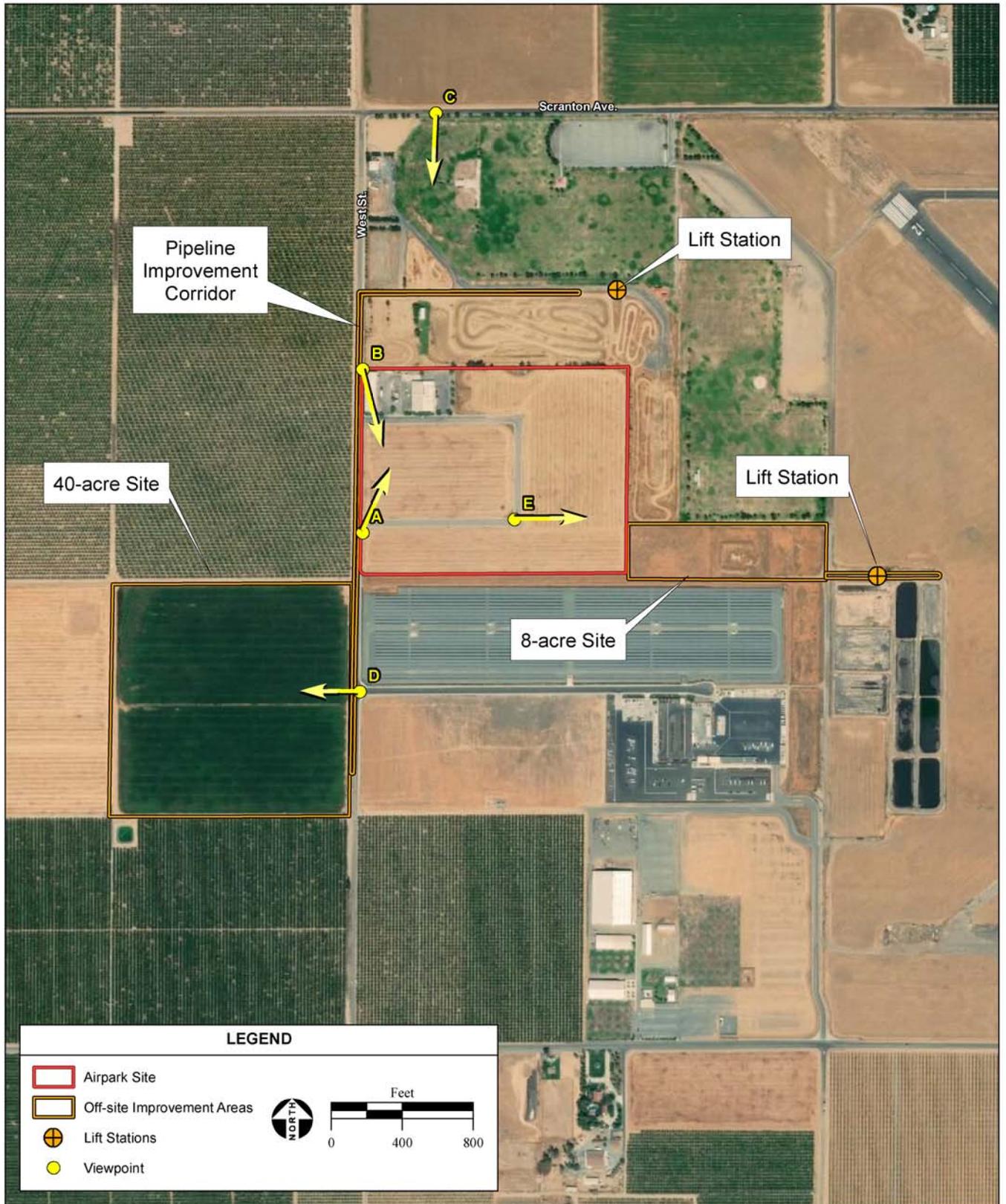


Figure 3.13-1
Airpark Site and Off-site Improvement
Viewshed Photograph Locations



Viewpoint A



Viewpoint B



Viewpoint C

Scenic Highways

There are no state designated scenic highways or roads adjacent to or near the vicinity of the alternative sites. Therefore, scenic highways are not discussed further in this Environmental Impact Statement (EIS).

Shadows, Light, and Glare

No significant source of lighting, shadow, or glare is currently present on the Airpark Site. The only source of light within the Airpark Site is security and parking lot lighting from the two existing office buildings. Sources of nighttime lighting and glare in the vicinity of the Airpark Site include the adjacent Porterville Municipal Airport, lights from the Porterville Sports Complex to the north, the solar field to the south, vehicle lights traveling along West Street immediately west of the Airpark Site, and aircraft passing above the site.

Off-site Improvement Areas

40-acre Site

The 40-acre site is located west of West Street directly across from the solar farm. As described in **Section 3.9**, the 40-acre site is currently in agricultural use, and zoned AC for Agricultural and/or Conservation use (City of Porterville, 2012). With the exception of the solar farm, surrounding properties are undeveloped and include cleared fields and agricultural operations. The site can be viewed by vehicles traveling along surface streets including West Street and Scranton Avenue, which pass the 40-acre site to the east and north, respectively. The presence of mature orchards south of the site screen long range views of the site from the south. As described in **Section 3.13.1**, there are no scenic resources in the vicinity of the 40-acre site.

Description of Viewsheds

Viewpoint D represents existing views of the 40-acre site and is shown on **Figure 3.13-1**. The location of this viewpoint was selected based on the coverage of the site and overall representativeness of typical viewsheds in the vicinity of the 40-acre site.

A photograph of the 40-acre site and its surroundings from Viewpoint D is shown in **Figure 3.13-3**. This west-facing photograph was taken from the intersection of West Edison Court and West Street. It depicts a typical view of the cleared fields which make up a large portion of the 40-acre site, from the perspective of a motorist traveling on West Street.

Shadows, Light, and Glare

No significant source of lighting, shadow, or glare is currently emitted from the 40-acre site. The primary emitters of light and glare in the area are the same as for the Airpark Site.



Viewshed D



Viewshed E

8-acre Site

As described in **Section 3.9**, this parcel is located directly to the east of the Airpark Site and north of the solar farm. The site is currently zoned PK and PS (Parks and Public Recreational Facilities, and Public/Semi-Public) and was previously used as a shooting range (City of Porterville, 2012). The site currently consists of cleared fields. The site can be viewed by vehicles traveling along surface streets including West Street and Scranton Avenue, which pass the 8-acre site to the west and north, respectively. The presence of a solar panel field south of the site screen long range views of the site from the south. As described in **Section 3.13.1**, there are no scenic resources in the vicinity of the 8-acre site.

Description of Viewsheds

Viewpoint E represents existing views of the 8-acre site and is shown on **Figure 3.13-1**. The location of this viewpoint was selected based on the coverage of the site and overall representativeness of typical viewsheds in the vicinity of the 8-acre site.

A photograph of the 8-acre site and its surroundings from Viewpoint E is shown in **Figure 3.13-3**. This east-facing photograph was taken from the southeast corner of Yowlumne Avenue within the Airpark Site. It depicts a typical view of the grassy fields that make up a large portion of both the Airpark Site and the 8-acre site, as well as the Sierra Nevada Mountains in the background.

Shadows, Light, and Glare

No significant source of lighting, shadow, or glare is currently emitted from the 8-acre site. The primary emitters of light and glare in the area are the same as for the Airpark Site.

Lift Station and Pipeline Improvement Area

As discussed in **Section 2.2**, the lift station and pipeline improvement areas consist of several pipeline corridors and two sewer lift stations. One lift station is located on the edge of the Porterville Sports Complex, the adjacent property north of the Airpark Site; the other is located east of the 8-acre site (**Figure 2-3**). No significant source of lighting, shadow, or glare is currently emitted from the existing lift stations. In general, views of and from the lift station and pipeline improvement areas would depict undeveloped grassy fields with the Sierra Nevada Mountains in the background, as well as the Porterville Sports Complex and occasional buildings. The lift station and pipeline improvement areas would not be visible from any nearby residences or other sensitive receptors.

Eagle Mountain Casino Site

Regional Context

The entirety of the Eagle Mountain Casino Site, as well as the surrounding property, is located within the Tribe's Reservation and is therefore not subject to local zoning ordinances or planning documents. The

Eagle Mountain Casino Site is the location of the Tribe's existing Eagle Mountain Casino and associated facilities. The site is situated in a relatively flat area of the reservation, which generally trends toward sharp elevation changes due to its setting in the Sierra-Nevada Mountains. The surrounding area contains little development due to the mountainous terrain. The Tule River curves around the western and northern edges of the property. As described in **Section 3.13.1**, there are no scenic resources in the vicinity of the Eagle Mountain Casino Site.

Description of Viewsheds

The Eagle Mountain Casino Site is located in a relatively unpopulated area within the Tribe's reservation in the Sierra-Nevada Mountains. Due to the steep slopes in the surrounding vicinity, as well as the remote nature of the location, the number of viewers is low and limited to patrons of the casino and vehicles traveling along South Reservation Road, a low-traffic, two-lane road that passes the site. A dense layer of trees provides an additional barrier to views of the Eagle Mountain Casino Site from South Reservation Road.

Viewpoint F represents existing views of the existing Eagle Mountain Casino Site and is shown on **Figure 3.13-4**. The location of this viewpoint was selected based on the coverage of the site and overall representativeness of typical viewsheds in the vicinity of the Eagle Mountain Casino Site.

A photograph of the Eagle Mountain Casino Site and its surroundings from Viewpoint F is shown in **Figure 3.13-5**. Views from within the Eagle Mountain Casino Site are confined to views of the existing facility, surrounding trees, and the western slope of the Sierra-Nevada Mountains. This northeast-facing photograph was taken from the parking lot of the existing casino. It depicts a typical view for patrons of Eagle Mountain Casino, with the parking lot, casino, and mountain terrain visible. The Eagle Mountain Casino Site is not visible from any nearby residences or other sensitive receptors.

Shadows, Light, and Glare

The existing Eagle Mountain Casino currently emits light, shadow, and glare. During the day, sunlight reflecting from structures and motor vehicles is the primary source of glare. The principal sources of nighttime light and glare are building lighting and headlights from vehicles passing along South Reservation Road, a low-traffic, two-lane mountain road that provides access to the casino.



SOURCE: NAIP aerial photograph, 6/17/2014; AES, 2/12/2019

Tule River Tribe Fee-to-Trust and Casino Relocation Final EIS / 216560 ■

Figure 3.13-4
Eagle Mountain Casino Site
Viewshed Photograph Locations



Viewshed F

SECTION 4.0

ENVIRONMENTAL CONSEQUENCES

SECTION 4.0

ENVIRONMENTAL CONSEQUENCES

4.1 INTRODUCTION

In this section, environmental consequences are described for the alternatives described in **Section 2.0**. Resource areas that are analyzed in this section include:

Section	Resource Area/Issue
4.2	Geology and Soils
4.3	Water Resources
4.4	Air Quality
4.5	Biological Resources
4.6	Cultural and Paleontological Resources
4.7	Socioeconomic Conditions
4.8	Transportation/Circulation
4.9	Land Use
4.10	Public Services
4.11	Noise
4.12	Hazardous Materials
4.13	Aesthetics
4.14	Indirect and Growth-Inducing Effects
4.15	Cumulative Effects

Direct impacts are those that are caused by the action and occur at the same time and place, while indirect impacts are caused by the action and occur later in time or further in distance, but are still reasonably foreseeable (Council on Environmental Quality [CEQ] §1508.8). Indirect and growth-inducing effects of the Alternatives to each resource area are assessed in **Section 4.14**, and cumulative effects are assessed in **Section 4.15**. Note that, consistent with the CEQ’s National Environmental Policy Act (NEPA) Regulations §1508.8, the term “effects” is used synonymously with the term “impacts.”

4.2 GEOLOGY AND SOILS

This section identifies and analyzes the direct effects associated with geology and soils that would result from the development of each alternative (described in **Section 2.0**) to determine if construction or operation would result in direct adverse impacts to the proposed site topography, soils, or mineral resources, or if geological hazards associated with the existing setting would pose limitations to the development of each alternative. Effects are measured against the environmental baseline presented in **Section 3.2**. Cumulative and indirect effects are identified in **Section 4.15** and **Section 4.14**, respectively. Measures to mitigate for adverse effects identified in this section are presented in **Section 5.2**.

Assessment Criteria

Each alternative is analyzed to determine if construction or operation would result in direct significant impacts to the proposed site topography, soils, or mineral resources; or if geological hazards associated with the existing setting would pose limitations to the development of each alternative.

4.2.1 ALTERNATIVE A – PROPOSED PROJECT

Proposed Project at the Airpark Site

Site Topography

Alternative A would involve grading the majority of the Airpark Site. The preliminary Grading and Drainage Plan for Alternative A is included in **Appendix D**. Construction of Alternative A would require approximately 21,900 cubic yards of cut and 33,700 cubic yards of fill. This would require a net import of 11,800 cubic yards of soil material in order to properly elevate the development. Fill would be excavated from the proposed regional detention basin. Additionally, one potential use of the uncontaminated soil produced during the excavation of the regional retention basin would be to raise the grade of the entire Airpark Site by approximately one foot, which would require an additional estimated 64,500 cubic yards of material. This would help to further offset the existing issues associated with overflow of stormwater runoff in the vicinity of the Airpark Site (refer to **Section 2.3.3**). Any imported fill material would be screened by a qualified engineer prior to its use on the Airpark Site or Off-site Improvement Areas to ensure that it is of adequate quality for use as fill.

The site is generally flat and does not contain any distinctive topographical features. On-site grading would facilitate proper drainage. Development of Alternative A, given the proposed design (**Section 2.3.3**), would result in a minimal impact on topography. Effects to topography on the Airpark Site under Alternative A would be less than significant, and no mitigation is required.

Soils and Geology

The development of Alternative A could impact soils by causing soil erosion during construction activities such as clearing, grading, trenching, and backfilling. These activities could reduce the integrity

of the soil structures, thereby increasing the likelihood of erosion from wind and/or stormwater runoff. The primary soil on the Airpark Site has a moderate erosion potential based on soil type and slope gradient (refer to **Table 3.2-1** in **Section 3.2.2**). This is a potentially significant impact.

Sediment and erosion discharge into navigable (surface) waters of the U.S. is prohibited by the Federal Clean Water Act (CWA; passed in 1972, with modifications in 1977, 1981, and 1987), which establishes water quality goals for sediment control and erosion prevention. One of the mechanisms for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES) permitting program, administered by the United States Environmental Protection Agency (USEPA). As part of the NPDES General Construction permit, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared and implemented. The SWPPP must make provisions for erosion prevention and sediment control and control of other potential pollutants. As construction of the Proposed Project would disturb more than one acre of land, the Tribe is required by the CWA to obtain coverage under, and comply with the terms of the NPDES General Construction Permit.

Soils as described in **Section 3.2.2** would be suitable for construction using standard engineering practices and by abiding by the California Building Code (CBC). Best Management Practices (BMPs) have been included in **Section 5.2** to ensure appropriate measures are incorporated into the site-specific SWPPP. With adherence to regulatory requirements including the implementation of a SWPPP and BMPs described therein, effects from Alternative A on soils and geology would be minimal and, therefore, less than significant.

Seismicity

As discussed in **Section 3.2.2**, there are no known active faults in the vicinity of the Airpark Site. The site does not fall within an Alquist-Priolo Fault Zone, and is therefore not subject to any building restrictions. As stated in **Section 2.3.3**, the casino and related facilities under Alternative A would be constructed to standards consistent with CBC guidelines, particularly those pertaining to earthquake design, in order to safeguard against major structural failures and loss of life. Development of Alternative A would have a less-than-significant impact related to seismic hazards.

Mineral Resources

Given that there are no known or recorded mineral resources within the Airpark Site, construction and operation of Alternative A would not adversely affect known or recorded mineral resources. A less-than-significant impact to mineral resources would occur under Alternative A.

Off-site Improvements

Alternative A would result in the construction of off-site improvements associated with recycled water, sewer, and stormwater infrastructure. Effects associated with geology and soils from construction of off-site improvements are described below.

Site Topography

40-acre Site

As described in **Section 2.2.2**, the 40-acre site is currently used as a dispersal field for biosolids generated at the City's wastewater treatment plant (WWTP). Remedial grading would be required prior to the construction of the water reclamation facility (WRF) to remove accumulated waste product that may not have been rendered inert. This will require removing and replacing 4 feet of soil material over a 6-acre area, which would equate to 38,720 cubic yards of excavated material and imported fill. The cut material would be disposed of at a commercial waste site while the entirety of the import fill material would be obtained from excavation of the proposed regional detention basin within the northern portion of the site, which is anticipated to generate a total of approximately 193,600 cubic yards of uncontaminated soil (**Appendix D**). The import and export of soil associated with the construction of the WRF in the southern portion of the 40-acre site would not significantly alter the site topography, and no mitigation is required.

Construction of the proposed regional retention basin would alter the existing topography of the 40-acre site by creating an approximately 10-foot deep excavation area within the northern 20 acres of the 40-acre site. This excavation is anticipated to generate a total of 322,700 cubic yards of cut, including approximately 129,100 cubic yards of surface soils that primarily consist of biosolids. This surface soil would be conveyed off site to a waste disposal site permitted to accept contaminated soil. The regional retention basin would be constructed in conformance with standard engineering practices and the terms of the SWPPP prepared for the project (refer to **Section 5.2**). Any uncontaminated material generated during the excavation of the regional retention basin that could not be used as fill elsewhere on the Airpark Site, 40-acre site, and 8-acre site would be stockpiled on the 40-acre site for use in future regional construction projects, which would temporarily alter the topography of the site. However, the material stockpiles would be continuously covered by tarps per the BMPs in **Section 5.2** and would be stabilized to prevent erosion. Thus, while construction of the regional retention basin under Alternative A would alter the topography of the 40-acre site, the temporary and permanent impacts associated with this alteration would be less than significant, and no mitigation is required.

8-acre Site

As described in **Section 2.2.2**, the 8-acre site has been historically used as a shooting range. Soil testing and remediation may be necessary to account for lead deposits. Additionally, the 8-acre site is low-lying and functions as an overland drainage route for regional stormwater as it heads toward the regional retention basin, the off-highway vehicle (OHV) park. Earthwork for this site would require 19,360 cubic yards of cut and imported fill of 58,000 cubic yards (**Appendix D**). The entirety of the import fill

material would be obtained from excavation of the proposed regional detention basin within the northern portion of the 40-acre site (**Appendix D**). Additionally, one potential use of the uncontaminated soil produced during the excavation of the regional retention basin would be to raise the grade of the entire 8-acre site by approximately two feet, which would require an additional estimated 29,000 cubic yards of material. On-site grading would maintain the original drainage route, therefore, the impact to topography would be minimal. No significant effects to topography would occur and no mitigation is required.

Soils and Geology

Development of the Off-site Improvement Areas could impact soils by causing soil erosion during construction activities such as clearing, grading, trenching, stockpiling, and backfilling. These activities could reduce the integrity of the soil structures, thereby increasing the likelihood of erosion from wind and/or stormwater runoff. The primary soil type on the Off-site Improvement Areas has a moderate erosion potential based on soil type and slope gradient (refer to **Table 3.2-1** in **Section 3.2.2**). This is a potentially significant impact. Because the improvements on the 40-acre site and 8-acre site would cover more than one acre, a site-specific SWPPP would need to be developed for the 40-acre site, as well as for the 8-acre site if the WRF is not constructed on the 40-acre site. BMPs have been included in **Section 5.2** that would be incorporated into the site-specific SWPPP(s) to prevent erosion and sedimentation to surface waters during construction. With incorporation of the mitigation, effects from construction of Off-site Improvement Areas on soils and geology would be less than significant.

Seismicity

The geological conditions on the Off-site Improvement Areas are the same as for the Airpark Site. Project-related impacts from seismicity with the implementation of the Off-site Improvement Areas would also have no adverse effects related to seismic hazards. No mitigation is required.

Mineral Resources

Mineral resources on the Off-site Improvement Areas are the same as for the Airpark Site. No adverse project-related impacts to mineral resources would occur with implementation of the Off-site Improvement Areas.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses. Because no exterior improvements or construction activities would occur, no impacts to geology and soils would occur.

4.2.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Impacts to soils and geology, seismicity, and mineral resources from Alternative B would be the same as Alternative A, and therefore development of Alternative B would have no adverse effects related to seismic hazards, seismicity, or mineral resources. As with Alternative A, Alternative B has the potential to result in significant adverse impacts associated with soil erosion during construction activities. Mitigation has been included in **Section 5.2** to ensure appropriate measures and BMPs are incorporated into a site-specific SWPPP for both the Airpark Site and the 40-acre site. With adherence to regulatory requirements including the implementation of the SWPPPs and BMPs described therein, effects from Alternative B on soils and geology would be minimal and, therefore, less than significant.

Site Topography

Like Alternative A, Alternative B would involve grading the majority of the Airpark Site. The preliminary Grading and Drainage Plan for Alternative B is included in **Appendix D**. Approximately 11,100 cubic yards of fill would be necessary to construct the on-site components of Alternative B (**Appendix D**). Construction of the regional retention basin on the 40-acre site would generate approximately 193,600 cubic yards of uncontaminated soil, of which 11,100 cubic yards would be used to fill the Airpark Site. Some of the remaining soil may be used to raise the grade of the Airpark Site as described for Alternative A. Effects to topography on the Airpark Site and on the 40-acre site under Alternative B would be less than significant and no mitigation is required.

Off-site Improvements

Alternative B includes the construction of a regional retention basin in the northern portion of the 40-acre site, similar to Alternative A, but does not include the construction of a WRF on either the 40-acre site or the 8-acre site. The cut and fill amounts for the retention basin would be the same as in Alternative A, therefore the impacts associated with the excavation of the regional basin and the stockpiling of material would be the same (refer to **Section 4.2.1**). Thus, the impacts would be less than significant, and no mitigation is required.

4.2.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Reduced Intensity Alternative at the Airpark Site

Site Topography

Alternative C is a reduced intensity development on the same development area of the Airpark Site as Alternative A, thus potential impacts to site topography are similar, but reduced, to those associated with Alternative A. Accordingly, construction of Alternative C would require approximately 23,610 cubic yards of cut and 25,621 cubic yards of fill in order to properly elevate the development. This would require a net import of 2,011 cubic yards of soil material produced during the excavation of the proposed regional retention basin. Some of the remaining soil may be used to raise the grade of the Airpark Site as

described for Alternative A. Given that Alternative A impacts to topography are less than significant, and Alternative C will incorporate the same BMPs as Alternative A, effects to topography on the Airpark Site under Alternative C would be less than significant, and no mitigation is required.

Soils and Geology

Given that Alternative C is a reduced intensity development on the same development area of the Airpark Site as Alternative A, potential impacts to soil due to erosion during construction of Alternative C are similar to those associated with Alternative A. This is a potentially significant impact.

As with Alternative A, Alternative C would be required to obtain coverage under the NPDES General Construction permit which would require the preparation and implementation of a SWPPP for sediment control and erosion prevention into navigable (surface) Waters of the U.S.

The design and construction of Alternative C would not significantly affect soils on the Airpark Site. The mitigation included in **Section 5.2** outlines measures and BMPs that would be included as a part of the SWPPP. With adherence to regulatory requirements including the implementation of a SWPPP and BMPs described therein, effects from Alternative C on soils and geology would be minimal and, therefore, less than significant.

Seismicity

The on-site geological conditions on the Airpark Site for Alternative C are the same as for Alternative A. Implementation of Alternative C would also have no adverse effects related to seismic hazards. No mitigation is required.

Mineral Resources

Mineral resources on the Airpark Site associated with Alternative C are the same as for Alternative A. No adverse project-related impacts to mineral resources would occur with implementation of Alternative C. No mitigation is required.

Off-site Improvements

Impacts from the Off-site Improvement Areas under Alternative C would be the same as described under Alternative A if Water Supply Option 1 or Wastewater Option 1 (described in **Section 2.5**) is implemented. Refer to the discussion above under **Section 4.2.1**. If Water Supply Option 2 or Wastewater Option 2 is implemented, impacts would be the same as under Alternative B. Refer to the discussion above under **Section 4.2.2**.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative C would not result in any impacts associated with geology and soils.

4.2.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER Non-Gaming Alternative at the Airpark Site

Site Topography

Given that Alternative D is located on the same development area of the Airpark Site as Alternative A, potential impacts related to topography of Alternative D are similar to those associated with Alternative A, but on a reduced scale. Accordingly, construction of Alternative D would require approximately 23,730 cubic yards of cut and 16,192 cubic yards of fill in order to properly elevate the development. This would require a net cut of approximately 7,538 cubic yards of material, which would be stockpiled on the 40-acre site with the uncontaminated material from the excavation of the regional retention basin for use in other regional construction projects. Some of the remaining soil from excavation may be used to raise the grade of the Airpark Site as described for Alternative A. Therefore, effects to topography on the Airpark Site under Alternative C would be less than significant and no mitigation is required.

Soils and Geology

Given that Alternative D is also located on the Airpark Site, potential impacts to soil due to erosion during construction of Alternative D are similar to those associated with Alternative A, but on a reduced scale. As with Alternative A, Alternative D would be required to obtain coverage under the NPDES General Construction permit, which would require the preparation and implementation of a SWPPP for sediment control and erosion prevention into navigable (surface) Waters of the U.S.

The design and construction of Alternative D, through adherence to the NPDES permit, would not significantly affect soils on the Airpark Site. The mitigation included in **Section 5.2** outlines measures and BMPs that would be included as a part of the SWPPP. With incorporation of the mitigation, effects from construction of Alternative D on soils and geology would be further minimized.

Seismicity

The on-site geological conditions on the Airpark Site for Alternative D are the same as for Alternative A, but on a reduced scale. Implementation of Alternative D would also have no adverse effects related to seismic hazards. No mitigation is required.

Mineral Resources

Mineral resources on the Airpark Site associated with Alternative D are the same as for Alternative A. No adverse project-related impacts to mineral resources would occur with implementation of Alternative D. No mitigation is required.

Off-site Improvements

Impacts to the Off-site Improvement Areas under Alternative D would essentially be the same as described under Alternative B. Refer to the discussion above under **Section 4.2.2**.

4.2.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Site Topography

Expansion of the Eagle Mountain Casino under Alternative E will take place on previously graded and developed areas, largely within the existing parking lot (see **Figure 2-13**). Therefore, impacts to topography on the Eagle Mountain Casino Site under Alternative E would be less than significant. No mitigation is required.

Soils and Geology

Although the development site is currently paved, the construction of Alternative E would expose soils on the site. Therefore, Alternative E could impact soils by causing soil erosion during construction activities such as clearing, grading, trenching, and backfilling. These activities could reduce the integrity of the soil structures, thereby increasing the likelihood of erosion from wind and/or stormwater runoff. The primary soil on the Eagle Mountain Casino Site has a low to moderate erosion potential based on soil type and slope gradient (**Table 3.2-2** in **Section 3.2.2**). This is a potentially significant impact.

Similar to Alternatives A through D, to reduce impacts from soil erosion, a SWPPP must be prepared and implemented as part of an NPDES permit. The SWPPP must make provisions for erosion prevention and sediment control and control of other potential pollutants.

BMPs have been included in **Section 5.2** to ensure appropriate measures are incorporated into the site-specific SWPPP. With adherence to regulatory requirements including the implementation of a SWPPP and BMPs described therein, effects from Alternative E on soils and geology would be minimal and, therefore, less than significant.

Seismicity

As discussed in **Section 3.2.2**, there are no known active faults in the vicinity of the Eagle Mountain Casino Site. The site does not fall within an Alquist-Priolo Fault Zone, and is therefore not subject to any building restrictions. The casino expansion and related facilities under Alternative E would be

constructed to standards consistent with CBC guidelines, particularly those pertaining to earthquake design, in order to safeguard against major structural failures and loss of life. Development of Alternative E would have no adverse effects related to seismic hazards.

Mineral Resources

Given there are no known or recorded mineral resources within the Eagle Mountain Casino Site, construction and operation of Alternative E would not adversely affect known or recorded mineral resources. Therefore, no adverse impacts to mineral resources would occur under Alternative E.

4.2.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Airpark Site would not be taken into trust. No development would occur in the near future. Topographic features and soils would remain undisturbed. No expansion would occur on the Eagle Mountain Casino Site. No significant effects relating to geology and soils would occur as a result of the No Action Alternative.

4.3 WATER RESOURCES

This section identifies the direct effects associated with water resources that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.3**. Indirect and cumulative effects are identified in **Section 4.14** and **Section 4.15**, respectively. Measures to mitigate for adverse effects identified in this section are presented in **Section 5.2** and **Section 5.3**.

Assessment Criteria

For surface water resources, each proposed alternative is analyzed to determine if either construction or operation would result in significant impacts to drainage patterns, floodplain management, and/or water quality. For groundwater resources, each proposed alternative is analyzed to determine if either construction or operation would result in significant impacts to groundwater levels and/or groundwater quality.

4.3.1 ALTERNATIVE A – PROPOSED PROJECT

Proposed Project at the Airpark Site

Surface Water

Flooding

As noted in **Section 3.3**, the Airpark Site is located entirely outside of both the 1.0 percent (100-year) and 0.2 percent (500-year) annual chance flood plain. No associated structures, utilities, or storage areas are proposed for development within the 100-year or 500-year floodplain. Therefore, no significant impacts associated with flooding would occur as a result of Alternative A. Because no development would be located within the floodplain, Alternative A is in compliance with Executive Order (EO) 13690.

Construction Impacts

Construction activities under Alternative A 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 activities, typical of other development projects, would also include the routine use of potentially hazardous construction materials such as concrete washings, solvents, paint, oil, and grease, which may spill onto the ground and be picked up by stormwater. Discharges of pollutants to surface waters from construction activities and accidents are a potentially significant impact.

As discussed in **Section 4.2.1**, erosion control measures would be employed in compliance with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit for construction

activities. A Stormwater Pollution Prevention Plan (SWPPP) would be developed prior to any ground disturbance and would include Best Management Practices (BMPs) to reduce potential surface water contamination during storm events. Implementation of BMPs presented in **Section 5.2** would reduce or prevent adverse effects to the local and regional watershed from construction activities on the Airpark Site. Therefore, after implementation of measures in **Section 5.2**, construction of Alternative A would not result in a significant adverse effect on surface water quality.

Stormwater Runoff

A drainage and stormwater treatment analysis for the project alternatives has been completed and is included in **Appendix D**. As described therein, implementation of Alternative A would alter the existing drainage pattern of the Airpark Site and increase stormwater runoff as a result of the increase in impervious surfaces. This increase could impact the quantity and quality of stormwater runoff. Alternative A would result in an increase of approximately 22.0 acres of impervious surfaces (for a total of 27.7 acres of impervious surfaces) within the Airpark Site including a casino, hotel, and ancillary facilities, as well as surface roads and parking areas, which would result in an increase in stormwater runoff over pre-development rates during 10- and 100-year storm events (**Appendix D**). Specifically, Alternative A would increase potential runoff from the Airpark Site during a 1-day/10-year recurrence period event from 1.4 acre-feet (AF; pre-development) to 5.0 AF (post-development).

As described in **Appendix D** and **Section 2.3.3**, stormwater infrastructure developed under Alternative A would retain the 3.6 AF of differential runoff (meaning the difference between pre- and post-development runoff) for a 1-day/10-year storm event by means of chamber cistern units located throughout the Airpark Site. Excess runoff beyond a 1-day/10-year storm event would be directed to the existing 60-inch storm drain running beneath West Street which, as described above, will be connected to the new 200-AF regional retention basin on the 40-acre site. The regional retention basin would be of adequate size to alleviate the current flooding issues at the off-highway vehicle (OHV) park, as well as to retain the runoff from the Airpark Site and to provide sufficient stormwater quality control for Alternative A. The regional retention basin would prevent runoff to waters of the state, as it would trap the runoff with only infiltration and evaporation providing an outlet. The existing 60-inch storm drain in West Street would also be extended around the Airpark Site to connect to the OHV park retention area and to the southeast to connect to the regional retention basin (refer to Figure 1 in **Appendix D**). The provision of the regional retention basin on the 40-acre site under Alternative A would prevent the OHV park from overflowing during severe precipitation events, thereby alleviating existing adverse drainage-related impacts to the Airpark Site and the surrounding area. Therefore, the reorientation and expansion of the regional drainage system under Alternative A would constitute a beneficial impact.

As described above, stormwater runoff from the Airpark Site would be held in on-site chamber cistern units or the regional retention basin in the northern portion of the 40-acre site. Therefore, no discharge to Waters of the U.S. would occur, either through non-point source stormwater runoff or through point

source discharge of stormwater from a culvert or outfall. Accordingly, there would be no impact to offsite drainages and no pollutants would be discharged to nearby surface waters.

Groundwater

Groundwater Supply

Under Alternative A, the Airpark Site would continue to receive water from the City of Porterville's (City's) municipal water system for domestic use, emergency supply, and fire protection. This system, which is described in **Section 3.10** and detailed in **Appendix C**, relies almost exclusively on groundwater for supplying municipal water services. The estimated total average water consumption for Alternative A would be approximately 106,505 gallons per day (gpd), consisting of 64,672 gpd of potable water and 41,833 gpd of recycled water (**Appendix C**). To be conservative, the existing water use on the Airpark Site is assumed to be zero, and existing water use has not been subtracted from the total water demand of Alternative A.

The use of groundwater as the water supply for Alternative A could significantly impact groundwater resources if use resulted in a significant reduction in groundwater levels in the Tule Groundwater Sub-basin, which is currently classified as critically overdrafted (**Appendix C**). However, as described in **Appendix C** and **Section 2.3.3**, Alternative A includes the development of a water reclamation facility (WRF) and associated recycled water infrastructure to offset project demands. The WRF and associated storage facilities proposed under Alternative A would have the capacity both to offset 100 percent of the average of 138,500 gpd of potable water used to irrigate the Porterville Sports Complex and to supply Alternative A's projected maximum-month recycled water demand. Therefore, given the 64,672 gpd potable water demand of Alternative A, implementation of Alternative A would yield a net surplus of approximately 73,800 gpd within the City's potable water supply relative to the existing baseline (see **Table 2-3**). Consequently, Alternative A would result in a net decrease in groundwater pumping in the Tule Groundwater Sub-basin, and no adverse impacts to regional groundwater levels would occur. Nonetheless, measures are provided in **Section 5.3** to reduce the amount of potable water used under Alternative A.

Groundwater Recharge

Alternative A would introduce large areas of impermeable surfaces such as the casino, hotel, paved parking lots, and new roads. The introduction of these surfaces can reduce groundwater recharge in areas where surface percolation accounts for a large percentage of natural recharge. Although the development of Alternative A would introduce approximately 27.7 acres of impermeable surfaces, the development of the regional retention basin on the 40-acre site and the use of bio-swales on the Airpark Site for treating stormwater runoff would allow stormwater to percolate into the groundwater table (**Appendix D**). Furthermore, irrigation of the Airpark Site and Porterville Sports Complex with disinfected tertiary recycled water would contribute to the recharge of groundwater resources in the immediate vicinity of the

Airpark Site. Therefore, the introduction of impermeable surfaces on the Airpark Site under Alternative A would not have a significant adverse impact on groundwater recharge. No mitigation is warranted.

Groundwater Quality

Stormwater Runoff

The construction of Alternative A, similar to other development projects, would include the routine use of potentially hazardous construction materials such as concrete washings, solvents, paint, oil, and grease, which may spill onto the ground and enter stormwater. These pollutants may percolate to shallow groundwater from construction activities and cause a potentially significant impact. The mitigation measures in **Section 5.2** would minimize groundwater pollution during construction and reduce potential impacts to groundwater quality from construction to a less-than-significant level.

During project operation, runoff from Alternative A facilities could flush trash, debris, oil, sediment, and grease that accumulate on pavement and other impervious surfaces into stormwater runoff. Fertilizers used in landscaped areas could also enter stormwater if over-applied. As noted in the Drainage Report (**Appendix D**) and **Section 2.3.3**, several features designed to filter surface runoff have been incorporated into the project design that would reduce impacts to a less-than-significant level. These features include catch basin insert filters to remove contaminants and suspended solids, such as oil and trash, and the use of bioswales, which would provide filtration for stormwater by capturing sediment and pollutants within vegetation and the surface soil matrix, thereby adequately filtering stormwater before it percolates to the groundwater table or flows to the chamber cistern units. BMPs have been provided in **Section 5.3** to further reduce impacts associated with stormwater runoff and fertilizer contamination. Thus, given the project design and BMPs, the impact to groundwater quality from stormwater runoff during project operation would be less than significant under Alternative A.

Irrigation with Tertiary Treated Water

As stated above, the recycled water generated at the off-site WRF and used to irrigate the Airpark Site and Porterville Sports Complex would be treated to disinfected tertiary recycled water standards under Title 22 of the California Code of Regulations (CCR). Disinfected tertiary recycled water is approved for the irrigation of food crops, parks and playgrounds, and residential landscaping by the State of California, as well as for any other irrigation use not specified or prohibited in the CCR. The quality requirements of disinfected tertiary recycled water are described in detail in **Section 3.3.1**. The minimum coliform bacteria concentration standard for disinfected tertiary recycled water is the same as the minimum standard for groundwater quality within the Tulare Lake Basin (**Table 3.3-4**), and the quality of the recycled water applied at the surface is likely to further improve by the time it percolates to the underlying aquifer due to the filtering effect of soils. While the irrigation strategy under Alternative A does not constitute an official groundwater replenishment plan, the recycled water applied at the Airpark Site and Porterville Sports Complex would nonetheless meet the minimum quality requirements to be used for groundwater replenishment via surface application, as provided in 22 CCR §60320.108(b).

Thus, there would be no significant impacts to groundwater quality resulting from the irrigation of the Airpark Site or Porterville Sports Complex with tertiary treated water. No mitigation is warranted.

Off-site Improvements

Surface Water

As shown in **Figure 3.3-1**, none of the Off-site Improvement Areas are located within a Federal Emergency Management Agency (FEMA) designated 100-year or 500-year floodplain, and thus development of the off-site improvements under Alternative A is in compliance with EO 13690.

Construction activities associated with developing the off-site improvements under Alternative A 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 activities, typical of other development projects, would also include the routine use of potentially hazardous construction materials such as concrete washings, solvents, paint, oil, and grease, which may spill onto the ground and be picked up by stormwater. Discharges of pollutants to surface waters from construction activities and accidents are a potentially significant impact.

As discussed in **Section 2.3.3**, and further analyzed in **Section 4.2**, erosion control measures would be employed in compliance with the NPDES General Construction Permit for construction activities. A SWPPP would be developed prior to any ground disturbance that would exceed one acre and would include BMPs to reduce potential surface water contamination during storm events. Implementation of BMPs presented in **Section 5.2** and incorporated into the SWPPP would reduce or prevent adverse effects to the local and regional watershed from construction activities at the Off-site Improvement Areas. Therefore, with the incorporation of measures included in **Section 5.2**, development of the off-site improvements pursuant to Alternative A would not result in a significant adverse impact to water quality.

As recommended in the Drainage Report (**Appendix D**), if the 8-acre site is selected as the location of the WRF, chamber cistern units with a total volume of approximately 0.1 AF would be constructed at the 8-acre site, which would fully retain all differential runoff resulting from development of the 8-acre site. As on the Airpark Site, catch basin insert filters would be installed, which would provide sufficient stormwater quality control. Retained water would need to be pumped from these units for use in irrigation. If the WRF is constructed on the 40-acre site, the 200-AF regional retention basin located immediately to the north of the WRF would retain all runoff and provide sufficient stormwater quality control. Combined with the erosion BMPs described in **Section 5.2**, these factors ensure that the impacts to regional stormwater runoff and surface water quality would be less than significant.

Groundwater

Development of the off-site improvements would involve no connections to the municipal potable water supply or the drilling of any wells. Thus, development of the off-site improvements under Alternative A is unlikely to yield any significant impacts to regional groundwater levels.

The construction of the WRF would introduce approximately five acres of impermeable surfaces to either the 40-acre or 8-acre site, which has the potential to reduce groundwater discharge in areas where surface percolation accounts for a large percentage of natural recharge. However, the operation of the regional retention basin on the 40-acre site would allow stormwater to percolate into the groundwater table.

Development of the regional retention basin and of the lift station and pipeline improvement areas would not introduce significant amounts of new impervious surfaces. Therefore, the introduction of impermeable surfaces to the Off-site Improvement Areas under Alternative A would not have a significant adverse impact on groundwater recharge. No mitigation is warranted.

As with construction at the Airpark Site itself, construction of the off-site improvements would include the routine use of potentially hazardous construction materials such as concrete washings, solvents, paint, oil, and grease, which may spill onto the ground and enter stormwater. These pollutants may percolate to shallow groundwater from construction activities and cause a potentially significant impact. The BMPs in **Section 5.2** would prevent groundwater pollution during construction and reduce potential impacts to groundwater quality from construction to a less-than-significant level.

During project operation, runoff from the potential WRF could flush trash, debris, oil, sediment, and grease that accumulate on pavement and other impervious surfaces into stormwater runoff. As described in detail in the Drainage Report (**Appendix D**), chamber cistern units would be constructed at the 8-acre site if it is selected as the location of the WRF. As on the Airpark Site, catch basin insert filters would be installed, which would filter surface runoff and provide sufficient stormwater runoff quality control. The proposed regional retention basin would filter surface runoff and provide stormwater runoff quality control for any stormwater flows resulting from the construction of a WRF on the 40-acre site. Therefore, given the project design, the impacts to groundwater quality resulting from stormwater runoff at the 40-acre and 8-acre site would be less than significant. Because the lift station and pipeline improvement areas and regional retention basin include no permanent aboveground development and would not introduce a significant amount of new impervious surfaces, development of these areas would cause no significant impacts to groundwater quality due to stormwater runoff, and no mitigation is required.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses. While the location of tribal governmental and service facilities may shift within the Reservation, no new uses would be created. Therefore, there would be no expected increase in water demands and wastewater flows and associated potential for impacts to water resources as a result of repurposing the building. The

relocation of the casino is expected to decrease the overall water demand on the Reservation by 27,863 gpd, which is the current water demand of the casino less 50 percent of the existing food court and buffet demand, as the food court would remain open for use by tribal members. This decrease in water use on the Reservation would be a beneficial impact to water resources and groundwater levels. Because no exterior improvements or construction activities would occur, no changes to stormwater runoff rates or water quality would occur.

4.3.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Surface Water

Impacts to surface water resources under Alternative B would be the same as those identified for Alternative A, although differential runoff would be slightly higher under Alternative B due to the larger amount of impervious surfaces post-development. Thus, flooding and construction impacts would either be less than significant or would be reduced to less-than-significant levels through the implementation of the mitigation provided in **Section 5.2**.

Stormwater Runoff

The development of Alternative B would result in an increase of approximately 25.8 acres of impervious surfaces (for a total of 31.5 acres of impervious surfaces) within the Airpark Site, including a casino, hotel, and ancillary facilities, as well as surface roads and parking areas, which would result in an increase in stormwater runoff over pre-development rates during 10- and 100-year storm events (**Appendix D**). Notably, Alternative B includes the development of on-site water and wastewater infrastructure, which increases the amount of impervious surfaces added to the Airpark Site relative to Alternative A. Alternative B would increase potential runoff from the Airpark Site during a 1-day/10-year recurrence period event from 1.4 AF (pre-development) to 5.7 AF (post-development), yielding a differential runoff of 4.3 AF. The chamber cistern units constructed on the Airpark site under Alternative B would be sized to retain this increased amount of differential runoff. Otherwise, Alternative B includes the same stormwater infrastructure developments and renovations as Alternative A (refer to **Section 2.4.3**), including the construction of the regional retention basin on the 40-acre site. Thus, no discharge to Waters of the U.S. would occur, and the implementation of Alternative B would have a beneficial impact on regional drainage by mitigating existing flooding issues in the Airpark System associated with overflow of the OHV park.

Groundwater

Groundwater Supply

Unlike Alternative A, under Alternative B the Tribe would not connect the Airpark Site to the City water supply, but would instead drill groundwater wells on site. The estimated average daily water demand for Alternative B is very similar to that of Alternative A, with a total demand of 106,505 gpd, including a

potable water demand of 64,672 gpd and a recycled water demand of 41,833 gpd (**Appendix C**). Under Alternative B the Tribe would drill two wells at the Airpark Site. The closest active well is a municipal groundwater well located just south of the Airpark Site at the Porterville fairgrounds. That well, drilled to a depth of 800 feet, has a capacity of 300 to 400 gpm. A single well with a similar capacity would be sufficient to satisfy the estimated peak hour demand of the Airpark Site (124 gpm), but a second well is necessary for those periods when one well must be shut down for maintenance, or in the event that one of the wells is damaged. The wells would be drilled at least 100 feet apart to prevent localized drawdowns from impeding the capacity of either well. Additionally, the wells would be separated from the proposed on-site leach fields to prevent cross contamination. The Tribe would also construct a pump station and a 1.2-MG water tank for operational, fire protection, and emergency storage (**Appendix C**).

The operation of groundwater wells on site would have the potential to impact groundwater levels in the vicinity of the Airpark Site. As noted above, the aquifer from which the on-site wells would draw is currently classified as critically overdrafted (**Appendix C**). However, as described below and in **Section 2.4**, wastewater treated to secondary effluent standards would be discharged into the leach fields located beneath the proposed parking lot or in another suitable location on site. The average total of secondary wastewater discharged at the proposed leach field would be approximately 35,773 gpd (77,606 gpd of average wastewater flow to the on-site wastewater treatment plant [WWTP] – 41,833 gpd of tertiary recycled water used, on average, for indoor and outdoor purposes = 35,773 gpd). As it is assumed that nearly all water applied to the proposed leach field would eventually percolate into the groundwater table, potable water use under Alternative B would result in a net average groundwater consumption rate of approximately 28,899 gpd (64,672 gpd pumped, on average, from the on-site wells – 35,773 gpd of water applied, on average, to the leach field = 28,899 gpd). Therefore, although the use of the on-site leach field would reduce the impact of Alternative B by approximately 55 percent, there would still be a significant effect to groundwater levels given the overdrafted condition of the groundwater basin. Measures to reduce potable water consumption at the Airpark Site are provided in **Section 5.3** to reduce this impact, but not to a less-than-significant level.

Groundwater Recharge

As with Alternative A, the proposed development would introduce large areas of impermeable surfaces such as the casino, paved parking lots, and new roads. The introduction of these surfaces can reduce groundwater recharge in areas where surface percolation accounts for a large percentage of natural recharge. Although the development of Alternative B would introduce approximately 25.8 acres of impermeable surfaces, the development of the regional retention basin on the 40-acre site and the use of bioswales on the Airpark Site would allow stormwater to percolate into the groundwater table. Additionally, as described above, the irrigation of the Airpark Site with recycled water generated at the on-site WWTP and the operation of the on-site leach field would also contribute to groundwater recharge. Therefore, the introduction of impermeable surfaces to the Airpark Site under Alternative B would not have a significant adverse impact on groundwater recharge. No mitigation is warranted.

Groundwater Quality

Because Alternative B involves a storm drainage design very similar to Alternative A, the impacts to groundwater quality under Alternative B, including impacts related to stormwater runoff and irrigation with tertiary treated water, would be similar to those described under **Section 4.3.1**. Thus, stormwater runoff impacts resulting from construction would be reduced from potentially significant to less-than-significant levels through the implementation of the BMPs in **Section 5.2**. Due to the project design, stormwater runoff impacts associated with the operation of Alternative B would be less than significant; the implementation of measures provided in **Section 5.3** would further reduce these impacts. Alternative B differs from Alternative A with respect to the potential impacts associated with applying secondary effluent to the proposed leach field complex.

Application of Secondary Effluent to the Leach Field Complex

As described in detail in **Section 2.4**, wastewater generated at the Airpark Site and treated to secondary effluent standards at the on-site package extended aeration activated sludge plant (EAP) would be discharged into a leach field complex located beneath the proposed parking lot or another suitable location on site whenever the amount of secondary effluent generated exceeds the amount of disinfected tertiary recycled water needed for indoor and outdoor uses. Exeter loam, the predominant soil at the Airpark Site, is rated as “very limited” for septic absorption uses due to its slow percolation rate (NRCS, 2017a). However, the estimated 2.3-acre area of the proposed leach field complex would be sufficient to provide appropriate percolation conditions despite these filtration deficiencies. The disposal of wastewater on site via subsurface drainage would be regulated by the United States Environmental Protection Agency (USEPA) within the Underground Injection Control (UIC) program. The leach field complex would constitute a Class V injection well and would be registered with the USEPA as such.

Under Alternative B, it is proposed that both the stormwater chamber cistern units and the leach field complex be located on site, as described in **Appendix C**. While it is considered feasible to provide both of these infiltration needs on site, infiltration testing would need to be conducted during the final design phase to confirm the exact locations of these components, as described in **Section 5.3**. Thus, due to the project design and through the implementation of mitigation, impacts associated with applying secondary effluent to the leach field complex would be reduced to less-than-significant levels.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative B, the existing Eagle Mountain Casino would be converted to tribal government uses identical to Alternative A. This decrease in water use on the Reservation would be a beneficial impact to water resources and groundwater levels.

Off-site Improvements

Alternative B would have similar impacts as Alternative A with respect to the development of the regional retention basin on the 40-acre site, but would include none of the impacts associated with constructing a WRF on the 40-acre site or 8-acre site or renovating the lift station and pipeline improvement area. Thus, impacts associated with flooding would be less than significant, while impacts to surface water resources resulting from construction and stormwater runoff would be reduced to less-than-significant levels pending the implementation of the BMPs described in **Section 5.2**.

4.3.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Reduced Intensity Alternative at the Airpark Site

Surface Water

Impacts to surface water resources under Alternative C would be the same as or slightly reduced relative to those identified for Alternatives A and B. Thus, flooding stormwater runoff, and construction impacts would either be less than significant or would be reduced to less-than-significant levels through the implementation of the mitigation provided in **Section 5.2**.

Groundwater

Groundwater Supply

Water supply options under Alternative C would be similar to those previously described for Alternatives A and B, as described in **Section 2.5.2**. The estimated total average daily water consumption for Alternative C would be approximately 82,078 gpd, including 43,854 gpd of potable water and 38,224 gpd of recycled water (**Appendix C**). Average water demand would be reduced relative to Alternatives A and B due to the reduction in project size and elimination of some of the proposed facilities.

Off-site Water Supply (Option 1)

As in Alternative A, the WRF constructed at either of the two off-site locations would produce a quantity of recycled water sufficient both to meet the maximum month recycled water demand on the Airpark Site and to offset 100 percent of the average of 138,500 gpd of potable water used to irrigate the Porterville Sports Complex, which equates to 316 percent of the estimated potable water demand of Alternative C. Thus, implementation of Alternative C Water Supply Option 1 would generate a municipal water supply surplus of roughly 94,700 gpd relative to the existing baseline. Alternative C Water Supply Option 1 would thereby reduce total municipal water usage and corresponding impacts to groundwater. No mitigation is necessary. Nonetheless, measures have been provided in **Section 5.3** to reduce potable water consumption at the Airpark Site.

On-site Water Supply (Option 2)

As with Alternative B, the construction of two on-site groundwater wells would occur under Alternative C Water Supply Option 2. Alternative C Water Supply Option 2 would have the potential to negatively impact groundwater levels in the vicinity of the Airpark Site. However, as described in **Section 4.3.2**, wastewater treated to secondary effluent standards would be discharged into the leach field complex located either beneath the proposed parking lot or at another suitable location on site. The average total of secondary wastewater discharged at the proposed leach field would be approximately 12,308 gpd (50,532 gpd of average wastewater flow to the on-site WWTP – 38,224 gpd of tertiary recycled water used, on average, for indoor and outdoor purposes = 12,308 gpd). As it is assumed that nearly all water applied to the proposed leach field would eventually percolate into the groundwater table, potable water use under Alternative C Water Supply Option 2 would result in a net average groundwater consumption rate of approximately 31,546 gpd (43,854 gpd pumped, on average, from the on-site wells – 12,308 gpd of water applied, on average, to the leach field = 31,546 gpd). Therefore, although the use of the on-site leach field would reduce the impact of Alternative C Water Supply Option 2 by approximately 28 percent, there would still be a significant effect to groundwater levels given the overdrafted condition of the groundwater basin. Measures to reduce potable water consumption at the Airpark Site are provided in **Section 5.3** to reduce this impact, but not to a less-than-significant level.

Groundwater Recharge

Similar to Alternatives A and B, the development proposed under Alternative C would introduce large areas of impermeable surfaces, which could reduce groundwater recharge. As discussed in **Section 2.5**, Alternative C would include development of a regional retention basin on the 40-acre site and the use of bioswales on the Airpark Site, which would allow stormwater runoff to percolate to the groundwater table. Irrigation of the Airpark Site with tertiary recycled water and the operation of a leach field complex under Wastewater Option 2 would also contribute to groundwater recharge, as described above. Given the project design of Alternative C, minimal impacts related to groundwater levels would occur. No mitigation is warranted.

Groundwater Quality

Impacts to groundwater quality associated with the construction and operation of Alternative C are similar but proportionally reduced relative to those identified for Alternatives A and B. Alternative C would incorporate the same mitigation measures and BMPs as Alternatives A and B for Alternative C (Option 2) resulting in less than significant impacts.

Off-site Improvements

Impacts from the off-site improvements under Alternative C would be similar but marginally reduced relative to those described under Alternative A if Water Supply Option 1 and Wastewater Option 1 (described in **Section 2.5**) are implemented. Therefore, impacts associated with flooding would be less than significant, while impacts to surface water resources resulting from construction and stormwater runoff would be reduced to less-than-significant levels pending the implementation of the BMPs described in **Section 5.2**. Similarly, impacts to groundwater supply and recharge would not be significant, while impacts to groundwater quality would be reduced to less-than-significant levels through the implementation of the BMPs described in **Section 5.2**. If Water Supply Option 2 and Wastewater Option 2 are implemented, only impacts associated with the development of the regional retention basin would occur at the Off-site Improvement Areas.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative C, the existing Eagle Mountain Casino would be converted to tribal government uses identical to Alternative A. This decrease in water use on the Reservation would be a beneficial impact to water resources and groundwater levels.

4.3.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Non-Gaming Alternative at the Airpark Site

Surface Water

Impacts to surface water resources under Alternative D would be the same or reduced relative to those identified for Alternatives A and B. Thus, flooding stormwater runoff, and construction impacts would either be less than significant or would be reduced to less-than-significant levels through the implementation of the mitigation provided in **Section 5.2**.

Groundwater

Groundwater Supply

Water supply under Alternative D would be similar to those previously described for Alternative B, as described in **Section 2.6**. The estimated total average daily water consumption for Alternative D would be approximately 41,637 gpd, including 23,294 gpd of potable water and 18,343 gpd of recycled water (**Appendix C**). The total maximum-day water demand for Alternative D is estimated to be 81,684 gpd, including 44,356 gpd of potable water and 37,328 gpd of recycled water. Average and peak daily demands would be significantly reduced relative to Alternatives B due to the reduction in size and elimination of some of the proposed facilities.

As with Alternative B, the construction of two on-site groundwater wells would occur under Alternative D. Alternative D would have the potential to negatively impact groundwater levels in the vicinity of the Airpark Site. However, as described in **Section 4.3.2**, wastewater treated to secondary effluent standards would be discharged into the leach field complex located either beneath the proposed parking lot or at another suitable location on site. The average total of secondary wastewater discharged at the proposed leach field would be approximately 6,307 gpd (24,650 gpd of average wastewater flow to the on-site WWTP – 18,343 gpd of tertiary recycled water used, on average, for indoor and outdoor purposes = 6,307 gpd). As it is assumed that nearly all water applied to the proposed leach field would eventually percolate into the groundwater table, potable water use under Alternative D would result in a net average groundwater consumption rate of approximately 16,987 gpd (23,294 gpd pumped, on average, from the on-site wells – 6,307 gpd of water applied, on average, to the leach field = 16,987 gpd). Therefore, although the use of the on-site leach field would reduce the impact of Alternative D by approximately 27 percent, there would still be a significant effect to groundwater levels given the overdrafted condition of the groundwater basin. Measures to reduce potable water consumption at the Airpark Site are provided in **Section 5.3** to reduce this impact, but not to a less-than-significant level.

Groundwater Recharge

Similar to the other alternatives, the development proposed under Alternative D would introduce large areas of impermeable surfaces, which could reduce groundwater recharge. However, compared to Alternatives A through C, a much larger proportion of the Airpark Site would remain as undeveloped land under Alternative D, and the total area of impermeable surfaces would be significantly lower. As discussed in **Section 2.6**, Alternative D would include the development of a regional retention basin on the 40-acre site and the use of bioswales on the Airpark Site, which would allow stormwater runoff to percolate to the groundwater table. Irrigation of the Airpark Site with recycled water and the operation of a leach field complex on the Airpark Site under Wastewater Option 2 would also contribute to groundwater recharge. Given the project design of Alternative D, minimal impacts related to groundwater levels would occur. No mitigation is warranted.

Groundwater Quality

Impacts to groundwater quality associated with the construction and operation of Alternative D are similar but proportionally reduced relative to those identified for Alternatives A and B. Alternative D would incorporate the same mitigation measures and BMPs as Alternatives A and B for Alternative D (Option 2) resulting in less than significant impacts.

Off-site Improvements

Impacts from the off-site improvements under Alternative D would be similar to those described under Alternative B. Thus, impacts associated with flooding would be less than significant, while impacts to

surface water resources resulting from construction and stormwater runoff would be reduced to less-than-significant levels pending the implementation of the BMPs described in **Section 5.2**.

4.3.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Surface Water

Flooding

As noted in **Section 3.3.4**, the Eagle Mountain Casino Site is located on a non-printed FEMA Flood Insurance Rate Map (FIRM) panel. The FEMA Index Map for Tulare County states that all non-printed panels within the County are “No Special Flood Hazard Areas” (FEMA, 2012). Therefore, no significant flooding impacts would occur as a result of Alternative A. Because no development would be located within a flood hazard area, Alternative A is in compliance with EO 13690.

Construction Impacts

Construction activities proposed under Alternative E would include minimal ground-disturbing activities such as clearing and grubbing, grading, and excavation, which could lead to erosion of topsoil on the Eagle Mountain Casino Site. Erosion from construction could increase sediment discharge to the South Fork during storm events, thereby degrading downstream water quality. Discharges of sediments and pollutants to surface waters from construction activities proposed under Alternative E would be a potentially significant impact, though the potential impact would not be as severe as for Alternatives A through D due to the comparatively minimal extent of ground disturbing activities.

As discussed in **Section 2.7**, erosion control measures would be employed in compliance with the NPDES General Construction Permit for construction activities. A SWPPP would be developed prior to any ground disturbance at the Eagle Mountain Casino Site and would include BMPs to reduce potential surface water contamination during storm events. Implementation of BMPs presented in **Section 5.2** and incorporated into the SWPPP would reduce or prevent adverse effects to the local and regional watershed from construction activities on the Eagle Mountain Casino Site. Based on these BMPs and the relatively small scale of ground-disturbing activities, Alternative E would not have significant construction-related impacts on water quality.

Operation Impacts

The estimated average daily water consumption for the casino site is currently 30,226 gpd, while the maximum day water demand is approximately 56,442 gpd (**Appendix C**). Treated surface water from the South Fork is the primary water source, with groundwater from three wells connected to the Reservation water system used to augment the water supply when necessary. However, as described in **Section 2.7**, and **Appendix C**, would not draw additional water from the Reservation water supply. Instead, the Tribe would truck in potable water from an off-Reservation source. This has the potential to cause significant impacts to surface water supplies. However, **Mitigation Measure 5.3(F)** requires the water trucked in to

be from an aquifer that is not currently in a state of overdraft. Thus, with the incorporation of mitigation, Alternative E would not generate significant impacts to regional surface water resources, and no mitigation is required.

Stormwater Runoff

Because the Eagle Mountain Casino Site is already graded and developed, and because almost all construction would occur in areas that are already graded and paved, implementation of Alternative E would not significantly alter the existing drainage pattern of the Eagle Mountain Casino Site, nor would it add a significant amount of impervious surfaces. Stormwater runoff at the Eagle Mountain Casino Site would continue to consist of westerly overland drainage to the South Fork. Nominal expansions of the existing sump and/or the installation of underground storm chambers beneath parking areas would be required to accommodate the marginal increase in stormwater runoff from Alternative E, as described in the Drainage Report (**Appendix D**). With the construction of these on-site improvements, impacts associated with stormwater runoff would be less than significant, and no mitigation is required.

Groundwater

Groundwater Supply

As discussed previously, the Tribe would truck potable water in from an off-Reservation source to satisfy the additional demand under Alternative E. A 5,000-gallon water tank truck would need to make approximately one trip per day to satisfy the estimated average day demand of the expanded portion of the Casino (5,381 gpd) and approximately two trips per day to satisfy the estimated maximum-day demand of the expanded portion of the Casino (10,045 gpd). The specific location from and/or company through which the Tribe would truck this water would be determined at a later date. The implementation of the BMPs provided in **Section 5.3** would ensure that the trucking in of water does not significantly impact any off-Reservation groundwater resources.

Groundwater Recharge

As described above, development of Alternative E would not introduce significant areas of impervious surfaces to the Eagle Mountain Casino Site, as the Eagle Mountain Casino Site is already graded and developed, and expansion would occur almost exclusively in areas that are currently paved. Thus, implementation of Alternative E would not cause a significant impact to groundwater recharge, and no mitigation is required.

Groundwater Quality

As with previous alternatives, the development of Alternative E would include the routine use of potentially hazardous construction materials that have the potential to percolate to shallow groundwater if accidental releases were to occur, which would constitute a potentially significant impact. The BMPs in

Section 5.2 would minimize groundwater pollution during construction of Alternative E and reduce the potential impacts from construction to less-than-significant levels.

As with Alternatives A through D, during project operation, runoff from Alternative E project facilities could flush contaminants that accumulate on pavement and other impervious surfaces into stormwater. However, because Alternative E would not add a significant amount of impervious surfaces to the Eagle Mountain Casino Site, it is not anticipated that the amount of contaminants flushed into stormwater subsequent to the development of Alternative E would represent a significant increase over existing conditions. Additionally, because the size of the existing landscaped area at the Eagle Mountain Casino Site is small and would not increase significantly under Alternative E, the impacts associated with fertilizer leaching into stormwater runoff would be less than significant. Therefore, the impacts to groundwater quality from stormwater runoff would not be significant under Alternative E, and no mitigation is necessary.

4.3.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Airpark Site would not be taken into trust. No development would occur in the near future. No expansion would occur on the Eagle Mountain Casino Site. No significant effects to water resources would occur. No mitigation is required.

4.4 AIR QUALITY

This section identifies the direct effects to air quality that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.4**. Indirect and cumulative effects are identified in **Section 4.14** and **Section 4.15**, respectively. Measures to mitigate for adverse effects identified in this section are presented in **Section 5.4**.

Assessment Criteria

Adverse effects to ambient air quality could result if either construction or operation would result in violations of the Federal Clean Air Act (CAA) provisions, or if emissions would impede a state's ability to meet National Ambient Air Quality Standards (NAAQS).

While the alternative sites are located within the San Joaquin Valley Air Basin (SJVAB) and the San Joaquin Valley Air Pollution Control District's (SJVAPCD) jurisdictional boundaries, SJVAPCD thresholds do not apply to federal actions. However, because the Off-site Improvement Areas are located within the City of Porterville (City) boundaries and would be subject to City approvals, emissions resulting from the off-site improvements are compared to SJVAPCD emission thresholds. The effects of proposed federal actions on SJVAPCD air quality management are assessed under General Conformity as required under the CAA.

4.4.1 METHODOLOGY

Development and operation of the project alternatives would emit criteria air pollutants (CAPs), hazardous air pollutants (HAPs), and greenhouse gases (GHGs). During construction, CAPs, HAP and GHG emissions from earth-moving activities, diesel-fueled trucks, and construction equipment would occur. During operation criteria pollutants, HAP and GHG emissions from patron, worker, and delivery vehicles and onsite stationary sources (i.e. boilers and stoves) would occur. This section presents the methodology used to assess the affected environment and to evaluate the potential air quality effects of the project alternatives.

Construction Analysis

Construction would entail mass earthwork, fine grading, and building, road, and parking lot construction. A variety of heavy equipment, including trucks, scrapers, excavators, and graders, would be used to complete each phase. Effects on air quality during construction were evaluated by estimating the amount of criteria pollutants that would be emitted over the duration of the construction period (for each phase of construction where applicable). Particulate matter less than 2.5 microns in diameter (PM_{2.5}) and ozone (O₃) precursors are the primary pollutant of concern resulting from operation of construction equipment, earth-moving activities, and soil hauling.

Reactive organic gases (ROG), nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), and diesel particulate matter (DPM) emissions from construction would primarily be produced by diesel-fueled equipment use. The majority of these emissions would be from on and off-road construction equipment and truck use at the alternative sites. Emissions from construction equipment were calculated using the United States Environmental Protection Agency (USEPA) approved 2016 California Emissions Estimator Model, Version 2016.3.1 (CalEEMod; CalEEMod, 2016). A detailed list of the proposed equipment and emissions resulting from the equipment is located in **Appendix E**.

The majority of particulate matter less than 10 microns in diameter (PM₁₀) and PM_{2.5} emissions would result from fugitive dust generated during earth-moving activities, such as site grading; however, fugitive dust may be generated during the import of fill. CalEEMod was used to estimate PM₁₀ and PM_{2.5} project-related emissions and precursors from equipment exhaust and fugitive dust. CAP emissions were estimated assuming that construction would begin in 2019 and continue at an average rate of 22 days per month for all project alternatives. The construction duration for project alternatives varies from 6 to 18 months. Emissions results are summarized below and included in **Appendix E**.

Operational Analysis

CalEEMod was also used to estimate emissions associated with near term operation of the project alternatives. Input values for the CalEEMod included data from the traffic impact study (TIS) provided in **Appendix I**, and water/wastewater and solid waste generation estimates from **Section 4.10**. Trip generation specific to each of the project alternatives provided in the TIS was incorporated into CalEEMod.

Because Alternatives A through C would involve the closure of the existing Eagle Mountain Casino, trip generation rates for Alternatives A through C incorporated into CalEEMod from the TIS have been adjusted to account for existing trips on the roadway network traveling to the Eagle Mountain Casino as determined by traffic counts. Additionally, CalEEMod provides an input for the percentage of diverted pass-by-trips, which are vehicles that are already on the road and decide to make a stop along the way to their original destination. The TIS estimates diverted pass-by-trips to be 15 percent and trip reduction due to alternative transportation at 5 percent.

The average length of vehicle trips associated with the casino alternatives is expected to be longer than the default trip length values included in CalEEMod. Therefore, project-specific trip length values were developed and are shown in the TIS (provided as **Appendix I**); these values are used in the following air quality analysis.

Appendix E includes additional details regarding CalEEMod inputs as well as the CalEEMod output files.

Federal General Conformity

Conformity regulations apply to Federal actions that would cause emissions of CAPs to occur in locations designated as non-attainment or maintenance areas for the emitted pollutants. As discussed in **Section 3.4** the alternative sites are located in an area that is classified as nonattainment for ozone (NO_x and ROG, ozone precursors) and PM_{2.5} under the NAAQS; therefore, if project emissions are equal to or exceed applicable levels for any CAP provided in 40 Code of Federal Regulations (CFR) §93.153 (b)(1) and (2), then a federal general conformity determination analysis would be required. Whether a conformity determination will be required for each project alternative is discussed below.

Carbon Monoxide Hot Spot Analysis

Implementation of the project alternatives would result in emissions of CO. Because CO disperses rapidly with increased distance from the source, emissions of CO are considered localized pollutants of concern rather than regional pollutants, and can be evaluated by Hot Spot Analysis. In accordance with 40 CFR §93.123, quantitative analysis is required if the following criteria are met:

- For projects in or affecting locations, areas, or categories of sites which are identified in the applicable implementation plan as sites of violation or possible violation;
- For projects affecting intersections that are at Level of Service (LOS) D, E, or F, or those that will change to LOS D, E, or F because of increased traffic volumes related to the project;
- For any project affecting one or more of the top three intersections in the CO nonattainment or maintenance area with highest traffic volumes, as identified in the applicable implementation plan; and
- For any project affecting one or more of the top three intersections in the CO nonattainment or maintenance area with the worst LOS, as identified in the applicable implementation plan.

The project alternatives are not in an area or category of site that has been identified in a CO plan. As shown in the TIS, provided as **Appendix I**, no intersection currently operating at LOS D, E, or F would be affected by project-related traffic, and after mitigation no intersection in the study area would operate at LOS E or F. The project alternatives are not located in a CO nonattainment or maintenance area. Therefore, no quantitative analysis is required.

Climate Change

This EIS considers whether project emissions have individual or cumulative effects on climate change. Given the global nature of climate change impacts, individual project impacts are most appropriately addressed in terms of the incremental contribution to a global cumulative impact (provided in **Section 4.15**). This approach is consistent with the view articulated by the *Intergovernmental Panel on Climate Change Fifth Assessment Report* (IPCC, 2014). Therefore, refer to **Section 4.15** for a discussion and analysis of cumulative impacts related to climate change.

Federal Class I Areas

If any alternative emits greater than the Prevention of Significant Deterioration (PSD) threshold of 250 tons per year (tpy) of any one criteria pollutant from stationary sources during construction or operation then a best available control technology analysis will be conducted. As stated in **Section 3.4**, Kings Canyon and Sequoia National Parks and Domeland Wilderness are within the preconstruction review distance of the Airpark and Eagle Mountain Casino Sites, and analysis is required.

Tribal New Source Review (NSR)

The Tribe would be required to apply for a permit under the newly implemented New Source Review (NSR) requirements of the CAA if stationary source operational emissions of regulated pollutants would exceed the thresholds presented in **Section 3.4** in **Table 3.4-2**. For this analysis, stationary source project related operational emissions will be quantified and compared to the applicable threshold.

4.4.2 ALTERNATIVE A – PROPOSED PROJECT

Proposed Project at the Airpark Site

Construction Emissions

Construction of Alternative A would emit PM₁₀, NO_x, SO₂, CO, ROG, HAPs, and DPM from the operation of construction equipment and grading activities. Emissions from construction equipment have the potential to increase the concentration of DPM in the close vicinity (within approximately 500 feet) of the construction site, if control measures are not implemented.

Construction is anticipated to begin in 2019 and last approximately 18 months and require import of fill. Construction is assumed to occur 8 hours a day, 5 days a week. Unmitigated construction emission totals for Alternative A are shown in **Table 4.4-1**, and mitigated emissions are provided in **Table 5-1**. It should be noted that **Table 4.4-1** also shows off-site improvement construction emissions which are discussed further in this section.

As shown in **Table 4.4-1** emissions of individual criteria pollutants from construction of Alternative A would not exceed applicable *de minimis* levels; therefore, a conformity determination is not required. However, to further reduce project-related construction criteria pollutants and DPM emissions, Best Management Practices (BMPs) are provided in **Section 5.4.1**. BMPs provided in **Section 5.4.1** would reduce DPM emissions from construction equipment by approximately 85 percent, avoiding potentially adverse effects to nearby sensitive receptors. Construction of Alternative A would not result in significant adverse effects associated with the regional air quality environment.

TABLE 4.4-1
ALTERNATIVE A UNMITIGATED CONSTRUCTION EMISSIONS

Construction Year	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
2019						
Alt A at Airpark Site	0.54	4.17	2.93	0.001	0.87	0.47
Off-Site Improvements	-	-	-	-	-	-
<i>Sub-total</i>	<i>0.54</i>	<i>4.17</i>	<i>2.93</i>	<i>0.001</i>	<i>0.87</i>	<i>0.47</i>
2020						
Alt A at Airpark Site	4.12	7.31	6.91	0.019	1.07	0.46
Off-Site Improvements	0.21	2.25	1.44	0.07	0.15	0.11
<i>Sub-total</i>	<i>4.33</i>	<i>9.56</i>	<i>8.35</i>	<i>0.089</i>	<i>1.22</i>	<i>0.57</i>
Maximum Year Emissions	4.33	9.56	8.35	0.089	1.22	0.57
<i>De Minimis Levels</i>	10	10	N/A	N/A	N/A	50
Exceed Level?	No	No	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (Refer to Section 3.4). Source: CalEEMod, 2016.						

Operational Vehicle and Area Emissions

Buildout of Alternative A would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as area and energy criteria pollutant emissions from combustion of natural gas in boilers, stoves, heating units, and other equipment on the Airpark Site. Unmitigated operation emission totals for the Alternative A are shown in **Table 4.4-2**, and mitigated emissions are provided in **Table 5-2**. **Table 4.4-2** also shows off-site improvement operational emissions which are discussed further below in this section. It should be noted that stationary and area sources are exempt under conformity regulations and therefore not subject to *de minimis* levels. Detailed calculations of vehicle and area emissions are included as **Appendix E**.

As shown in **Table 4.4-2**, without mitigation, emissions of the ozone precursor NO_x from operation of Alternative A would exceed applicable levels. This would be a significant adverse impact. Mitigation provided in **Section 5.4.2** would minimize criteria air pollutant emissions from operation of Alternative A through the implementation of measures intended to reduce on-site area emissions, vehicle idling, and mobile emissions. Additionally, mitigation requires the purchase of credits to fully offset NO_x emissions. After mitigation, impacts to the regional air quality environment resulting from operation of Alternative A would be reduced to less than significant.

As shown in **Table 4.4-2**, emissions of individual criteria pollutants from stationary sources (area and stationary) would exceed the Tribal NSR threshold of 2 tpy for ROG; therefore, a Tribal NSR permit would be required. The Tribe would apply for and obtain a Tribal NSR permit in accordance with the USEPA guidelines and Tribal NSR regulations.

TABLE 4.4-2
ALTERNATIVE A UNMITIGATED OPERATIONAL EMISSIONS

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Exempt Conformity Emissions						
Area	2.14	0.0002	0.023	0.00	0.00	0.00
Stationary	0.25	1.12	1.18	0.005	0.081	0.081
<i>Total Exempt Emissions</i>	<i>2.39</i>	<i>1.12</i>	<i>1.20</i>	<i>0.005</i>	<i>0.081</i>	<i>0.081</i>
Non-Exempt Conformity Emissions						
Mobile	2.71	26.61	42.49	0.18	13.62	3.77
Energy	0.99	8.97	7.54	0.05	0.68	0.68
Off-site WRF	0.011	0.018	0.27	0.00	0.0006	0.0003
<i>Total Non-Exempt Emissions</i>	<i>3.71</i>	<i>35.60</i>	<i>50.30</i>	<i>0.23</i>	<i>14.30</i>	<i>4.45</i>
Total Emissions	6.1	36.72	51.50	0.24	14.38	4.51
<i>De Minimis Levels</i> ¹	10	10	N/A	N/A	N/A	50
Exceed Level?	No	Yes	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (Refer to Section 3.4). 1 - Only applies to Non-Exempt Emissions. Source: CalEEMod, 2016.						

General Conformity Determination

Since project-related direct and indirect emissions occur in a nonattainment area and project-related operational emissions (refer to **Table 4.4-2**) would exceed levels for the ozone precursor NO_x, then a general conformity determination for ozone is required. A draft general conformity determination was provided in **Appendix F** of the Draft EIS. A final conformity determination is provided in **Appendix Q** of this Final EIS.

Federal Class I Areas

Alternative A stationary source emissions are shown in **Table 4.4-2** under the categories of Area and Stationary sources. As shown in **Table 4.4-2**, Alternative A would not result in stationary source emissions of any one pollutant in excess of the Federal Class I Areas major source threshold of 250 tpy.

Off-site Improvements

Construction

Alternative A would result in the construction of off-site recycled water, sewer, and stormwater infrastructure improvements. Construction activities associated with off-site infrastructure improvements would emit PM₁₀, NO_x, SO₂, CO, ROG, HAPs, and DPM from the operation of construction equipment and grading activities. Construction of off-site infrastructure is anticipated to begin in 2020 and last approximately 6 months. Estimated emissions resulting from construction of the WRF, regional retention

basin, recycled water pipeline, and sewer and lift station upgrades are shown in **Table 4.4-3**. These estimates conservatively assume that the WRF would be constructed on the 40-acre site, as this site would require more grading and export of materials than the 8-acre site. As shown in the table, construction of off-site infrastructure improvements would not cause emissions that would exceed the San Joaquin Valley Air Pollution Control District’s (SJAPCD) thresholds. However, to further reduce project-related construction criteria pollutants and DPM emissions, Best Management Practices (BMPs) are provided in **Section 5.4.1**. Construction of off-site infrastructure improvements under Alternative A would not result in significant adverse effects to air quality.

TABLE 4.4-3
ALTERNATIVE A OFF-SITE IMPROVEMENTS EMISSIONS ESTIMATES

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Construction	0.21	2.25	1.44	0.07	0.15	0.11
Operation	0.011	0.018	0.27	0.00	0.0006	0.0003
SJVAPCD Thresholds	10	10	100	27	15	15
Exceed Thresholds?	No	No	No	No	No	No
Source: CalEEMod, 2016.						

Operation

Operation of the proposed WRF and recycled water pump station would result in operational emissions associated with worker trips and electricity usage from the equipment and pumps. Estimated emissions resulting from operation of the WRF are shown in **Table 4.4-3**. As shown in the table, operation of off-site infrastructure improvements would not cause emissions that would exceed the SJAPCD’s thresholds. Operational emissions from off-site infrastructure would be less than significant.

Odor

The WRF would treat secondary wastewater to tertiary levels and is not expected to result in any perceptible odors at off-site locations. Additionally, the elimination of biosolid dispersal at the 40-acre site would likely reduce the propensity for odors at the site. Impacts associated with odor from development of off-site infrastructure improvements would be less than significant.

Renovation of Existing Eagle Mountain Casino

As described in **Section 2.3.3**, under Alternative A, the existing Eagle Mountain Casino would be converted to tribal government uses. While the location of tribal governmental and service facilities may shift within the Reservation, no new uses would be created that would generate an increase in traffic and associated emissions over existing conditions. Operational area, energy and stationary source emissions associated with the converted facility would be equal to or lower than operational emissions relative to the

existing Eagle Mountain Casino. Therefore, air quality impacts associated with the operation of the converted Eagle Mountain Casino facility under Alternative A would be less than significant, and no additional mitigation is required.

4.4.3 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Construction and Operational Emissions

Construction and operation emissions of Alternative B would be the same as Alternative A with the exception that none of the off-site infrastructure improvements would be constructed except for the regional retention basin. Refer to **Tables 4.4-1**, and **4.4-2**. BMPs and mitigation measures in **Section 5.4** would reduce emissions associated with Alternative B. After mitigation, construction and operational emissions resulting from Alternative B would be less than significant.

Odor – On-site Wastewater Treatment Plant

Under Alternative B, all wastewater generated by the Proposed Project would be treated at an on-site wastewater treatment plant (WWTP) that would be located in the southwest corner of the Airpark Site. The WWTP would be entirely enclosed in two buildings and would include odor-reducing equipment to reduce the potential for nuisance odors. With proper operating procedures and maintenance, the WWTP would be generally odor free (refer to **Appendix C**). The nearest sensitive odor receptors to the Airpark Site are the Porterville Sports Complex (located approximately 300 feet east and 500 feet north of the Airpark Site and over 1,400 feet from the WWTP that would be located in the southwest corner of the site) and a residence located approximately 2,550 feet to the west. The on-site WWTP would not cause a significant adverse odor impacts given the distance from the WWTP to the nearest odor sensitive receptors, the proposed enclosed design, and relatively low volume of wastewater to be treated.

Off-site Improvements

Emissions associated with the Off-site Improvement Areas under Alternative B would be reduced relative to those described under Alternative A, as Alternative B involves only the construction of the regional retention basin on the 40-acre site. There would be no operational emissions associated with the regional retention basin. Refer to the discussion above under **Section 4.4.2**.

4.4.4 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Reduced Intensity Alternative at the Airpark Site

Construction Emissions

Construction of Alternative C would be similar in scope to Alternative A. Construction is anticipated to begin in 2019 and last approximately 18 months. Construction is assumed to occur 8 hours a day, 5 days a week. Unmitigated construction emission totals for Alternative C are shown in **Table 4.4-4** and

mitigated emissions are provided in **Table 5-1**. It should be noted that **Table 4.4-4** also shows off-site improvement construction emissions, which would occur under Water Supply Option 1 and Wastewater Option 1, and are discussed further below.

TABLE 4.4-4
ALTERNATIVE C UNMITIGATED CONSTRUCTION EMISSIONS

Construction Year	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
2019						
Alt C at Airpark Site	0.42	3.72	2.55	0.00	0.80	0.45
Off-Site Improvements	-	-	-	-	-	-
<i>Sub-total</i>	<i>0.42</i>	<i>3.72</i>	<i>2.55</i>	<i>0.00</i>	<i>0.80</i>	<i>0.45</i>
2020						
Alt C at Airpark Site	2.01	5.77	5.45	0.01	0.71	0.35
Off-Site Improvements	0.21	2.25	1.44	0.07	0.15	0.11
<i>Sub-total</i>	<i>2.22</i>	<i>8.02</i>	<i>6.89</i>	<i>0.08</i>	<i>0.86</i>	<i>0.46</i>
Maximum Year Emissions	2.22	8.02	6.89	0.08	0.86	0.46
<i>De Minimis Levels</i>	10	10	N/A	N/A	N/A	50
Exceed Level	No	No	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (Refer to Section 3.4). Source: CalEEMod, 2016.						

As shown in **Table 4.4-4**, emissions of individual criteria pollutants from construction of Alternative C would not exceed *de minimis* levels; therefore, no conformity determination is required and project-related emissions would be less than significant. However, to further reduce project-related construction criteria pollutants and DPM emissions mitigation measures are provided in **Section 5.4.1**.

Operational Vehicle and Area Emissions

Buildout of Alternative C would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as area and energy criteria pollutant emissions from combustion of natural gas in boilers, stoves, heating units, and other equipment on the Airpark Site. Unmitigated operation emission totals for the Alternative C are shown in **Table 4.4-5** and mitigated emissions are provided in **Table 5-2**. Detailed estimation of area, energy, and vehicle emissions are included as **Appendix E**.

As shown in **Table 4.4-5**, emissions of ozone precursor NO_x from operation of Alternative C would exceed *de minimis* levels. This would be a significant adverse impact. Mitigation provided in **Section 5.4.2** would minimize CAP emissions from operation of Alternative C, resulting in a less-than-significant adverse effect associated with the regional air quality environment.

TABLE 4.4-5
ALTERNATIVE C UNMITIGATED OPERATIONAL EMISSIONS

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Area	1.54	0.00	0.02	0.00	0.00	0.00
Stationary	0.25	1.12	1.18	0.00	0.08	0.08
Energy	0.59	5.35	4.49	0.03	0.41	0.41
Mobile	2.27	21.43	35.11	0.12	8.53	2.42
Off-site WRF	0.011	0.018	0.27	0.00	0.0006	0.0003
Total Emissions	4.66	27.92	41.07	0.15	9.02	2.91
<i>De Minimis</i> Levels	10	10	N/A	N/A	N/A	50
Exceed Level	No	Yes	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (Refer to Section 3.4). Source: CalEEMod, 2016.						

As shown in **Table 4.4-5**, emissions of individual criteria pollutants from stationary sources (area, energy, and stationary) would not exceed the Tribal NSR threshold of 2 tpy for ROG and NO_x; therefore, no Tribal NSR permit would be required.

General Conformity Determination

Since project-related direct and indirect emissions occur in a nonattainment area and project-related operational emissions (refer to **Table 4.4-5**) would exceed levels for ozone precursors, then a general conformity determination would be required prior to federal action.

Federal Class I Areas

Emissions of stationary sources that would occur as a result of Alternative C are shown in **Table 4.4-5** (under the categories of Area and Stationary sources). As shown in **Table 4.4-5**, Alternative C would not result in stationary source emissions of any one pollutant in excess of the Federal Class I Areas major source threshold of 250 tpy.

Off-site Improvements

Emissions associated with Off-site Improvements Areas under Alternative C would be the same as described under Alternative A if Water Supply Option 1 or Wastewater Option 1 (described in **Section 2.5**) is implemented. Refer to the discussion above under **Section 4.4.2**. If Water Supply Option 2 or Wastewater is implemented, only impacts associated with the construction of the regional retention basin on the 40-acre site would occur.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative C would not result in any impacts to air quality.

4.4.5 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Non-Gaming Alternative at the Airpark Site

Construction Emissions

Construction of Alternative D would emit PM₁₀, NO_x, SO₂, CO, ROG, HAPs, and DPM from the operation of construction equipment and grading activities. Emissions from construction equipment have the potential to increase the concentration of DPM in the close vicinity (within approximately 500 feet) of the construction site, if control measures are not implemented.

Construction is anticipated to begin in 2019 and last approximately 12 months and require placement of fill. Construction is assumed to occur 8 hours a day, 5 days a week. Unmitigated construction emission totals for the Alternative D are shown in **Table 4.4-6** and mitigated emissions are provided in **Table 5-1**. It should be noted that **Table 4.4-6** also shows off-site improvement construction emissions which are discussed further below in this section.

TABLE 4.4-6
ALTERNATIVE D UNMITIGATED CONSTRUCTION EMISSIONS

Construction Year	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
2019						
Alt D at Airpark Site	0.71	2.55	1.84	0.00	0.50	0.28
Off-Site Improvements	-	-	-	-	-	-
<i>Sub-total</i>	<i>0.71</i>	<i>2.55</i>	<i>1.84</i>	<i>0.00</i>	<i>0.50</i>	<i>0.28</i>
2020						
Alt D at Airpark Site	0.89	1.56	1.42	0.00	0.16	0.09
Off-Site Improvements	0.21	2.05	1.40	0.07	0.15	0.11
<i>Sub-total</i>	<i>1.10</i>	<i>3.61</i>	<i>2.82</i>	<i>0.07</i>	<i>0.31</i>	<i>0.20</i>
Maximum Year Emissions	1.10	3.61	2.82	0.07	0.50	0.28
<i>De Minimis Levels</i>	10	10	N/A	N/A	N/A	50
Exceed Level	No	No	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (Refer to Section 3.4). Source: CalEEMod, 2016.						

As shown in **Table 4.4-6**, emissions of individual criteria pollutants from construction of Alternative D would not exceed *de minimis* levels; therefore, no general conformity determination would be required

and project-related emissions would be less than significant. However, to further reduce project-related construction criteria pollutant emissions mitigation measures are provided in **Section 5.4.1**.

Operational Vehicle and Area Emissions

Alternative D proposes less development than Alternative C and would consist of a hotel, conference center and amenities. Unmitigated operation emission totals for the Alternative D are shown in **Table 4.4-7** and mitigated emissions are provided in **Table 5-1**. Detailed estimated emissions are provided in **Appendix E**.

TABLE 4.4-7
ALTERNATIVE D UNMITIGATED OPERATIONAL EMISSIONS

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Area	0.75	0.00	0.00	0.00	0.00	0.00
Stationary	0.09	0.43	0.60	0.00	0.04	0.04
Energy	0.03	0.30	0.25	0.00	0.02	0.02
Mobile	2.08	20.09	31.31	0.14	9.88	2.74
Off-site WRF	0.011	0.018	0.27	0.00	0.0006	0.0003
Total Emissions	2.96	20.84	32.43	0.14	9.94	2.80
<i>De Minimis</i> Level	10	10	N/A	N/A	N/A	50
Exceed Level	No	Yes	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (Refer to Section 3.4). Source: CalEEMod, 2016.						

As shown in **Table 4.4-7**, emissions of ozone precursors from operation of Alternative D would exceed *de minimis* levels. This would be a significant adverse impact. Mitigation provided in **Section 5.4.2** would minimize criteria air pollutant emissions from operation of Alternative D resulting in a less-than-significant adverse effect associated with the regional air quality environment.

As shown in **Table 4.4-7**, emissions of individual criteria pollutants from stationary sources (area, stationary, and energy) would not exceed the Tribal NSR threshold for any pollutant; therefore, no Tribal NSR permit will be required.

General Conformity Determination

Project-related direct and indirect emissions occur in a nonattainment area and project-related operational emissions (refer to **Table 4.4-7**) would exceed levels for the ozone precursor NO_x; therefore, a general conformity determination analysis would be needed prior to federal action.

Federal Class I Areas

Emissions of stationary sources that would occur as a result of Alternative D are shown in **Table 4.4-7** (under the categories of Area and Stationary sources). As shown in **Table 4.4-7**, Alternative D would not result in stationary source emissions of any one pollutant in excess of the Federal Class I Areas major source threshold of 250 tpy.

Off-site Improvements

Emissions associated with off-site infrastructure improvements under Alternative D would be reduced relative to those described under Alternative A, as only emissions associated with the construction of the regional retention basin on the 40-acre site would occur. Refer to the discussion above under **Section 4.4.2**.

4.4.6 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Construction Emissions

Construction of Alternative E would emit PM₁₀, NO_x, SO₂, CO, ROG, HAPs, and DPM from the operation of construction equipment and grading activities. Emissions from construction equipment have the potential to increase the concentration of DPM in the close vicinity (within approximately 500 feet) of the construction site, if control measures are not implemented.

Construction is anticipated to begin in 2019 and last approximately 6 months. Construction is assumed to occur 8 hours a day, 5 days a week. Unmitigated construction emission totals for the Alternative E are shown in **Table 4.4-8** and mitigated emissions are provided in **Table 5-1**.

TABLE 4.4-8
ALTERNATIVE E UNMITIGATED CONSTRUCTION EMISSIONS

Construction Year	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
2019 - Maximum Year Emissions	0.65	1.92	1.62	0.00	0.28	0.16
<i>De Minimis</i> Level	10	10	N/A	N/A	N/A	50
<i>Exceed Level</i>	No	No	N/A	N/A	N/A	No

Source: CalEEMod, 2016.

As shown in **Table 4.4-8**, emissions of individual criteria pollutants from construction of Alternative E would not exceed *de minimis* levels; therefore, no general conformity determination would be required and project-related emissions would be less than significant. However, to further reduce project-related construction criteria pollutant emissions mitigation measures are provided in **Section 5.4.1**.

Operational Vehicle and Area Emissions

Alternative E consists of expanding the existing Eagle Mountain Casino, including gaming floor and restaurant space. Unmitigated operation emission totals for the Alternative E are shown in **Table 4.4-9** and mitigated emissions are provided in **Table 5-1**. Detailed estimated emissions are provided in **Appendix E**.

TABLE 4.4-9
ALTERNATIVE E UNMITIGATED OPERATIONAL EMISSIONS

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Area	0.27	0.00	0.00	0.00	0.00	0.00
Stationary	0.07	0.32	0.18	0.00	0.01	0.01
Mobile	0.34	3.21	4.96	0.02	1.41	0.39
Energy	0.01	0.09	0.08	0.00	0.00	0.00
Total Emissions	0.69	3.62	5.22	0.02	1.42	0.4
<i>De Minimis</i> Level	10	10	N/A	N/A	N/A	50
Exceed Level	No	No	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (Refer to Section 3.4). Source: CalEEMod, 2016.						

As shown in **Table 4.4-9**, emissions from operation of Alternative E would not exceed *de minimis* levels. Therefore, operation emissions resulting from Alternative E would be less than significant. Mitigation provided in **Section 5.4.2** would further minimize criteria air pollutant emissions from operation of Alternative E.

As shown in **Table 4.4-9**, emissions of individual criteria pollutants from stationary sources (area, stationary, and energy) would not exceed the Tribal NSR threshold for any pollutant; therefore, no Tribal NSR permit will be required.

General Conformity Determination

As shown in **Table 4.4-9**, project-related operational emissions would not exceed *de minimis* levels; therefore, a general conformity determination analysis is not needed.

Federal Class I Areas

Emissions of stationary sources that would occur as a result of Alternative E are shown in **Table 4.4-9** (under the categories of Area and Stationary sources). As shown in **Table 4.4-9**, Alternative E would not result in stationary source emissions of any one pollutant in excess of the Federal Class I Areas major source threshold of 250 tpy.

4.4.7 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action alternative, the Airpark Site would not be taken into trust and no development would occur. No expansion would occur on the Eagle Mountain Casino Site. No construction or operational mobile or stationary criteria pollutants or DPM emissions would be generated under this Alternative.

4.5 BIOLOGICAL RESOURCES

This section identifies the direct effects to biological resources, including wildlife, habitats, federal special-status species, migratory birds, Waters of the U.S., and wetlands, that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.5**, which was based on biological desktop review and field surveys conducted by Analytical Environmental Services (AES) in 2016 and 2017. Indirect and cumulative effects are identified in **Section 4.14** and **Section 4.15**, respectively. Measures to mitigate for impacts identified in this section are presented in **Section 5.5**.

4.5.1 ALTERNATIVE A – PROPOSED PROJECT

Potential Effects to Habitats

Proposed Project at the Airpark Site

Development of the casino-resort under Alternative A would impact the entire 40 acres of the Airpark Site, including the disked fallow field and ruderal/developed habitat types. These habitat types are of low value and have no particular significance to wildlife occurring within the project region. Although habitats within the Airpark Site may be suitable for the federal and State special-status species discussed below, they are not, in and of themselves, listed as critical or sensitive under federal designation. Therefore, impacts to wildlife habitat resulting from development of the Airpark Site are less than significant and no mitigation is required.

Off-site Improvements

Alternative A would result in off-site improvements associated with recycled water, sewer, and stormwater infrastructure. The habitat types occurring with the potential Off-site Improvement Areas are described in **Section 3.5** and include agricultural field within the 40-acre site, disturbed non-native annual grassland within the 8-acre site, and disturbed areas within the lift station and pipeline improvement areas. Regardless of the off-site location developed, Alternative A would impact areas with low habitat value. Although habitats within the Off-site Improvement Areas may be suitable for the federal and State special-status species discussed below, they are not, in and of themselves, listed as critical or sensitive under federal designation. Additionally, no features of the Off-site Improvement Areas have the potential to function as movement corridors for resident and migratory fish and wildlife species. The relatively small project area and nature of the off-site improvements has no potential to intersect wildlife movement corridors and influence regional wildlife movements. Therefore, impacts to wildlife habitat resulting from development of the Airpark Site are less than significant, and no mitigation is required.

Potential Effects to Special-Status Species

Special-status species that are formally listed by the state and/or recognized by state agencies, California Native Plant Society (CNPS), or other local jurisdictions because of their rarity or vulnerability to habitat loss or population decline generally receive no specific protection on tribal lands taken into trust by the federal government. Because the Airpark Site is not currently federal trust land, and because the off-site improvements would occur on non-federal land, potential impacts to state listed species are discussed below and mitigation to reduce potential effects to state listed species is recommended in **Section 5.5**.

Section 3.5.2 discusses the special-status species that may occur within the Airpark Site and each Off-site Improvement Area. As discussed therein, the Airpark Site, 40-acre site, 8-acre site, and lift station and pipeline improvement areas all contain marginal habitat for two special-status species: San Joaquin kit fox (SJKF) and the American badger.

San Joaquin Kit Fox (Vulpes macrotis mutica; SJKF)

Federal Status – Endangered

State Status – Threatened

SJKF has a low potential to occur within the Airpark Site and Off-site Improvement Areas. Although a few burrows present near and around the sites represent potential foraging opportunities for SJKF, these habitats are fragmented and heavily disturbed by disking, mowing and farming activities. Thus, potential habitat within the Airpark Site and Off-site Improvement Areas is considered marginal due to intensive surrounding agricultural and commercial uses. SJKF are not expected to breed or regularly forage on the Airpark Site and Off-site Improvement Areas, but may pass through during dispersal movements. As discussed in **Section 3.5**, historic occurrences of the SJKF have been reported in the vicinity of the project area, and individual SJKF could conceivably pass through and forage on the Airpark Site and Off-site Improvement Areas during regular dispersal movements. Although unlikely, if SJKF were to be present at the time of construction of Alternative A, construction-related activities have the potential to cause SJKF mortality. SJKF mortality as a result of project construction would be a potentially significant adverse environmental effect of Alternative A. Potential adverse effects to SJKF would be avoided or minimized to less-than-significant levels by implementation of the mitigation measures identified in **Section 5.5**. With implementation of the mitigation measures, Alternative A is not likely to adversely affect this special-status species. A Biological Assessment, with a finding of “may affect but is not likely to adversely affect” SJKF was sent to USFWS for consultation and is provided in **Appendix R**. On April 18, 2019, the BIA received concurrence from USFWS with the determination that the Proposed Project may affect, but is not likely to adversely affect SJKF. This letter is also included in **Appendix R**.

American Badger (*Taxidea taxus*)**Federal Status – None****State Status – Species of Concern**

Although denning habitat is absent and the majority of the Airpark Site and Off-site Improvement Areas offers only marginal habitat for American badger due to past and ongoing disturbance, badgers could conceivably forage within the Airpark Site and Off-site Improvement Areas that would be impacted under Alternative A. The loss of habitat for state listed special-status animal species that would only utilize a site for foraging constitutes a less-than-significant effect under the National Environmental Policy Act (NEPA), and thus mitigation is not formally warranted. However, as a conservative measure, potential effects of any kind to this species would be avoided or minimized further by implementation of the voluntary mitigation measures identified in **Section 5.5**. These measures include preconstruction surveys to identify active badger burrows on site and the establishment of disturbance-free buffers to potentially identify active badger burrows. With implementation of the mitigation measures, Alternative A is not likely to adversely affect this special-status species.

Potential Effects to Migratory Birds and Other Birds of Prey***Construction Activities***

Migratory birds and their nests are protected from “take” by the Migratory Bird Treaty Act (MBTA; 16 United States Code [USC] 703-711), which makes it unlawful to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess or any part, nest, or egg of any such bird” (50 Code of Federal Regulations [CFR] 10). Alternative A 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). Potentially adverse effects to migratory birds and other special-status bird species would be reduced to less-than-significant levels with implementation of the mitigation measures identified in **Section 5.5**.

Lighting

Increased lighting could increase collisions of birds with structures, and can also cause disorientation effects for avian species. Thus, nighttime lighting from the operation of Alternative A could have a potentially significant effect on both migrating and local bird populations. Mitigation measures identified in **Section 5.13** will reduce potential adverse effects to less than significant or “no effect” to migratory bird species.

Potential Effects to Wetlands and Waters of the U.S.

No wetlands or Waters of the U.S. were identified within the Airpark Site or any of the Off-site Improvement Areas. Therefore, Alternative A would not result in adverse effects to wetlands and Waters of the U.S. and no mitigation is required.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses. Because no exterior improvements or construction activities would occur, no impacts to biological resources would occur.

4.5.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Potential Effects to Habitats

Similar to Alternative A, Alternative B would impact the entire 40 acres of the Airpark Site (**Section 4.5.1**) and would also cause impacts to the 40-acre site associated with the development of the regional retention basin. As discussed above, the habitats types within the Airpark Site and 40-acre site are not, in and of themselves, listed as critical or sensitive under federal designation and are not considered to be of high value. Therefore, Alternative B would have a less-than-significant impact on habitats.

Potential Effects to Special-Status Species

Similar to Alternative A, the development of Alternative B has the potential to affect the SJKF and the American badger (**Section 4.5.1**). Potential adverse effects to SJKF and the American badger would be avoided or minimized to less than significant by implementation of the mitigation measures identified in **Section 5.5**.

Potential Effects to Migratory Birds

Construction Activities

As discussed under Alternative A, construction could adversely affect nesting migratory birds. Mitigation measures identified in **Section 5.5** would result in less than significant impacts or “no effect” to migratory bird species.

Lighting

As discussed under Alternative A, mitigation measures to reduce nighttime lighting impacts identified in **Section 5.13** and would result in less than significant impacts or “no effect” to migratory bird species.

Potential Effects to Waters of the U.S.

No wetlands or Waters of the U.S. were identified within the development footprint of Alternative B. No mitigation is required.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative B, the existing Eagle Mountain Casino would be converted to tribal governmental uses. Because no exterior improvements or construction activities would occur, no impacts to biological resources would occur.

4.5.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Potential Effects to Habitats

Similar to Alternative A, Alternative C would impact the entire 40 acres of the Airpark Site (**Section 4.5.1**), would also cause impacts to the 40-acre site associated with the development of the regional retention basin, and may impact the Off-site Improvement Areas further if Water Supply Option 1 or Wastewater Option 1 is implemented. The habitats within Alternative C are not, in and of themselves, listed as critical or sensitive under federal designation and are not considered to be of high value. Therefore, Alternative C would have a less-than-significant impact on habitats.

Potential Effects to Special-Status Species

Similar to Alternative A, the development of Alternative C has the potential to affect the SJKF and the American badger (**Section 4.5.1**). Potential adverse effects to SJKF and the American badger would be avoided or minimized to less than significant by implementation of the mitigation measures identified in **Section 5.5**.

Potential Effects to Migratory Birds

Construction Activities

As discussed under Alternative A, construction could adversely affect nesting migratory birds. Mitigation measures identified in **Section 5.5** would result in less than significant impacts or “no effect” to migratory bird species.

Lighting

As discussed under Alternative A, mitigation measures to reduce nighttime lighting impacts identified in **Section 5.13** and would result in less than significant impacts or “no effect” to migratory bird species.

Potential Effects to Waters of the U.S.

No wetlands or Waters of the U.S. were identified within the development footprint of Alternative C. No mitigation is required.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative C, the existing Eagle Mountain Casino would be converted to tribal governmental uses. Because no exterior improvements or construction activities would occur, no impacts to biological resources would occur.

4.5.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Potential Effects to Habitats

Similar to Alternative A, Alternative D would impact the entire 40 acres of the Airpark Site (**Section 4.5.1**), would cause impacts to the 40-acre site associated with the development of the regional retention basin, and may impact the Off-site Improvement Areas further if Option 1 for Wastewater Treatment and Disposal (described in **Section 2.6**) is implemented. The habitats within Alternative D are not, in and of themselves, listed as critical or sensitive under federal designation and are not considered to be of high value. Therefore, Alternative D would have a less-than-significant impact on habitats.

Potential Effects to Special-Status Species

Similar to Alternative A, the development of Alternative D has the potential to affect the SJKF and the American badger (**Section 4.5.1**). Potential adverse effects to SJKF and the American badger would be avoided or minimized to less-than-significant by implementation of the mitigation measures identified in **Section 5.5**.

Potential Effects to Migratory Birds

Construction Activities

As discussed under Alternative A, construction could adversely affect nesting migratory birds. Mitigation measures identified in **Section 5.5** would result in less than significant impacts or “no effect” to migratory bird species.

Lighting

As discussed under Alternative A, mitigation measures to reduce nighttime lighting impacts identified in **Section 5.13** and would result in less than significant impacts or “no effect” to migratory bird species.

Potential Effects to Waters of the U.S.

No wetlands or Waters of the U.S. were identified within the development footprint of Alternative D. No mitigation is required.

4.5.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Potential Effects to Habitats

Alternative E would impact the entire Eagle Mountain Casino Site, consisting of approximately 12 acres of ruderal/developed habitat. The habitats within Alternative E are not, in and of themselves, listed as critical or sensitive under federal designation and are not considered to be of high value due to the disturbed nature of the site. Therefore, Alternative E would have a less-than-significant impact on habitats.

Potential Effects to Special-Status Species

No special status species have the potential to occur within the Eagle Mountain Casino Site. Therefore, Alternative E would not adversely affect special-status species and no mitigation is required.

Potential Effects to Migratory Birds

Construction Activities

As discussed under Alternative A, construction could adversely affect nesting migratory birds. Mitigation measures identified in **Section 5.5** would result in less than significant impacts or “no effect” to migratory bird species.

Lighting

As discussed under Alternative A, mitigation measures to reduce nighttime lighting impacts identified in **Section 5.13** and would result in less than significant impacts or “no effect” to migratory bird species.

Potential Effects to Waters of the U.S.

No wetlands or Waters of the U.S. were identified within the Eagle Mountain Casino Site. No mitigation is required.

4.5.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Existing biological resources and habitat conditions would remain as is in the near term under the No Action Alternative. As described in **Section 3.5.2**, the grassland areas of the Airpark Site would continue to be regularly disked. Because no changes to habitats and the level of ongoing activities would occur, “no effect” to biological resources would result.

4.6 CULTURAL AND PALEONTOLOGICAL RESOURCES

This section assesses the significance of the direct effects to cultural resources that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.6**. Cumulative and indirect effects are identified in **Section 4.15** and **Section 4.14**, respectively. Measures to mitigate for significant adverse effects identified in this section are presented in **Section 5.6**.

Assessment Criteria

A significant adverse effect would occur if the implementation of a project alternative resulted in physical destruction, alteration, removal, neglect, or change in characteristics or reduction of integrity of historic features of a cultural resource. A significant adverse effect to paleontological resources would occur if a project alternative directly or indirectly destroyed such a resource.

4.6.1 ALTERNATIVE A – PROPOSED PROJECT

Cultural Resources

Multiple studies have been completed in and near the Airpark Site, Off-site Improvement Areas, and traffic improvement areas, and as described in **Section 3.6**, have not resulted in the identification of cultural resources that would be adversely effected by project construction.

However, as-yet unknown archaeological sites could be uncovered during ground-disturbing activities at the Airpark Site or Off-site Improvement Areas. Impacts to these resources would be potentially significant. As a result, mitigation measures are presented in **Section 5.6** for the treatment of archaeological discoveries made during construction. Implementation of the mitigation measures in **Section 5.6** would reduce any significant adverse effects on as-yet unknown archaeological resources to a less-than-significant level. Renovation of the existing Eagle Mountain Casino would not involve any exterior improvement or construction activities, and thus would not impact cultural resources.

Paleontological Resources

No paleontological resources have been reported or observed on or in the vicinity of the Airpark Site or Off-site Improvement Areas. Therefore, construction of Alternative A would not result in significant adverse effects to known paleontological resources. There is a possibility that previously unknown paleontological resources would be discovered during earthmoving activities. This would be a potentially significant impact. Mitigation measures are presented in **Section 5.6** for the treatment of unanticipated paleontological discoveries which would ensure that Alternative A would not result in significant adverse effects to previously unknown paleontological resources under Section 101 (b)(4) of the National Environmental Policy Act (NEPA; 40 Code of Federal Regulations [CFR] 1500-1508).

4.6.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Impacts from the development of Alternative B would be the same as Alternative A, except none of the impacts associated with the development of a water reclamation facility (WRF) on either the 40-acre site or the 8-acre site or with the renovations of the lift station and pipeline improvement area would occur.

As discussed under Alternative A, construction could result in significant adverse effects to as-yet unknown cultural and/or paleontological resources. Mitigation measures and BMPs presented in **Section 5.6** would result in less than significant impacts to previously unknown cultural and/or paleontological resources.

4.6.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

As with Alternative A, construction of Alternative C could result in significant adverse effects to as-yet unknown resources. As discussed under Alternative A, construction could result in significant adverse effects to as-yet unknown cultural and/or paleontological resources. Mitigation measures and BMPs presented in **Section 5.6** would result in less than significant impacts to previously unknown cultural and/or paleontological resources.

4.6.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

As with Alternative A, Alternative D could result in significant adverse effects to as-yet unknown resources. As discussed under Alternative A, construction could result in significant adverse effects to as-yet unknown cultural and/or paleontological resources. Mitigation measures and BMPs presented in **Section 5.6** would result in less than significant impacts to previously unknown cultural and/or paleontological resources.

4.6.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Alternative E would result in expansion of the existing Eagle Mountain Casino; no known cultural or paleontological resources have been reported or observed on or in the vicinity of the Eagle Mountain Casino Site. Construction activities associated with this alternative will take place on already-paved and disturbed surfaces, and therefore it is unlikely that cultural or paleontological resources would be impacted. As discussed under Alternative A, construction could result in significant adverse effects to as-yet unknown cultural resources. Mitigation measures and BMPs presented in **Section 5.6** would result in less than significant impacts to previously unknown cultural and/or paleontological resources.

4.6.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Airpark Site would not be taken into trust. No development would occur in the near future. No expansion would occur on the Eagle Mountain Casino Site. No effects to cultural resources or paleontological resources would occur under this alternative.

4.7 SOCIOECONOMIC CONDITIONS

This section identifies the direct effects associated with socioeconomic conditions that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.7**. Indirect and cumulative effects are identified in **Section 4.14** and **Section 4.15**, respectively. Measures to mitigate for adverse effects identified in this section, if warranted, are presented in **Section 5.7**.

Assessment Criteria

Socioeconomic Impacts

To determine the potential effects of the alternatives associated with socioeconomic conditions, the economic effects of temporary construction and ongoing operational activities of each alternative were evaluated. Because socioeconomic effects would be most pronounced in the vicinity of the Airpark Site and/or Eagle Mountain Casino Site, the scope of analysis focuses on impacts to the alternative sites and surrounding areas within Tulare County. Impacts resulting from operation of an alternative would be generated continuously after opening. An adverse economic, fiscal, or social impact would occur if the effect of the project were to negatively alter the ability of governments to perform at existing levels, or alter the ability of people to obtain public health and safety services. Much of the analysis presented herein relies on data presented in *Economic Impact of Planned New Eagle Mountain Casino Complex*, prepared by KlasRobinson QED, included as **Appendix B**. Economic effects in this analysis are based on the Impact Analysis for Planning (IMPLAN) model. Impacts discussed under Alternatives A through C are described as a net change assuming the closure of the existing Eagle Mountain Casino. Alternatives D and E assume that the existing Eagle Mountain Casino will remain open, consistent with the descriptions provided in **Section 2.0**.

Environmental Justice Impacts

To determine the impacts of the alternatives on environmental justice, the location and status of minority and low income communities of concern, as identified in **Section 3.7**, are compared to the effect and nature of each alternative's impacts. An adverse environmental justice impact would result if any adverse impact within the scope of this document disproportionately affected an identified minority or low-income community or Native American tribe. The document *Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses* provides the following direction on how to analyze the impacts of actions on low-income and minority populations:

“Under National Environmental Policy Act (NEPA), the identification of a disproportionately high and adverse human health or environmental effect on a low-income population, minority population, or Indian tribe does not preclude a proposed agency action from going forward, nor does it necessarily compel a conclusion that a proposed action is environmentally unsatisfactory. Rather, the identification of such an effect should heighten agency attention to alternatives

(including alternative sites), mitigation strategies, monitoring needs, and preferences expressed by the affected community or population.” (USEPA, 1998)

Methodology and Terms

Expenditures on goods and services (calculated from estimated costs for construction; investment in furniture, fixtures and equipment; various business and consulting fees; and pre-opening expenses) for construction and operational activities would generate substantial direct economic output, as well as indirect and induced economic output. Output is defined as the total value of all goods and services produced at the establishment or construction site. Direct output would result from money spent on activities for construction and operational activities of the project alternatives. Indirect output would result from expenditures on goods and services by businesses that receive funds directly from the construction and operation of an alternative. Induced output would result from expenditures on goods and services by employees directly generated from construction and operation of an alternative. Indirect and induced output would be dispersed and distributed among a variety of different industries and businesses throughout the local economy.

4.7.1 ALTERNATIVE A – PROPOSED PROJECT

Economic Effects

Economic Output

Construction

The construction of Alternative A will result in economic output to Tulare County and the State of California in the form of jobs, purchases of goods and services and through positive fiscal effects. The direct cost of construction of Alternative A is estimated at approximately \$245.0 million (**Appendix B**), the majority of which will flow to workers, residents, businesses, and local governments located in Tulare County. In addition, the construction of Alternative A would result in indirect and induced economic activity among a variety of different industries and businesses throughout the County. Output received by Tulare County businesses would in turn increase their spending, and labor demand, thereby further stimulating the local economy. This would be considered a beneficial impact.

Operation

Revenue and expenditures from the operation of Alternative A were estimated in **Appendix B**. The direct increase in output from Alternative A within Tulare County (net the closure of the existing Eagle Mountain Casino) is estimated at \$103.6 million in revenue, with over two million visitors annually, or 5,000 visits per day. Net increases in indirect and induced outputs within Tulare County are estimated at \$19.3 million and \$14.8 million, respectively. Overall, approximately \$137.7 million would be generated annually within Tulare County once Alternative A becomes operational. Direct expenditures within Tulare County are estimated at approximately 70 percent of revenues (**Appendix B**). **Table 4.7-1** details

the estimated operational impact for the various alternatives. Similar to the construction of the Alternative A, operation of the Alternative A would generate increased revenues for a variety of businesses in Tulare County as a result of increased economic activities. Output received by Tulare County businesses would in turn increase their spending, and labor demand, thereby further stimulating the local economy. This would be considered a beneficial impact. No mitigation is required.

TABLE 4.7-1
ANNUAL OPERATION ECONOMIC IMPACT (MILLIONS) IN TULARE COUNTY

Operation	Alternative			
	A and B	C	D	E
Output				
Direct	\$103.6	\$50.0	\$11.9	\$7.6
Indirect	\$19.3	\$9.9	\$2.3	\$1.4
Induced	\$14.8	\$7.6	\$1.8	\$1.1
Total Output	\$137.7	\$70.5	\$16.0	\$10.2
Note: All numbers are rounded to the nearest hundred thousand dollars. Numbers may not sum due to rounding. Source: Appendix B.				

The figures in **Table 4.7-1** are prior to adjusting for competitive or substitution effects within the gaming industry, and before taking into account changes in spending patterns that may occur because of increased consumption of gaming entertainment by patrons. Net of these effects, the incremental change in economic activity is less than shown in **Table 4.7-1** and included in **Appendix B.**

Substitution Effects

Potential substitution effects (the loss of customers at existing commercial businesses to the new business) of a Tribal casino on existing restaurant, recreation, and retail establishments have been considered when evaluating the magnitude of the casino’s impact on the economy. The magnitude of the substitution effect can generally be expected to vary greatly by specific location and according to a number of variables. That is, how much of the casino’s revenue comes at the expense of other business establishments in the area depends on how many and what type of other establishments are within the same market area as the casino, disposable income levels of local residents and their spending habits, as well as other economic and psychological factors affecting the consumption decisions of local residents.

Existing Tribal Casino Gaming Market Substitution Effects

An analysis of the potential substitution effects of Alternative A on other gaming facilities based on the gaming market and the distance, size, and quality of nearby facilities was conducted and is included as **Appendix B.** The analysis included collecting background information and developing a market analysis.

Whenever a new casino opens in a new market area, a certain amount of market substitution is to be expected. The various gaming alternatives are projected to cause an estimated decline in revenue of competing facilities in the first year of operation, as shown below in **Table 4.7-2 (Appendix B)**. The gaming operations of three tribal casinos and one commercial card room have been identified that are projected to experience competitive impact from the opening of Alternative A: Tachi Palace Hotel and Casino, Chukchansi Gold Resort and Casino, Table Mountain Casino, and The Aviator cardroom in Delano.

TABLE 4.7-2
ESTIMATED YEAR 1 GAMING SUBSTITUTION EFFECTS FROM ALTERNATIVES A, B, C, AND E

Revenue Source	Alternatives		
	A and B	C	E
Tachi Palace Hotel and Casino	-10.4%	-4.3%	-0.3%
The Aviator Casino (cardroom)	-3.9%	-1.6%	--
Table Mountain Casino	-1.6%	-0.7%	--
Chukchansi Gold Resort & Casino	-2.4%	-1.6%	--
Source: Appendix B.			

Substitution effects are anticipated to diminish after the first year of Alternative A operation because local residents will have experienced the casino and will gradually return to more typical and more diverse spending patterns. Substitution effects also tend to diminish after the first full year of operations because, over time, growth in the total population and economic growth tend to increase the dollar value of demand for particular goods and services. The substitution effects resulting from Alternative A to competing gaming facility revenues are not expected to significantly impact these facilities, or to cause their closure. Revenue to Tachi Palace Hotel and Casino would return to baseline no project conditions in ten years, to The Aviator in four years, to Table Mountain Casino in six years, and to Chukchansi Gold Resort & Casino in eight years. Therefore, it is anticipated that under Alternative A, the above-listed tribal facilities would continue to operate and generate a certain level of profit that would be utilized by the tribal governments that own them to provide services to their respective memberships. No physical environmental effects would occur. As recently upheld by the United States District Court for the Eastern District of California, “competition...is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on” a tribe (Citizens for a Better Way, et al. v. United States Department of the Interior, E.D. Cal., 2015).

Non-Gaming Substitution Effects

A portion of the substitution effects will come from spending on non-gaming categories (such as food and beverage, retail, lodging, and entertainment) that would have occurred at the competing gaming operations had the gaming spending occurred there rather than at Alternative A. A smaller portion will come from spending that would have occurred at non-gaming related businesses but went to Alternative A instead.

The hotel component of Alternative A would be an integral part of the gaming venue. Consequently, the patrons to the hotel would primarily be casino patrons, which is a distinct market segment from those patrons who stay at the existing non-gaming hotels in the vicinities of the Airpark Site. Therefore, there would not be a significant effect on competing hotel facilities.

Numerous studies have been conducted to estimate the substitution effects of gaming venues on existing retail business in the surrounding communities. The results of these studies are inconclusive, but collectively imply that newly introduced gaming venues do not typically have negative or adverse substitution effects on surrounding retail establishments. These studies include one published in 2008 by Barrow and Hirschy, which discussed the trends in Atlantic City (Barrow and Hirschy, 2008), and a 2013 study conducted by the Center for Policy Analysis of the University of Massachusetts Dartmouth (Center for Policy Analysis, 2013). These studies suggest that any substitution effect is counteracted by increased activity at local retail businesses that are attributable to casino patrons other than local residents. This conclusion is substantiated by the dominance of the gaming component of Alternative A. The retail and restaurant elements of Alternative A exists only to complement the gaming component. The overwhelming majority of patrons who visit the site would be drawn there because of the gaming element, and therefore these persons would not otherwise patronize Porterville retail or restaurant establishments. Consequently, non-gaming substitution effects would be less than significant.

Fiscal Effects

Alternative A would result in a variety of fiscal impacts. The Tribe would not pay corporate income taxes on revenue or property taxes on tribal land. Alternative A would also increase demand for public services, resulting in increased costs for local governments to provide these services. Tax revenues would be generated for federal, state, and local governments from activities including secondary economic activity generated by tribal gaming (i.e., the indirect and induced effects of the economic impact analysis). The taxes on secondary economic activity include: corporate profits tax, income tax, sales tax, excise tax, property tax, and personal non-taxes, such as motor vehicle licensing fees, other fees, and fines.

As discussed in **Section 2.0**, Alternative A would include the transfer of the 17 parcels that make up the Airpark Site from fee status into federal trust for the benefit of the Tribe, resulting in the loss of local property taxes. As shown in **Table 3.7-4**, during the 2016-2017 tax year, the parcels making up the Airpark Site generated \$37,504 in property tax income for state, county, and local governments. Because property in trust is not subject to local taxes, these property taxes would be lost to state and local governments. However, as shown in **Table 4.7-3**, the lost property taxes would be more than offset by sales tax revenues on secondary economic activity generated by Alternative A. As shown in **Table 4.7-3**, spending for unemployment and social services can be expected to decrease due to the new employment and earnings, while spending on emergency services, including police, fire, medical and other emergency services, as well as other governmental activities, can be expected to increase because of the added

visitation. Operation of Alternative A would generate substantial economic output for a variety of business in the region, and thus generate substantial tax revenues for state, County, and local governments. 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 Alternative A. Overall, Alternative A would result in a beneficial impact to the local economy in Tulare County.

TABLE 4.7-3
APPROXIMATE PROJECTED ANNUAL CHANGES IN TAX REVENUE AND GOVERNMENT SPENDING

Revenue/Expenditures	A and B	C	D	E
Change in Tax Revenue				
Sales Tax	\$346,375	\$177,282	-\$528,074	\$25,543
Property Tax	-\$37,500	-\$37,500	-\$37,500	--
<i>Subtotal</i>	<i>\$308,875</i>	<i>\$139,782</i>	<i>-\$565,574</i>	<i>\$25,543</i>
Change in Government Expenditures				
Unemployment & Social Services	-\$312,890	-\$160,140	-\$19,640	-\$23,070
Emergency Services	\$275,870	\$141,200	\$17,320	\$20,340
Other	\$159,650	\$81,710	\$10,020	\$11,770
<i>Subtotal</i>	<i>\$122,630</i>	<i>\$62,770</i>	<i>\$7,700</i>	<i>\$9,040</i>
Net Effect	\$186,245	\$77,012	-\$573,274	\$16,503
Source: Appendix B.				

Property Values

The construction of a casino resort may result in changes to local property values, which could impact local tax assessor rolls and in turn, local property tax revenues. Changes in appreciation rates of adjacent properties could also impact future property tax revenues. 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 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.

While the Airpark Site itself is zoned for industrial uses, there are residences located within a half-mile of the site. There have been numerous studies that seek to ascertain the impact that casino development has on surrounding property values. 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 report includes an analysis of eight previous studies on the topic of 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. Consequently, it is reasonable to conclude that the development of Alternative A would have a less-than-significant impact on surrounding housing property values.

Employment

Investment in construction and operational activities would generate substantial direct employment opportunities and wages, as well as indirect and induced employment opportunities and wages. The IMPLAN model was used to estimate employment positions generated by the operation of Alternative A, as described in **Appendix B**.

Construction

As shown in **Table 4.7-4**, investment in direct construction activities under Alternative A would generate a one-time total of approximately 1,165 full-time equivalent (FTE) employment position (**Appendix B**). The number of employment positions is equivalent to the number of person-years available from wages. A person-year is defined as the amount of labor one full-time employee can complete in a calendar year. For example, two half-time employees working for a year would constitute one person-year. Employment opportunities generated from construction of Alternative A would result in wage generation. Wage totals include hourly and salary payments as well as benefits including health and life insurance and retirement payments. Under Alternative A, investment in construction activities would generate one-time total direct wages of approximately \$80.3 million (**Table 4.7-4**). The construction of Alternative A would result in indirect and induced economic activity that would generated additional jobs and wages.

TABLE 4.7-4
ONE-TIME CONSTRUCTION EMPLOYMENT AND WAGE IMPACTS

	Alternative			
	A and B	C	D	E
Employment (FTE)	1,165	1,180	625	600
Wages (millions)	\$80.3	\$54.2	\$28.6	\$13.8
Note: Direct impacts only. Source: Appendix B .				

Operation

As calculated through IMPLAN, operational activities associated with Alternative A would generate approximately 1,075 total (including direct, indirect, and induced) new FTE employment opportunities in Tulare County after accounting for the closure of the existing Eagle Mountain Casino, as shown in **Table 4.7-5**. The proposed facilities under Alternative A would provide approximately 1,214 direct total employment positions. Considering the closure of the existing Eagle Mountain Casino, which currently supports 424 employment positions, Alternative A would result in a direct net increase of 790 job opportunities within the County (**Table 4.7-5; Appendix B**). Net indirect and induced employment opportunities were estimated to total 166 and 119, respectively (**Appendix B**).

Operational activities associated with Alternative A would generate an increase of \$34.6 million in wages in Tulare County (**Table 4.7-5, Appendix B**). Direct wages within Tulare County are estimated to total

approximately \$23.1 million. Indirect and induced wages are estimated to total \$7.2 million and \$4.3 million, respectively (**Appendix B**).

TABLE 4.7-5
OPERATIONAL EMPLOYMENT AND WAGE IMPACTS IN TULARE COUNTY

	Alternative			
	A and B	C	D	E
Employment (Person-Years)				
Direct	790	404	131	58
Indirect	166	85	20	12
Induced	119	61	15	9
Total Jobs	1,075	550	166	79
Wages (Millions)¹				
Direct	\$23.1	\$11.8	\$3.0	\$1.7
Indirect	\$7.7	\$3.7	\$0.8	\$0.5
Induced	\$4.3	\$2.2	\$0.5	\$0.3
Total Wages	\$34.6	\$17.7	\$4.4	\$2.5
Notes: 1 – Due to rounding, numbers may not sum to exactly equal the numbers displayed as the totals.				
Source: Appendix B .				

The figures in **Table 4.7-5** have been adjusted to account for the closure of the existing Eagle Mountain Casino, but have not been adjusted for competitive or substitution effects within the gaming industry, and do not take into account changes in spending patterns that may occur because of increased consumption of gaming entertainment by patrons. Net of these effects, the incremental change in economic activity would be less than shown in **Table 4.7-5**.

Employment opportunities generated from the operation of Alternative A would include entry-level, mid-level, and management positions. Examples of employment opportunities typically offered by tribal casino and resort facilities are listed in **Table 4.7-6**. Average salaries offered would be consistent with those of other tribal gaming facilities and competitive in the local labor market.

TABLE 4.7-6
TYPICAL TRIBAL CASINO EMPLOYMENT OPPORTUNITIES

Casino slot operations	Hotel management	Food & beverage operations	Financial services
Table games	Hotel facilities	Restaurant services	Support services
Entertainment operations	Hotel marketing	Culinary services	Security services
Casino credit	Housekeeping services	Human resources	Surveillance
Casino administration	Hotel administration	Casino services	Hotel services

As stated in **Appendix B**, job creation under Alternative A within Tulare County is approximately 2.0 percent of the number of unemployed individuals within the County, and would represent an increase of 0.3 percent in total Tulare County employment. This would result in employment and wages for persons previously unemployed and would contribute to the alleviation of poverty among lower income households. The new employment is not expected to strain labor market capacity and thus would not have a significant impact on the regional labor market (**Appendix B**).

Housing

As stated in **Appendix B** and above in the *Employment* subsection, the new employment is not expected to strain labor market capacity. Nevertheless, it is possible that some new employees would relocate due to the specialized nature of some casino positions, the limited amount of gaming in Tulare County other than Eagle Mountain Casino, and the presence of casinos in the region in other counties. Most job relocation is not likely to require employees to relocate their housing but rather simply change their commute patterns. Based on the anticipated levels of in-migration, it is estimated that the number of housing units required to house employees seeking to relocate their place of residence to Tulare County in order to accept a position at Alternative A would be between 41 and 65 (**Appendix B**). This represents between 0.2 and 0.3 percent of the total number of housing units in Tulare County.

There are anticipated to be more than enough vacant homes to support potential impacts to the regional labor market under Alternative A. Therefore, Alternative A is not expected to stimulate regional housing development. Alternative A would not cause a significant adverse impact to the housing market. Potential indirect effects resulting from growth inducement are discussed further in **Section 4.14**.

Social Effects

Problem and Pathological Gambling

Gambling, in one form or another, is now legal in every state except Hawaii and Utah. According to a study performed by the National Gambling Impact Study Commission (NGISC), approximately 86 percent of Americans report having gambled at least once during their lifetimes, and 63 percent report having gambled at least once during the previous year (NGISC, 1999). This estimate is based on participation in all forms of gambling, including lotteries, poker, Internet gambling, betting, and casino gambling.

As described in **Table 4.7-7**, behaviors of casino customers can be broken down into five categories. Gaming customers are motivated to visit a casino for a variety of reasons, and some of those reasons may be viewed as criteria that define an individual as a problem gambler.

The American Psychiatric Association (APA) describes pathological gambling as an impulse control disorder characterized by “persistent and recurrent maladaptive gambling behavior that disrupts personal, family, or vocational pursuits. The gambling pattern may be regular or episodic, and the course of the

disorder is typically chronic” (NGISC, 1999). The APA has established 10 criteria for diagnosing a pathological and problem gambler: preoccupation, tolerance, withdrawal, escape, chasing, lying, loss of control, illegal acts, risked significant relationship, and financial bailout. At-risk gaming participants typically meet one or two of these criteria; problem gamblers typically meet three or four of these criteria; and pathological gamblers typically meet at least five of these criteria. Collectively, both pathological and problem gambling are referred to as “problem gambling.”

TABLE 4.7-7
FIVE BEHAVIORS OF CASINO CUSTOMERS

Behavior Type	Characteristics
Recognition Seekers	Small share of total players. Have high expectation of recognition from the property they patronize. The reward to the casino is an intensely loyal and frequent visitor.
Escapists	Seek a getaway that does not resemble their everyday routine. Prefer to remain anonymous. Require minimal maintenance in the form of personal attention and complimentary services from the casino.
Reward Seekers	Driven by the casino’s play rewards program or promotions that compensate them for their play. Gamers will play at the casino with the best deal.
Socializers	Visit a casino to be around others. Once they identify with a particular property, they become very loyal, with high levels of visitation.
Professionals	Pay very close attention to the types of games a casino offers. Generate large coin handle and accumulate voluminous amounts of slot club points. Loyalty goes to the casino where they can make the most money.
Source: Information compiled by AES in 2010.	

Three studies, two completed in 1997 and one completed in 1998, estimated that the percentage of American adults classified as pathological gamblers ranged from 1.2 to 1.6 percent (NGISC, 1999). The NGISC noted that pathological gambling often occurs in conjunction with other behavioral problems, including substance abuse, mood disorders, and personality disorders. Even if it were possible to isolate the effects of problem gambling on people who suffer from these types of additional problems, it is difficult to then isolate the effects of casino gambling from other forms of gambling. As discussed, casino gambling is only one form of gambling. In fact, the most prevalent forms of gambling are those found in most neighborhoods: scratch-off lottery cards, lotto, and video lottery terminals.

Residents of Tulare County have already been exposed to gaming facilities (as mentioned in **Section 3.7.1**). The existing Eagle Mountain Casino is located approximately 17 miles from the Airpark Site. Thus, the relocation of the existing casino under Alternative A would not substantially increase the availability of gaming venues to persons who are risk of problem gambling. The current Tribal-State Compact also includes provisions that allow the State to use funds paid by the Tribe for programs designed to address problem gambling; it is anticipated the new Compact would include similar provisions. This effect would be less than significant. Additionally, mitigation in **Section 5.7** involving the implementation of policies similar to those in effect at the existing Eagle Mountain Casino, which include employee training, self-help brochures available on site, signage near ATMs and cashiers, and

self-banning procedures to help those who may be affected by problem gaming, would further reduce this less-than-significant impact.

Crime

There is a general belief that the introduction of legalized gambling into a community increases crime. However, this argument is based more on anecdotal evidence rather than empirical evidence. Whenever large volumes of people are introduced into an area, the volume of crime would also be expected to increase. This is true of any large-scale development. Taken as a whole, literature on the relationship between gambling and crime rates suggests that communities with gaming facilities are as safe as communities without. The National Opinion Research Center (NORC, 1999) found that insufficient data exists to quantify or determine the relationship between gambling within a community and crime rates. A study published in 2011 compared crime effects from different forms of tourism growth. The study revealed that ski tourism resulted in a larger increase in crime than casino development (Park and Stokowski, 2011). In addition, Nichols and Tosun (2017) examined casinos and crime rates across the United States from 1994 to 2012. They found that on average there was an increase in crime in counties that opened tribal casinos for the first two years and after there was a decreased crime rate from pre-casino levels. There was no long-term increase in crime resulting from casinos (Nichols and Tosun, 2017).

Alternative A would result in an increased number of patrons and employees traveling/commuting into the area on a daily basis. As a result, under Alternative A, criminal incidents would increase in the vicinity of the Airpark Site, as would be expected with a large development of any type. Conversely, the number of people traveling to the existing Eagle Mountain Casino would decrease, and the rate of criminal incidents in the vicinity of the Eagle Mountain Casino Site would be expected to experience a corresponding decline. Potential impacts to law enforcement services are addressed in **Section 4.10**. As described therein, it is anticipated that the Tribe would enter into a service agreement with Porterville Police Department (PPD) and/or Tulare County Sheriff's Department (TCSO) to fully reimburse the affected department for quantifiable direct and indirect costs incurred in conjunction with the provision of law enforcement services at the Airpark Site. Through the implementation of this agreement, the on-site security measures, and the mitigation described in **Section 5.10.3**, impacts would be addressed and Alternative A would result in a less-than-significant effect on law enforcement services and crime.

Community Effects

Schools

As discussed in detail in the **Appendix B**, there are an average of approximately 1.3 school-age children per household in Tulare County. Based on the range of new household estimates provided in **Appendix B**, the County is estimated to experience the addition of no more than 31 school-age children due to employment-driven in-migration. This maximum approximation for new students equates to approximately 0.2 percent of Porterville Unified School District's (PUSD's) total estimated enrollment of

14,020 (**Appendix B**). Given that any anticipated new students would likely be distributed across grade levels and schools, the impact of new student enrollment on the regional educational infrastructure resulting from implementation of Alternative A would be negligible. Further, if Alternative A were to result in the relocation of any families to the area, PUSD would likely collect additional tax revenue from the families of new students and would use this revenue to hire additional teachers to meet additional demand, if necessary. Thus, overall impacts on education infrastructure would not be significant, and no mitigation is warranted.

Libraries and Parks

Because there are no libraries within two miles of the Airpark Site, Alternative A would not result in significant adverse impact to libraries, nor would the number of students and families added to the County due to employment-driven in-migration impact library resources (**Appendix B**).

Development of Alternative A would impact the Porterville Sports Complex and off-highway vehicle (OHV) park that border the Airpark Site to the north and east. The installation of recycled water distribution pipelines throughout the Porterville Sports Complex pursuant to the Alternative A water offset strategy would likely require the temporary closure of all or portions of that facility. Patrons of the casino are not expected to frequent the OHV park and Porterville Sports Complex, and there would be no direct physical effects on either park resulting from the implementation of Alternative A. Therefore, operational impacts of Alternative A to the OHV park and Porterville Sports Complex would be less than significant. Any impacts to the Porterville Sports Complex, OHV park, and all other parks within the City resulting from casino patronage or employment-driven population increases would be negligible. Land use compatibility effects are described in **Section 4.9**.

Effects to the Tule River Indian Tribe

Alternative A would benefit the Tule River Indian Tribe (Tribe) in at least three ways. First, it would generate new income to fund the operation of the tribal government. In the first year, the cash flow to the Tribe from gaming operations would more than double (KlasRobinson, 2016). This income is anticipated to have a beneficial effect on Tribal quality of life, health, education, culture, and expectations by funding tribal programs that serve tribal members, including education, health care, housing, social services, and tribally-sponsored cultural events, and by supporting tribal self-sufficiency and self-determination. Second, tribal members would have access to new jobs created on the Airpark Site. As discussed above, proposed facilities under Alternative A would provide approximately 1,214 direct employment positions; of these, 790 would be a direct net addition after the closure of the existing Eagle Mountain Casino. Employment generated by this alternative would not only allow Tribal members to enjoy a better standard of living, but would also provide an opportunity for Tribal members to reduce or end their dependence on government funding. Third, as discussed in **Section 1.2**, there is a severe shortage of housing on the Tule River Reservation, a main cause of which is the lack of available water, which led to the Tribe's institution of a moratorium on the construction of new on-Reservation structures, including tribal housing.

The Tribe has a housing waiting list of over 200 members, and this number is expected to grow as tribal population increases. Under Alternative A, approximately 27,863 gallons per day (gpd) of water that was previously being used by Eagle Mountain Casino would be available for re-allocation, allowing the construction of much needed tribal housing, which would be a beneficial impact.

The casino is projected to generate millions of dollars annually for the Tribe. According to the Indian Gaming Regulatory Act (IGRA) 25 United States Code (USC) Section 2710 (b)(2)(B):

“...net revenues from any tribal gaming are not to be used for purposes other than (i) to fund tribal government operations or programs; (ii) to provide for the general welfare of the Indian tribe and its members; (iii) to promote tribal economic development; (iv) to donate to charitable organizations; or (v) to help fund operations of local government agencies.”

IGRA also requires that the Tribe develop a plan to use gaming revenues for these purposes, which must be approved by the Secretary of the Interior, before making any distributions to individual Tribal members.

Environmental Justice: Minority and Low Income Communities

Section 3.7.3 describes local populations near the Airpark Site that could be affected by development of Alternative A to determine if any minority or low-income populations exist. The review of the demographics of Census tracts showed that the Airpark Site is located in a tract with a substantial minority community but that was not identified as a low-income community. However, in the vicinity of the Airpark Site, there are many areas that contain a substantial minority community, and Tulare 28, Tulare 38.02, Tulare 41.01, and Tulare 41.02 were identified as low-income communities. Effects to the Tribe, a minority community, are discussed above and would be positive. Effects to tribal governments operating gaming facilities that may be impacted by operation of Alternative A are discussed above under *Substitution Effects*. Increased economic development and opportunities for employment would positively affect low-income and minority communities in the vicinity of the Airpark Site. For example, as discussed above, Alternative A is estimated to result in 1,075 employment positions (including direct, indirect and induced – refer to **Table 4.7-5**), most of which will be filled by Tulare County residents, some of whom are either unemployed or underemployed. Other effects to minority and low-income communities, including traffic, air quality, and noise, would be less than significant after the implementation of specific mitigation measures related to these environmental effects. Therefore, with the implementation of the mitigation measures described in **Section 5.0**, Alternative A would not result in significant adverse effects to minority or low-income communities.

4.7.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

The socioeconomic impacts from Alternative A and B would be nearly identical, as the only difference between these two alternatives is the method of water supply and wastewater treatment and disposal. The anticipated expenditures related to construction of on-site water and wastewater systems under Alternative B would be similar to expenditures related to construction of off-site infrastructure under Alternative A. Refer to **Section 4.7.1**. As stated in **Section 4.3**, there would be a significant and unavoidable impact to water resources (specifically groundwater) under Alternative B. However, this would be a regional impact and would not accrue disproportionately to minority or low-income communities; therefore, no significant environmental justice impacts would occur under Alternative B.

4.7.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Economic Effects

The direct economic effects for both construction and operation of Alternative C would be similar to those described for Alternative A, but of a lesser scale since Alternative C is reduced in size and scope. Alternative C is expected to generate an annual total output of approximately \$70.5 million within Tulare County (**Table 4.7-1**). Direct output is estimated to total approximately \$50.0 million. Indirect and induced outputs are estimated to total \$9.9 million and \$7.6 million, respectively.

Operation of Alternative C would generate increased revenues for a variety of businesses in Tulare County as a result of increased economic activities. Output received by area businesses would in turn increase their spending, and labor demand, thereby further stimulating the local economy. This would be considered a beneficial impact that is less than the beneficial impact of Alternative A. No mitigation is required.

Substitution Effects

Existing Tribal Casino Gaming Market Substitution Effects

Alternative C is anticipated to cause a decline in gaming revenue to competing gaming facilities similar to those discussed for Alternative A, but of a lesser scale (**Appendix B**). See **Table 4.7-2**. Substitution effects resulting from Alternative C to competing gaming facility revenues would not significantly impact these casinos, or cause their closure. Therefore, it is anticipated that under Alternative C, the competing tribal facilities would continue to operate and generate a certain level of profit that would be utilized by the tribal governments that own them to provide services to their respective memberships. No physical environmental effects would occur. As recently upheld by the United States District Court for the Eastern District of California, “competition...is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on” a tribe (Citizens for a Better Way, et al. v. United States Department of the Interior, E.D. Cal., 2015).

Non-Gaming Substitution Effects

Similar to Alternative A, potential non-gaming substitution effects represent a small portion of total economic activity that would be generated by Alternative C. As discussed in **Section 4.7.1**, it is likely that the operation of the proposed casino will stimulate local retail and restaurant businesses by drawing customers from outside the local area. This effect is anticipated to offset any substitution effects to non-gaming businesses. Thus, as with Alternative A, no significant non-gaming substitution effects would occur as a result of Alternative C.

Fiscal Effects

Alternative C is anticipated to result in similar fiscal impacts to those discussed for Alternative A, but of a lesser scale (**Appendix B**). See **Table 4.7-3**. Overall, Alternative C would result in a beneficial impact to the local economy in Tulare County that is less than the beneficial impact under Alternative A.

Property Values

Impacts to the values of properties in the vicinity of the Airpark Site would be similar to the impacts under Alternative A. However, because Alternative C is smaller in size compared to Alternative A, the resulting impacts on property values are likely to be smaller than those that would occur under Alternative A. Such impacts would be less than significant.

Employment

Investment in construction and operational activities would generate substantial direct employment opportunities and wages, as well as indirect and induced employment opportunities and wages. The IMPLAN model was used to estimate employment opportunities generated by Alternative C.

Construction

As shown in **Table 4.7-4**, direct construction of Alternative C is projected to create a total of 1,180 one-time construction-related employment positions and generate one-time wages of \$54.2 million (**Appendix B**). The construction of Alternative C would result in indirect and induced economic activity that would generate additional jobs and wages.

Operation

Operation activities associated with Alternative C would generate approximately 550 total (including direct, indirect, and induced) new full-time employment opportunities in Tulare County after accounting for the closure of the existing Eagle Mountain Casino (**Table 4.7-5**). Direct employment impacts are estimated to total approximately 404 job opportunities. Net indirect and induced employment opportunities are estimated at 85 and 61, respectively. Operational activities associated with Alternative C would generate an increase of approximately \$17.7 million within Tulare County (**Table 4.7-5**). Direct

wages are estimated to total approximately \$11.8 million. Indirect and induced wages are estimated to total \$3.7 million and \$2.2 million, respectively. The generation of employment and wages during the operation phase, which would result in employment and wages for persons previously unemployed, increasing the ability of the population to provide themselves with health and safety services and contributing to the alleviation of poverty among lower income households, is considered a beneficial effect of Alternative C that is less than the beneficial effect of Alternative A.

Housing

The housing market in Tulare County as discussed under Alternative A and would be able to fulfill the demands for housing under Alternative C. Indirect impacts resulting from growth inducement are discussed further in **Section 4.14**. This impact would be comparable, but to a lesser extent, than Alternative A. Alternative C would not result in significant adverse effects to the housing market.

Social Effects

Social impacts including pathological and problem gambling, and crime from Alternative C would be of a similar type but of a lesser extent than Alternative A, since Alternative C is reduced in size and scope. Mitigation is included in **Section 5.10**.

Community Effects

Community impacts including effects to schools, libraries, and parks from Alternative C would be of a similar type but of a lesser extent than Alternative A, since Alternative C is reduced in size and scope. Impacts would be less than significant, and no mitigation is required.

Effects to the Tule River Indian Tribe

The effects to the Tribe under Alternative C would be beneficial, but to a lesser extent than Alternative A. Refer to **Section 4.7.1**. This is considered a beneficial impact of Alternative C.

Environmental Justice: Minority and Low Income Communities

Alternative C is anticipated to result in similar environmental justice impacts to those discussed for Alternatives A and B, but of a lesser scale. As discussed above, Alternative C is anticipated to result in 550 employment positions, most of which will be filled by Tulare County residents, some of whom are either unemployed or underemployed. Other effects to minority and low-income communities, including traffic, air quality, and noise, would be less than significant, after the implementation of specific mitigation measures related to these environmental effects, with the exception of water resources under Water Supply Option 2, which would be significant and unavoidable. However, this would be a regional impact and would not disproportionately affect minority or low income communities. Therefore, Alternative C would not result in significant environmental justice impacts.

4.7.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Economic Effects

Alternative D is expected to generate an annual total output of approximately \$16.0 million within Tulare County (**Table 4.7-1**). Direct output is estimated to total between approximately \$11.9 million after substitution effects. Indirect and induced outputs are estimated to total between \$2.3 million and \$1.8 million, respectively, after substitution effects.

Operation of Alternative D would generate substantial output to a variety of businesses in Tulare County. Output received by local businesses would in turn increase their spending, and labor demand, thereby further stimulating the local economy. This would be considered a beneficial impact that would be less beneficial than that of Alternatives A and B.

Substitution Effects

Existing Tribal Casino Gaming Market Substitution Effects

Substitution effects to existing gaming venues are not applicable because Alternative D does not have a gaming component.

Non-Gaming Substitution Effects – Tulare County

Alternative D will have a competitive impact on existing hotels in the area, as shown in **Table 4.7-8**. In addition to room revenue taken from existing hotels, a portion of the new spending at Alternative D will come from other revenue categories (e.g., food and beverage, retail and entertainment). As shown in the **Table 4.7-8**, substitution effects on hotels in Porterville are projected to affect approximately one-third to one-half of the facility's revenue stream. Revenue streams to Marriot Visalia and Wyndham Visalia are estimated to return to baseline no project conditions in seven years; however, impacts to Best Western Porterville and Holiday Express Porterville will effectively continue indefinitely, though the magnitude of the effect will continue to gradually decline (**Appendix B**). Nevertheless, substitution effects would not be of a magnitude that would cause a physical effect to the environment (such as urban blight). Therefore, the effect would not be significant, and no mitigation is recommended.

TABLE 4.7-8
ESTIMATED YEAR 1 HOTEL SUBSTITUTION EFFECTS FROM ALTERNATIVE D

Revenue Source	Substitution Effects (in millions)				
	Year 1	Year 2	Year 3	Year 4	Year 5
Best Western Porterville	-30.2%	-34.7%	-34.9%	-31.9%	-31.4%
Holiday Express Porterville	-46.0%	-52.0%	-52.8%	-46.6%	-46.6%
Marriot Visalia	-4.6%	-4.1%	-2.4%	-1.4%	-1.0%
Wyndham Visalia	-4.1%	-3.8%	-3.3%	-2.6%	-1.7%
Source: Appendix B .					

Fiscal Effects

Alternative D would result in a variety of fiscal impacts that are somewhat similar to those described under Alternative A and C above, as all of these alternatives involve taking the Airpark Site into trust. However, because Alternative D does not include a gaming component, the mix of effects is different from Alternatives A through C. Fiscal effects are summarized in **Table 4.7-3**. As described in **Section 2.6**, **Section 4.7.1**, and **Table 3.7-4**, Alternative D would result in the loss of local property taxes, and spending on unemployment and social services would decrease slightly, while emergency services and other costs will increase slightly. Alternative D would also result in a net decrease in sales and occupancy taxes, as substitution effects (described above) would transfer revenue from sources subject to taxes to the hotel proposed under Alternative D, which would not be subject to local taxes. Therefore, the loss of tax revenue is potentially significant to local governments. Mitigation included in **Section 5.7** would reduce this impact to a less-than-significant level.

Property Values

Any impacts to the values of properties in the vicinity of the Airpark Site would be less than under Alternative A because Alternative D is smaller in scope than Alternative A. Although Alternative D is a hotel and convention center project and not a casino resort, both types of development are considered “commercial” properties. Consequently, the resulting impacts on property values are likely to be similar to, though smaller, than those that would occur under Alternative A. Impacts to property values under Alternative D would be less than significant.

Employment

Construction

As calculated through IMPLAN, construction of Alternative D is projected to create a total of 625 one-time construction-related employment positions and generate direct one-time wages of \$28.6 million (**Table 4.7-4**; **Appendix B**). The construction of Alternative D would result in indirect and induced economic activity that would generate additional jobs and wages.

Operation

Operational activities associated with Alternative D would generate approximately 166 total (including direct, indirect, and induced) new employment opportunities in Tulare County (**Table 4.7-5**). Direct employment impacts are estimated to total approximately 131 job opportunities. Net indirect and induced employment opportunities are estimated at 20 and 15, respectively. Under Alternative C, investment in operational activities would generate annual total wages of approximately \$4.4 million within Tulare County (**Table 4.7-5**). Direct wages in Tulare County are estimated to total approximately \$3.0 million. Indirect and induced wages in Tulare County are estimated to total approximately \$0.8 million and \$0.5

million, respectively. The generation of employment and wages during the operation phase is considered a beneficial effect of Alternative D that is less beneficial than Alternatives A and B.

Housing

The 2019 housing market in Tulare County as discussed under Alternative A would fulfill the demands for housing under Alternative D. Indirect impacts resulting from growth inducement are discussed further in **Section 4.14**. This impact would be of a similar type, but to a lesser extent, than under Alternative A. Alternative D would not result in significant adverse effects to the housing market.

Social Effects

Social impacts including crime from Alternative D would be of a similar type but of a lesser extent. As no gaming is proposed under Alternative D, problem and pathological gambling impacts would not occur, and the number of people traveling to the existing Eagle Mountain Casino would not decrease, as the facility would remain open. No change in the incidence of criminal activity on the Eagle Mountain Casino Site would be expected to occur. Mitigation in **Section 5.10** would ensure no adverse social impacts would occur.

Community Effects

Community impacts including effects to schools, libraries, and parks from Alternative D would be of a similar type but of a lesser extent than Alternative A, since Alternative D is reduced in size and scope. Impacts would be less than significant, and no mitigation is required.

Effects to the Tule River Indian Tribe

Under Alternative D, the Eagle Mountain Casino would not be relocated to the Airpark Site and would continue to operate on the Reservation. The increase in income for the tribal government and new tribal employment opportunities would be substantially reduced under this Alternative due to the reduced size and scope of development and the lack of a gaming component, and thus the beneficial effects to the Tribe under Alternative D would be substantially less than those under Alternative A. Additionally, this alternative would not benefit the Tribe by lowering water use on the Reservation, allowing the construction of tribal housing.

Environmental Justice: Minority and Low Income Communities

Alternative D is anticipated to result in similar environmental justice impacts to those discussed for Alternatives A and B, but of a lesser scale. As discussed above, Alternative D is estimated to result in 166 employment positions, most of which will be filled by Tulare County residents, some of whom are either unemployed or underemployed. Other effects to minority and low-income communities, including traffic, air quality and noise, would be less than significant, after the implementation of specific

mitigation measures related to these environmental effects, with the exception of water resources under Water Supply Option 2, which would be significant and unavoidable. However, this would be a regional impact and would not disproportionately affect minority or low-income communities. Therefore, Alternative D would not result in significant environmental justice impacts.

4.7.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Economic Effects

Alternative E is expected to generate an annual economic output of \$10.2 million within Tulare County (Table 4.7-1). Direct output is estimated at approximately \$7.6 million. Indirect and induced outputs are estimated at \$1.4 million and \$1.1 million, respectively.

Operation of Alternative E would generate substantial output to a variety of businesses in Tulare County. Output received by Tulare County businesses would in turn increase their spending, and labor demand, thereby further stimulating the local economy. This would be considered a beneficial impact.

Substitution Effects

Existing Tribal Casino Gaming Market Substitution Effects

As shown in Table 4.7-2, the only gaming operation that is projected to incur a measured competitive impact from Alternative E is Tachi Palace. The lack of lodging, lack of location change, and relatively modest scope of Alternative D would not result in a measurable competitive impact on other gaming facilities in the area. The substitution effect in year one is less than one percent, which is a negligible impact. Therefore, substitution effects resulting from Alternative E to Tachi Palace would not impact the ability of the Tachi Yokut tribal government to provide essential services to its membership.

Fiscal Effects

Alternative E would result in a variety of fiscal impacts. Under Alternative E, the Tribe would continue not paying corporate income taxes on revenue or property taxes on tribal land. In addition, Alternative E may slightly increase demand for public services, which may result in increased costs for local governments to provide these services. Refer to Section 4.10 for an analysis of these impacts. Tax revenues would be generated for federal, State, and local governments from the same indirect and induced activities discussed under Alternative A, and spending on unemployment and social services would decrease slightly, as shown in Table 4.7-3. Alternative E 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. Overall, as shown in Table 4.7-3, Alternative E would result in a slight beneficial impact to local government revenues.

Property Values

The operation of Alternative E will stimulate a relatively mild increase in patronage to the facility and will not result in a change in land use. Consequently, Alternative E would not have a significant effect on local property values.

Employment

Investment in construction and operational activities would generate substantial direct employment opportunities and wages, as well as indirect and induced employment opportunities and wages. The IMPLAN model was used to estimate employment opportunities generated by Alternative E. The construction of Alternative E would result in the generation of indirect and induced economic activity that would generate additional jobs and wages.

Construction

As calculated through IMPLAN, construction of Alternative E is projected to create a total of 600 direct one-time construction-related employment positions and generate direct one-time wages of \$13.8 million (**Table 4.7-4; Appendix B**).

Operation

Operation activities associated with Alternative E would generate approximately 79 employment opportunities annually captured within Tulare County (**Table 4.7-5**). Direct employment impacts were estimated to total approximately 58 job opportunities. Indirect and induced employment opportunities were estimated to total 12 and 9, respectively. Under Alternative E, investment in operational activities would generate annual total wages of approximately \$2.5 million within Tulare County (**Table 4.7-5**). Direct wages are estimated at approximately \$1.7 million. Indirect and induced wages were estimated to total \$0.5 million and \$0.3 million, respectively. The generation of employment and wages during the operation phase is considered a beneficial effect of Alternative E.

Housing

Due to the limited amount of new employment positions, as well as the less specialized nature of these positions, it is not anticipated that there would be any additional housing need due to residential relocation of new employees into Tulare County (**Appendix B**). Alternative E would therefore not exacerbate the on-Reservation housing shortage, nor would it alleviate it. Therefore, Alternative E would have a less-than-significant effect on housing.

Social Effects

The social impacts of Alternative E, including problem gambling and crime, would be a fraction of the effects of Alternative A, due to the significantly reduced scope of Alternative E in comparison with

Alternative A. Alternative E would introduce new patrons and employees into the vicinity of the Eagle Mountain Casino Site. As a result, under Alternative E, criminal incidents may increase in the vicinity of the Eagle Mountain Casino Site. Potential impacts to law enforcement services are addressed in **Section 4.10**. As described therein, impacts would be less than significant, and no mitigation is warranted.

Community Effects

Impacts to PUSD would be similar to those described under Alternative A. These impacts would not accrue to the Education Department, as tribal enrollment is not expected to substantially increase under Alternative E. Impacts to libraries and parks in the vicinity of the Eagle Mountain Casino Site (refer to **Section 3.7.1**) would be less than those described under Alternative A as Alternative E would employ fewer people and libraries and parks are located farther away from the site. Impacts would be less than significant, and no mitigation is required.

Effects to the Tule River Indian Tribe

Alternative E would not produce a substantial additional revenue stream to fund essential governmental, social, and other services. Because of the remote location of the site, the revenue generated by Alternative E would be substantially lower than under Alternative A, and may not be sufficient to cover the costs of construction and increased operational costs associated with trucking in water supplies. Additionally, this alternative would not assist the Tribe in achieving more efficient allocation of limited water supplies within the Reservation and addressing the housing shortage. Consequently, Alternative E has the potential to result in adverse socioeconomic effects to the Tribe, but these would be less than significant.

Environmental Justice: Minority and Low-Income Communities

While the Eagle Mountain Casino Site's Census tract (Tulare 27) was not identified as containing an identified minority or low-income community, as stated in **Section 3.7.3**, many areas in the vicinity of the Eagle Mountain Casino Site contain a substantial minority community, and Tulare 28, Tulare 38.02, Tulare 41.01, and Tulare 41.02 were identified as low-income communities in the vicinity of the Eagle Mountain Casino Site. In addition, the Tribe is considered a minority community that would be impacted by Alternative E. Effects to the Tribe are discussed above. The limited amount of new employment opportunities created under Alternative E would be a neutral to slightly positive beneficial impact. Other effects to minority and low-income communities, such as traffic, air quality, and noise, would be less than significant after the implementation of the specific mitigation measures related to these environmental effects. Therefore, with the implementation of the mitigation measures described in **Section 5.0**, Alternative E would not result in significant adverse effects to minority or low-income communities.

4.7.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Airpark Site would not be taken into trust. No development would occur in the near future. No expansion would occur on the Eagle Mountain Casino Site. No adverse or beneficial effects to socioeconomic conditions would result from this alternative.

4.8 TRANSPORTATION/CIRCULATION

This section identifies the direct effects to transportation and circulation that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.8**. Indirect and cumulative effects are identified in **Section 4.14** and **Section 4.15**, respectively. Measures to mitigate for adverse effects identified in this section, if warranted, are presented in **Section 5.8**.

4.8.1 ANALYSIS METHODOLOGY

The project would result in the addition of vehicle traffic to local intersections. A traffic impact study (TIS) was prepared for the project alternatives and is provided in **Appendix I**. This section incorporates the results of the study and any potential adverse effects to the transportation network.

Methodologies

Trip Generation Rates

Trip generation for development projects is generally based on trip rates in the most recent version of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE). Typical AM and PM peak hours during weekdays and the Saturday afternoon peak hour were chosen for representative samples of peak hour activity based on past and current traffic counts on the Tule River Indian Reservation as well as input from the California Department of Transportation (Caltrans).

Casino

The ITE Trip Generation Manual does not include a land use category similar to the proposed casino/resort. Trip generation for the proposed Eagle Mountain Casino relocation was evaluated based on a compilation of data gathered from similar casino projects, including Thunder Valley Casino, Cache Creek Casino, and others (**Appendix I**). The casino trip generation rate is based on trip counts collected at similar casino facilities that also included restaurant and retail uses and thus the rate also factors in trips from the proposed restaurant and retail facilities.

Hotel

Trip generation for the hotel was calculated based on data from the Trip Generation Manual, 9th Edition. Because it is assumed that hotel guests would also utilize related on-site facilities, such as the casino, conference center, and restaurants, the ITE hotel trip generation rate was reduced by half. This rate reduction is consistent with and more conservative than the casino resort trip generation research and adjustments demonstrated in the traffic studies for other northern California gaming facilities (**Appendix I**).

Convention Space

The ITE Trip Generation Manual does not include a land use category similar to the proposed Convention Space. Trip generation for the Convention Space was based on professional assumptions made by Omni-Means. The estimated capacity of a generic conference was estimated to be 1,939 (15 square feet of conference area per attendee). Omni-Means then assumed that a generic event would draw an average of 85 percent of the total estimated capacity. Out of that amount of attendees, it was assumed that 25 percent would stay at the hotel, and that the remaining attendees would drive to the event with an assumed vehicle occupancy rate (VOR) of 1.5 persons per vehicle (**Appendix I**).

Multi-Purpose Event Center

The ITE Trip Generation Manual does not include a land use category similar to the proposed Multi-Purpose Event Center. Like the trip generation rate of the conference center, trip generation for the Multi-Purpose Event Center was based on professional assumptions made by Omni-Means. As with the Convention Space, Omni-Means assumed that a generic event would draw an average of 85 percent of the total capacity. After assuming that 25 percent of that number would stay at the hotel, Omni-Means assumed a VOR of 2.2 persons per vehicle, and thus there would be a total of 493 trips per event (**Appendix I**).

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternatives A, B, and C, the existing Eagle Mountain Casino would be converted to tribal governmental uses. While the location of tribal governmental and service facilities may shift within the Reservation, no new trips would be created. Therefore, there would be no expected increase in traffic due to this component, and no associated potential for impacts to transportation networks.

Trip Reductions

Diverted linked trips are trips that are attracted from the traffic volume on roadways in the vicinity of the generator but that require a diversion to another roadway to access the generator. For the Airpark Site, diverted linked trips would be attributable to the proximity of the site to State Route (SR) 65 and SR-190. Diverted linked trips are not new trips on the regional roadway network. Omni-Means assumed a 10 percent diverted linked trip reduction rate for Alternatives A, B, and C based on the proportion of the project that would involve retail and restaurant space, and a conservative 5 percent trip reduction was applied to account for non-automobile trips (transit, bicycle, and shuttle trips). Under Alternative D, Omni-Means applied a 10 percent internal capture rate, which is the applicable trip reduction for individual land uses within a multi-use site to account for internal trips between hotel, restaurant, and retail uses. No trip reduction was applied to Alternative E due to its remote location and rural surroundings.

Finally, a relocation reduction was applied under alternatives which include a casino at the Airpark Site (Alternatives A, B, and C). Because the existing Eagle Mountain Casino would be closed under these alternatives and converted into Tribal administration buildings, casino-related trips to the existing Eagle Mountain Casino will not occur. Based upon traffic counts conducted in fall of 2016, approximately 2,050 daily weekday and 2,500 daily weekend trips travel to/from Eagle Mountain Casino via Reservation Road and BIA-211. These casino and casino-related trips were subtracted from the roadway network based on the existing casino traffic distribution. This approach avoids double-counting casino related trips and overestimation of project impacts. Also, it should be emphasized that only traffic volumes on roadways currently used to access the Eagle Mountain Casino Site were adjusted.

Significance Criteria

Based on circulation elements found in the respective General Plans adopted by the City of Porterville (City) and Tulare County (County), Omni-Means assigned a standard of level of service (LOS) D for local City and County roads. Caltrans has jurisdiction over the state highways in the study area and endeavors to maintain a target LOS between C and D standard.

In accordance with the National Environmental Policy Act (NEPA), it is necessary to develop significance criteria for intersections that are currently failing or will fail without the addition of any project-related traffic. For purposes of this Environmental Impact Statement (EIS), a significant traffic impact occurs when the project causes any of the following thresholds to be exceeded:

Signalized Intersections

- The project causes an acceptable LOS to decrease to an unacceptable LOS; or
- The project increases the average delay by more than 5 seconds per vehicle at an intersection operating at an unacceptable LOS without project traffic.

All-Way Stop Intersections

- The project causes an acceptable LOS to decrease to an unacceptable LOS; or
- The project increases the average delay by more than 5 seconds per vehicle at an intersection operating at an unacceptable LOS without project traffic and at which the intersection meets the peak hour volume signal warrant.

Two-Way Stop Intersections

- The project causes the worst-case movement's acceptable LOS to decline to an unacceptable LOS and the peak hour volume signal warrant is met; or
- The project increases the average delay for the worst-case movement by more than 5 seconds per vehicle at an intersection that is operating at an unacceptable LOS without project traffic and at which the intersection meets the peak hour volume signal warrant; or

- The project causes all of the following to occur for worst-case movement:
 - The LOS declines to an unacceptable LOS,
 - The volume-to-capacity (V/C) ratio exceeds 0.75, and
 - The 95th percentile queue exceeds 75 feet (three vehicles).

Roadway Segments

- The project causes an acceptable LOS to decrease to an unacceptable LOS; or
- The project causes the volume-to-capacity ratio to increase by more than 0.05 on a roadway segment operating at an unacceptable LOS without project traffic.

Opening Year Baseline Conditions

The background and future forecast assumptions used for this traffic study were based on planned and approved short-term (2021 opening year) and long-term (2040 cumulative year) changes to land use and transportation systems as identified in local and regional planning and programming documents and travel demand forecasting model projections, as well as information provided by the County. **Table 4.8-1** summarizes baseline traffic conditions during the weekday AM and PM peak hour, as well as the weekend peak hour, at each of the study intersections without the addition of project-related traffic.

As shown in **Table 4.8-1**, the following study intersections are projected to operate at unacceptable levels of service under opening year conditions without the addition of project-related traffic:

- SR-190/Westwood Street (weekday AM peak hour), and
- Scranton Avenue/SR-65 (weekday PM peak hour).

It should be noted that SR-65 is under construction to widen the roadway from two to four lanes, and the intersections of SR-65 with Teapot Dome and Scranton Avenue are under construction to provide improved traffic control at the intersections.

Table 4.8-2 summarizes the conditions of the study roadway conditions in the opening year without the addition of any alternative. As shown in **Table 4.8-2**, all of the study roadway segments would operate at acceptable levels of service at the opening year without project-related traffic, with the exception of a segment of SR-65 from Road 204 (Spruce Road) to Hermosa Street.

Table 4.8-3 summarizes the opening year conditions of the freeway mainlines and ramps without the addition of any alternative. As shown in the table, all study freeway mainlines and ramps are projected to operate at acceptable levels of service for near-term conditions without project traffic.

TABLE 4.8-1
OPENING YEAR INTERSECTION LOS WITHOUT PROJECT

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
1	SR-137/SR-63	Signal	D	50.6	D	45.8	C	32.4
2	SR-137/SR-65	Signal	C	24.2	C	25.6	C	21.3
3	SR-137/Road 204 (Spruce Road)	Signal	C	28.3	C	31.8	C	23.5
4	Hermosa Street/SR-65	Signal	C	26.1	C	25.4	B	19.9
5	Avenue 196/SR-65	Signal	C	22.7	C	20.8	B	16.6
6	SR-99 SB Off Ramp/Burnett Road	TWSC	A	9.7	A	9.8	A	9.8
7	Avenue 144/SR-99 NB On/Off Ramps	TWSC	A	8.5	A	9.2	A	7.9
8	SR-190/Road 152	TWSC	B	11.7	B	13.2	B	11.3
9	SR-190/Road 192	AWSC	A	10.0	B	11.4	B	11.2
10	SR-190/Rockford Road (Road 208)	TWSC	B	14.8	B	15.0	B	12.8
11	SR-190/Road 216	TWSC	B	13.0	B	14.0	B	13.2
12	SR-190/Westwood Street	AWSC	F	54.9	C	20.1	B	12.7
13	SR-190/Newcomb Street	TWSC	B	15.4	B	12.8	B	12.4
14	SR-190/Jaye Street	Signal	D	47.6	C	33.0	C	27.5
15	SR-190/Plano Street	Signal	D	22.1	D	38.4	C	25.1
16	SR-190/Road 284	TWSC ¹	C	10.1	C	21.2	C	12.7
17	Avenue 136/Road 208	TWSC	B	10.1	A	10.0	B	10.1
18	Scranton Avenue/Road 216	TWSC	A	9.5	A	9.4	A	9.7
19	Scranton Avenue/West Street	TWSC	A	9.4	A	9.0	A	8.8
20	Scranton Avenue/Westwood Street	TWSC	A	8.9	B	10.3	B	10.7
21	Scranton Avenue/Newcomb Street	AWSC	A	8.1	A	7.3	A	7.6
22	Scranton Avenue/SR-65	Signal	B	12.4	E	65.3	B	13.0
23	Teapot Dome Avenue/Road 216	TWSC	A	9.7	A	9.2	A	9.2
24	Teapot Dome Avenue/West Street	TWSC	A	9.2	A	9.3	A	8.5
25	Teapot Dome Avenue/Road 224	TWSC	A	9.3	A	9.1	A	9.6
26	Teapot Dome Avenue/Newcomb Street	TWSC	A	9.9	A	9.9	A	9.6
27	Teapot Dome Avenue/SR-65	Signal	B	16.6	B	12.9	B	17.1
28	Teapot Dome Avenue/S Main Street	AWSC	A	9.7	B	11.3	A	9.8
29	Avenue 95/SR-65	Signal	B	13.2	B	18.5	B	17.7
30	BIA-211/Casino Entrance	TWSC	A	9.6	B	10.7	A	10.0
31	Success Valley Dr/Reservation Road	TWSC	A	9.9	B	10.5	B	10.1
32	SR-137/Road 168	TWSC	C	20.1	C	18.1	C	20.1
33	SR-198/Spruce Road (Road 204)	Signal	B	16.8	B	14.6	B	10.4
34	Avenue 256/Spruce Road (Road 204)	AWSC	C	25.0	C	17.9	B	12.8

Notes: AWSC = All-Way Stop Control; TWSC = Two-Way Stop Control; NB = Northbound; SB = Southbound.

Target LOS for all intersections is LOS D or better.

Bolded text indicates failure to meet current LOS target.

1 – This intersection has been updated with a roundabout control; however, traffic counts were taken before this improvement was installed.

Source: **Appendix I** – TIS.

TABLE 4.8-2
 OPENING YEAR ROADWAY SEGMENT LOS WITHOUT PROJECT

Segment	Lanes	ADT	Adjusted ADT ¹	LOS
SR-137 from SR-63 to Road 204 (Spruce Road)	2	11,000	10,990	B
SR-65 from Road 204 (Spruce Road) to Hermosa Street ²	2	19,900	19,890	F
SR-65 from Hermosa Street to Pioneer Avenue	4	21,100	21,060	A
SR-65 from Pioneer Avenue to SR-190	4	24,960	24,820	B
SR-65 from SR-190 to Avenue 95	2	11,710	11,700	B
SR-190 from SR-99 to Road 192	2	4,400	4,360	A
SR-190 from Road 192 to SR-65	2	5,640	5,350	A
SR-190 from SR-65 to Plano Street	4	24,090	23,980	B
SR-190 from Plano Street to Blue Heron Parkway	4	12,300	12,280	A
SR-190 from Blue Heron Parkway to Road 284	2	8,790	8,370	A
Scranton Avenue from Rockford Road (Road 208) to SR-65	2	890	-	A
Teapot Dome Avenue from Rockford Road (Road 208) to SR-65	2	1,300	-	A
Rockford Road (Road 208) from Teapot Dome Avenue to SR-190	2	1,910	-	A
Road 216 from Teapot Dome Avenue to SR-190	2	300	-	A
West Street from Teapot Dome Avenue to SR-190	2	380	-	A
Westwood Street from Scranton Avenue to SR-190	2	1,750	-	A
Newcomb Street from Teapot Dome Avenue to SR-190	2	1,260	-	A
Reservation Road between SR-190 and Reservation Entrance	2	3,210	2,790	A
Notes: ADT = Average Daily Traffic Bolded text indicates failure to meet current LOS target. 1 - Traffic associated with the existing Eagle Mountain Casino was reduced to account for its closure upon project completion. 2 - This segment is programmed for improvements regardless of approval of the project. Source: Appendix I – TIS.				

TABLE 4.8-3
OPENING YEAR FREEWAY CONDITIONS WITHOUT PROJECT

Interchange Movements	Junction Type	Density (cars/mi/lane)	LOS
SR-190 Ramps at SR-65			
EB SR-190 to NB SR-65	Merge	5.9	A
EB SR-190 to NB SR-65	Diverge	1.0	A
EB SR-190 to SB SR-65	Merge	3.9	A
EB SR-190 to SB SR-65	Diverge	4.6	A
WB SR-190 to NB SR-65	Merge	14.6	B
WB SR-190 to NB SR-65	Diverge	11.4	B
WB SR-190 to SB SR-65	Merge	13.4	B
WB SR-190 to SB SR-65	Diverge	7.8	A
SR-65 Ramps at SR-190			
NB SR-65 to EB SR-190	Merge	4.6	A
NB SR-65 to EB SR-190	Diverge	6.0	A
NB SR-65 to WB SR-190	Merge	5.8	A
NB SR-65 to WB SR-190	Diverge	4.2	A
SB SR-65 to EB SR-190	Merge	19.4	B
SB SR-65 to EB SR-190	Diverge	9.3	A
SB SR-65 to WB SR-190	Merge	15.3	B
SB SR-65 to WB SR-190	Diverge	10.2	B
Notes: EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound. Source: Appendix I – TIS.			

4.8.2 ALTERNATIVE A – PROPOSED PROJECT

Construction Traffic

During construction, there would be an estimated maximum of 734 trips (528 one-way worker trips and 206 one-way material haul trips) to and from the Airpark Site (**Appendix E**). Impacts related to construction traffic would be temporary in nature and would cease upon completion of the project. Although most construction trips would likely take place outside peak traffic hours, they are assumed to occur during peak hours for the purpose of this analysis, in order to obtain a conservative estimate. All construction traffic would access the Airpark Site via West Street. It is anticipated that the majority (over 80 percent) of construction traffic would travel to the site from the north, including trips from the City itself as well as from the Cities of Tulare and Lindsay to the north and northwest. These trips would primarily utilize SR-65 as a regional route to access Teapot Dome Avenue and Scranton Avenue, from which traffic would turn onto West Street. Because these roadway segments are all expected to operate at acceptable LOS during the opening year without project traffic, the addition of traffic associated with Alternative A would not result in significant impacts. However, mitigation measures are included in **Section 5.8** to further ensure trips associated with construction do not contribute to unacceptable roadway conditions.

Alternative A would involve a maximum of 25 construction trips per day to the Off-site Improvement Areas identified in Section 2.2.2 for the location of water and wastewater infrastructure (Appendix E). This minimal addition of construction traffic would not result in significant traffic impacts.

Project Traffic

Trip Generation

See Section 4.8.1 for an explanation of trip generation methodology. Tables 4.8-4 displays the proposed components and estimated trip generation for weekday AM and PM peak hours as well as the weekend peak hour.

TABLE 4.8-4
ALTERNATIVE A TRIP GENERATION

Component Name	Quantity	Units	Daily Trips		Weekday						Weekend		
					AM Peak Hour			PM Peak Hour			Peak Hour		
			Weekday	Weekend	Total	In	Out	Total	In	Out	Total	In	Out
Hotel	250	Room	1,020	1,024	68	40	28	75	38	37	90	50	40
Casino ¹	64,541	1,000 sf	4,817	6,018	190	89	101	592	314	278	1,000	500	500
Convention Space ²	1,648	Seat	824	824	82	62	21	132	33	99	132	33	99
Multi-Purpose Events Center ³	1,700	Seat	238 ⁴	238 ⁴	--	--	--	--	--	--	--	--	--
Fire Station	1.00	Site	50 ⁵	50 ⁵	37	19	18	13	6	7	13	6	7
<i>Subtotal Project Trips⁶</i>			6,661	7,886	377	210	167	812	391	421	1,235	590	646
Trip Reduction (Transit/Bike/Peds) – 5%			-241	-41	-10	-4	-5	-30	-16	-14	-7	-2	-5
Diverted Linked Trips – 10%			-482	-602	-19	-9	-10	-59	-31	-28	-100	-50	-50
Net New Project Trips			5,938	7,223	349	197	152	723	344	379	1,129	538	591

Notes:
 1 – Gaming floor area
 2 – Seats based upon density of 15 sq. ft./person for 29,081 sq. ft. facility at 85th percentile capacity; trips based upon 25 percent hotel visitors and a vehicle occupancy of 1.5 for this use. Because the convention center would not be used on a daily basis, the average daily trip rate was subsequently divided by 2 to account for an approximately 50% utilization.
 3 – These trips are assumed to occur outside of peak hours. Simultaneous events at the convention space and events center are unlikely to occur.
 4 – Per the traffic study, 493 trips will occur per event. The daily rate shown in the table is a weekly average based on an assumption of approximately 50% utilization or 3.4 events per week.
 5 – Per the traffic study, 50 trips would be generated per day.
 6 – Subtotal Project Trips does not include Multi-Purpose Events Center or Fire Station trips.
 Source: Appendix I – TIS.

Trip Distribution

Due to the extensive regional roadway network and multiple population centers surrounding the City, trips under Alternative A would be widely distributed. Trip distribution to and from the Airpark site is shown in: Figure 4.8-1a, Figure 4.8-1b, and Figure 4.8-1c. Trip generation for Alternative A is estimated as follows:

- Approximately 32 percent of project traffic would travel from within the City;

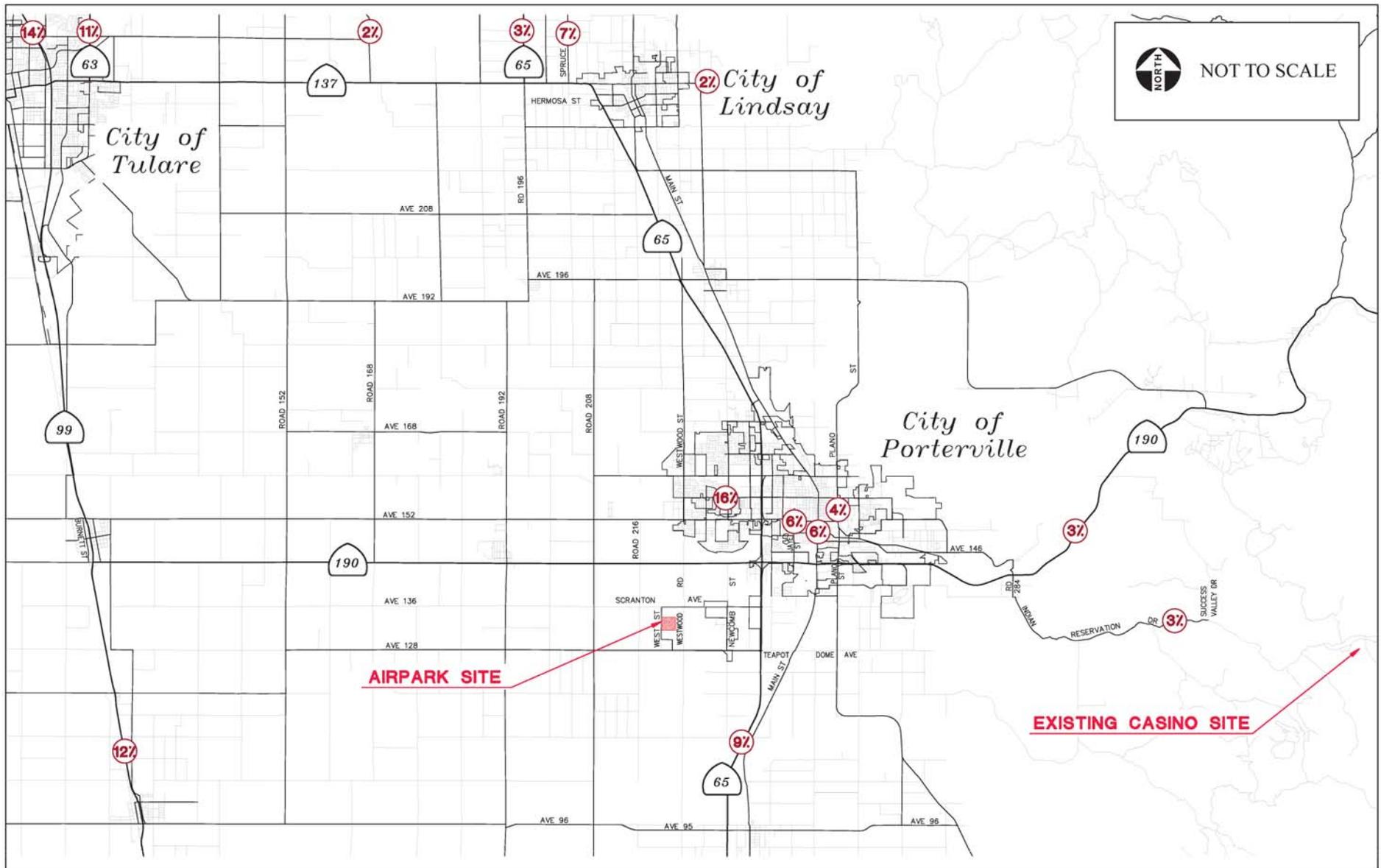


Figure 4.8-1a
Airpark Site Trip Distribution

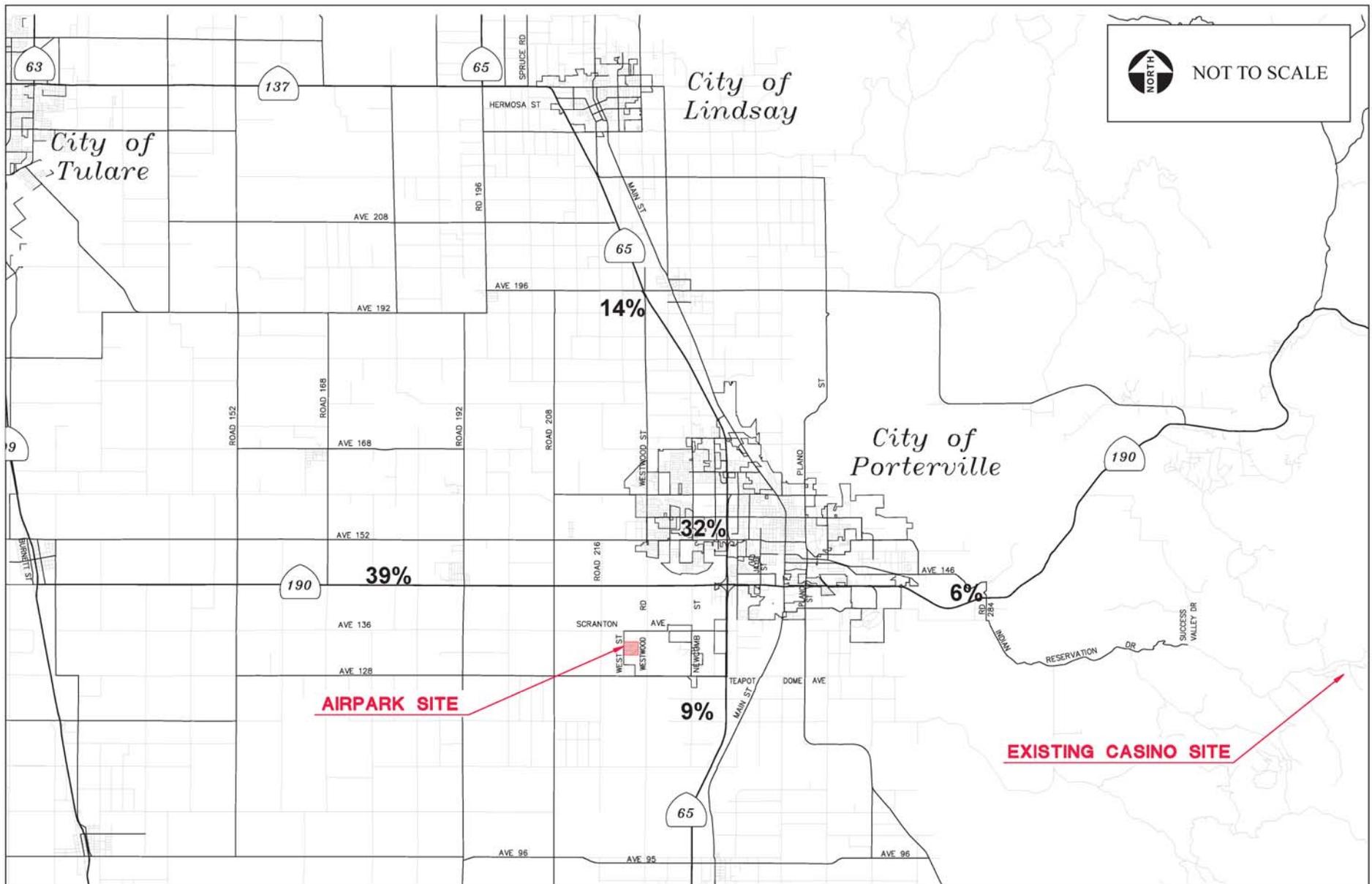


Figure 4.8-1b
Airpark Site Trip Distribution

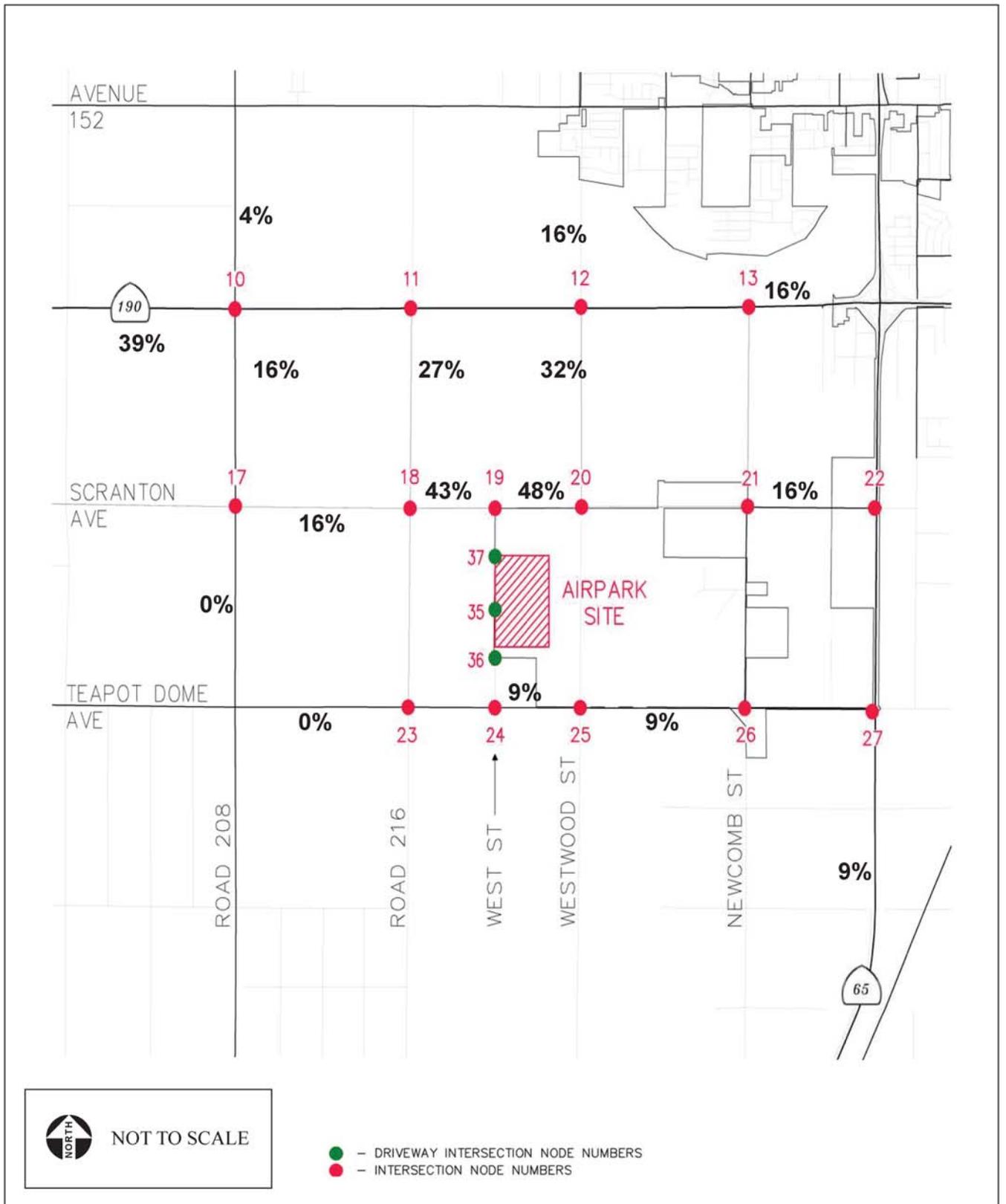


Figure 4.8-1c
Airpark Site Trip Distribution

- Approximately 39 percent would travel from the north and northwest, including areas in northern Tulare County and the Cities of Visalia, Exeter, Tulare and Lindsay, primarily utilizing SR-99, SR-63, SR-137, and SR-65;
- Approximately 6 percent would travel from east of the City, including from the Tule River Indian Reservation and regions further east, primarily utilizing SR-190;
- Approximately 9 percent would travel from regions south of the City, primarily utilizing SR-65; and
- Approximately 14 percent would travel from regions west and southwest of the City, primarily utilizing SR-99 and SR-190.

Traffic Conditions under Alternative A

To assess the impacts of the project on transportation facilities in the study area, the projected number of trips generated by Alternative A was added to baseline conditions established in **Section 4.8.1**. **Table 4.8-5** displays peak hour intersection delay and LOS at each of the study intersections under Alternative A. Turning movements, traffic volumes, and warrant analysis are included in the TIS included as **Appendix I**.

TABLE 4.8-5
OPENING YEAR INTERSECTION CONDITIONS – ALTERNATIVE A

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
1	SR-137/SR-63	Signal	D	52.3	D	49.6	D	36.3
2	SR-137/SR-65	Signal	C	24.8	C	26.8	C	22.8
3	SR-137/Road 204 (Spruce Road)	Signal	C	29.2	C	39.7	C	26.0
4	Hermosa Street/SR-65	Signal	C	26.3	C	25.7	C	20.2
5	Avenue 196/SR-65	Signal	C	22.7	C	20.9	B	16.7
6	SR-99 SB Off Ramp/Burnett Road	TWSC	A	9.9	B	10.3	B	10.8
7	Avenue 144/SR-99 NB On/Off Ramps	TWSC	A	7.9	A	9.0	A	9.3
8	SR-190/Road 152	TWSC	B	13.0	C	19.9	C	18.6
9	SR-190/Road 192	AWSC	B	11.4	C	16.8	C	23.8
10	SR-190/Rockford Road (Road 208)	TWSC	C	17.4	D	26.9	E	36.3
11	SR-190/Road 216	TWSC	C	15.6	C	20.1	C	21.4
12	SR-190/Westwood Street	AWSC	F	55.9	E	41.6	C	22.1
13	SR-190/Newcomb Street	TWSC	C	16.6	B	14.4	B	13.9
14	SR-190/Jaye Street	Signal	D	36.0	C	33.9	C	28.9
15	SR-190/Plano Street	Signal	D	48.0	D	38.7	C	25.2
16	SR-190/Road 284	TWSC ¹	C	17.0	C	17.1	C	20.7
17	Avenue 136/Road 208	TWSC	B	10.9	B	11.7	B	11.1
18	Scranton Avenue/Road 216	TWSC	B	11.0	B	12.7	C	20.0
19	Scranton Avenue/West Street	TWSC	B	14.5	F	53.8	F	OVR
20	Scranton Avenue/Westwood Street	TWSC	A	9.5	B	14.1	E	37.7

4.0 Environmental Consequences

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
21	Scranton Avenue/Newcomb Street	AWSC	A	8.3	A	8.0	A	8.8
22	Scranton Avenue/SR-65	Signal	C	29.2	F	95.1	E	61.6
23	Teapot Dome Avenue/Road 216	TWSC	A	9.7	A	9.2	A	9.2
24	Teapot Dome Avenue/West Street	TWSC	A	9.6	A	9.8	A	10.0
25	Teapot Dome Avenue/Road 224	TWSC	A	9.5	A	9.4	B	10.7
26	Teapot Dome Avenue/Newcomb Street	TWSC	B	10.3	B	10.6	B	10.4
27	Teapot Dome Avenue/SR-65	Signal	B	17.9	B	14.5	C	20.4
28	Teapot Dome Avenue/S Main Street	AWSC	A	9.7	B	11.3	A	9.8
29	Avenue 95/SR-65	Signal	B	13.3	B	19.2	B	18.5
30	BIA-211/Casino Entrance	TWSC	A	9.2	A	9.5	A	9.0
31	Success Valley Dr/Reservation Road	TWSC	A	9.2	A	9.4	A	9.0
32	SR-137/Road 168	TWSC	C	20.0	C	18.1	C	20.4
33	SR-198/Spruce Road (Road 204)	Signal	B	17.3	B	15.3	B	10.7
34	Avenue 256/Spruce Road (Road 204)	AWSC	D	26.8	C	19.7	B	14.4
35	Driveway 1/West Street	TWSC	B	10.2	B	12.5	C	17.0
36	Driveway 2/West Street	TWSC	A	9.3	B	10.1	B	11.3
37	Driveway 3/West Street	TWSC	B	10.9	C	15.2	C	24.9

Notes: AWSC = All-Way Stop Control; TWSC = Two-Way Stop Control; NB = Northbound; SB = Southbound.
 Target LOS for all intersections is LOS D or better.
Bolded text indicates failure to meet current LOS target.
 1 – This intersection has been improved with a roundabout; however, traffic counts were taken before this improvement was installed.
 Source: **Appendix I** – TIS.

As shown in **Table 4.8-5**, with the addition of traffic from Alternative A, the following study intersections are projected to operate at an unacceptable LOS (parentheticals indicate which significance criteria is exceeded):

- SR-190/Rockford Road (Road 208) (weekend peak hour),
- SR-190/Westwood Street (weekday AM and PM peak hours),
- Scranton Avenue/West Street (weekday PM and weekend peak hours), and
- Scranton Avenue/SR-65 (weekday PM and weekend peak hour).

However, the intersection SR-190/Westwood Street is the location of a programmed roundabout scheduled to be constructed before the opening year of Alternative A. The roundabout would result in an acceptable LOS at this intersection with the addition of traffic from Alternative A, and therefore, no mitigation is required.

Table 4.8-6 summarizes the study roadway segment conditions under all alternatives. As shown in **Table 4.8-6**, all study roadway segments would operate under acceptable levels of service at the opening year with traffic from Alternative A except for the segment of SR-65 from Road 204 (Spruce Road) to

Hermosa Street. However, this is not considered a significant impact, as Alternative A would result in an V/C increase of less than 0.05 for a roadway segment that is already operating unacceptably and would continue to operate unacceptably in the future even without the addition of project-related traffic. No mitigation is required.

TABLE 4.8-6
OPENING YEAR ROADWAY SEGMENT CONDITIONS

Roadway Segment: Limits	Lanes (both directions)	Alternative							
		A and B		C		D		E	
		ADT	LOS	ADT	LOS	ADT	LOS	ADT	LOS
SR-137 from SR-63 to Road 204 (Spruce Road)	2	11,110	B	11,080	B	11,050	B	11,010	B
SR-65 from Road 204 (Spruce Road) to Hermosa Street	2	20,030	F	20,000	F	19,960	F	19,910	F
SR-65 from Hermosa Street to Pioneer Avenue	4	21,550	A	21,450	A	21,320	A	21,140	A
SR-65 from Pioneer Avenue to SR-190	4	26,670	C	26,270	C	25,800	C	25,100	C
SR-65 from SR-190 to Avenue 95	2	11,880	B	11,840	B	11,790	B	11,720	B
SR-190 from SR-99 to Road 192	2	4,850	A	4,740	A	4,620	A	4,440	A
SR-190 from Road 192 to SR-65	2	9,310	A	8,450	A	7,450	A	5,930	A
SR-190 from SR-65 to Plano Street	4	25,470	C	25,150	C	24,770	B	24,200	B
SR-190 from Plano Street to Blue Heron Parkway	4	12,560	A	12,500	A	12,430	A	12,320	A
SR-190 from Blue Heron Parkway to Road 284	2	8,650	A	8,590	A	8,520	A	9,210	A
Scranton Avenue from Rockford Road (Road 208) to SR-65	2	5,460	A	4,490	A	3,320	A	1,020	A
Teapot Dome from Road 208 to SR-65	2	1,940	A	1,800	A	1,640	A	1,300	A
Rockford Road (Road 208) from Teapot Dome to SR-190	2	2,370	A	2,270	A	2,150	A	1,910	A
Road 216 from Teapot Dome to SR-190	2	2,880	A	2,320	A	1,670	A	300	A
West Street from Teapot Dome to SR-190	2	5,040	A	4,040	A	2,850	A	380	A
Westwood Street from Scranton Avenue to SR-190	2	3,280	A	2,950	A	2,560	A	1,750	A
Newcomb Street from Teapot Dome to SR-190	2	2,220	A	2,070	A	1,810	A	1,330	A
Reservation Road between SR-190 and Reservation Entrance	2	2,940	A	2,910	A	2,870	A	3,630	A

Notes: ADT = Average Daily Traffic
Bolded text indicates failure to meet current LOS target.
 Source: **Appendix I** – TIS.

Table 4.8-7 summarizes the freeway ramp and merge/diverge conditions at the SR-190/SR-65 interchange with project related traffic from Alternative A. As shown in the table, all merge/diverge segments at the SR-190/SR-65 interchange are forecasted to operate at acceptable levels of service at the opening year with traffic from Alternative A.

The increase in traffic generated by Alternative A would contribute to unacceptable traffic operations at the study locations outlined above. Without mitigation, these locations would operate below acceptable LOS standards described in **Section 4.8.1**. Mitigation measures have been recommended within the TIS

and included within **Section 5.8**. These mitigation measures include requirements to fund and/or construct key improvements to address traffic impacts related to Alternative A, and to mitigate special-event traffic. With mitigation, these impacts would be reduced to a less-than-significant level.

TABLE 4.8-7
OPENING YEAR FREEWAY CONDITIONS

Interchange Movements	Junction Type	Alternative							
		A and B		C		D		E	
		Density	LOS	Density	LOS	Density	LOS	Density	LOS
SR-190 Ramps at SR-65									
EB SR-190 to NB SR-65	Merge	6.4	A	6.3	A	6.1	A	5.9	A
EB SR-190 to NB SR-65	Diverge	1.4	A	1.3	A	1.1	A	1.1	A
EB SR-190 to SB SR-65	Merge	4.3	A	4.2	A	4.0	A	3.9	A
EB SR-190 to SB SR-65	Diverge	5.0	A	4.9	A	4.7	A	4.7	A
WB SR-190 to NB SR-65	Merge	14.9	B	14.8	B	14.7	B	14.7	B
WB SR-190 to NB SR-65	Diverge	11.8	B	11.7	B	11.5	B	11.5	B
WB SR-190 to SB SR-65	Merge	14.0	B	13.8	B	13.8	B	13.4	B
WB SR-190 to SB SR-65	Diverge	8.2	A	8.1	A	7.9	A	7.9	A
SR-65 Ramps at SR-190									
NB SR-65 to EB SR-190	Merge	5.1	A	5.0	A	4.8	A	4.6	A
NB SR-65 to EB SR-190	Diverge	6.2	A	6.1	A	6.0	A	5.9	A
NB SR-65 to WB SR-190	Merge	6.0	A	5.9	A	5.9	A	5.8	A
NB SR-65 to WB SR-190	Diverge	4.4	A	4.3	A	4.2	A	4.1	A
SB SR-65 to EB SR-190	Merge	19.5	B	19.5	B	19.4	B	19.3	A
SB SR-65 to EB SR-190	Diverge	9.5	A	9.4	A	9.3	A	9.2	A
SB SR-65 to WB SR-190	Merge	15.6	B	15.6	B	15.5	B	15.0	B
SB SR-65 to WB SR-190	Diverge	10.4	B	10.3	B	10.2	B	10.1	B
Notes: EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound; density shown in passenger cars/mile/lane. Source: Appendix I – TIS.									

Transit, Bicycle, and Pedestrian Facilities

Implementation of Alternative A would develop the Airpark Site with limited pedestrian-oriented walkways to connect different land uses with parking areas within the site. The project would not disrupt or otherwise prevent roadway improvements, including the addition of Class II bike paths, planned by the City or County in the vicinity of the Airpark Site. The project would also not disrupt existing transit services in the vicinity of the Airpark Site. Furthermore, the City anticipates providing regular transit service to the Airpark Site, similar to the existing services for the Eagle Mountain Casino (Lollis, 2018). Therefore, a less-than-significant impact to transit, bicycle, and pedestrian facilities under Alternative A.

Pavement Conditions

As discussed in **Section 3.8.5**, the existing pavement condition for certain rural roadways in the vicinity of the Airpark Site is poor. An analysis of project impacts to the pavement conditions of West Street, Scranton Avenue, Teapot Dome Avenue, and Westwood Street, which are the primary, local County and City roads leading to the Airpark site from SR-190 and SR-65, was conducted in early 2019 and is provided in **Appendix S**.

The Traffic Index (TI) is a measure of the number of 18-kip equivalent single-axle loads and is described in detail in the Caltrans Highway Design Manual (HDM). The TI is based on the number of heavy vehicles on a roadway and is not a function of the number of passenger cars or pickup trucks. Pavement structural sections are typically designed in accordance with the HDM based on the TI and the characteristics of the subgrade soils (R-value). The pavement structural section is not a function of the number of passenger cars or pickup trucks on the roadway. It is typical traffic engineering practice in the San Joaquin Valley region to identify a pavement impact if a proposed project will increase the TI on a roadway, although such analyses are typically reserved for projects that generate a high volume of heavy vehicles, such as aggregate mines and warehouses. TI analyses are rarely performed for projects that generate primarily passenger car trips and some deliveries, such as shopping centers. The trips generated by Alternative A are expected to be almost entirely passenger vehicles; Alternative A is expected to generate on the order of 18 bus trips and four delivery trucks per day, which represents approximately 0.7 percent of the total daily project trips. This volume of bus and delivery truck trips is nearly negligible with respect to the TI and is unlikely to change the design parameters of the pavement as compared to the existing TI. Therefore, based on the information available in the TIS, it is unlikely that a nexus exists between the project trips and the need for reconstruction of the existing roadways in terms of pavement structural section impacts.

Although the project should not be responsible for correcting existing deficiencies, the increase in passenger vehicles is likely to exacerbate the distress and reduce the life of the pavements where the condition of the pavement is already severely distressed, especially in areas where cracks in the pavement allow water to infiltrate the subgrade. Such pavement degradation may affect the safety of the roadway. As such, it may be reasonable to identify a nexus between the Project and reduced pavement life/safety concerns in areas where major structural distress already exists (refer to Section 3.8 and see red areas in Figure 1 of **Appendix S**). Alternative A is anticipated to account for 76.5 percent of forecasted traffic volumes on West Street between Teapot Dome and Yowlumne Avenues, a roadway segment that is already in need of repair/rehabilitation. Alternative A trips along Teapot Dome (from Westwood Street to Newcomb Street), and Westwood Street (from Scranton Avenue to 1/2 mile north of Scranton) totaled 29.8, and 77.8 percent of total volumes, respectively. Mitigation is included in **Section 5.8** to address impacts to these roadways by paying a pro rata share toward resurfacing and improving these roadways based on the addition of project traffic.

Vehicle Miles Traveled (VMT)

While Alternative A would relocate the Eagle Mountain Casino closer to population centers, resulting in a decrease in the trip length for existing casino patrons by approximately 12 miles, it is expected to result in an overall increase in visitation to the facility, and a net increase in vehicle miles traveled (VMT) in the region. To calculate VMT, trip generation and trip length must be taken into account. Trip generation for Alternative A is described above. Trip length was determined based on a review of the existing casino's club membership population statistics, the feasibility study for the project (KlasRobinson, 2016) and by identifying the major population centers within 50 miles of the Proposed Project, as shown in **Table 4.8-8**. The average worker trip length is approximately the default value trip length as estimated by CalEEMod based on the land use type and a rural location.

TABLE 4.8-8
ALTERNATIVES A AND B AVERAGE TRIP LENGTHS FROM NEARBY POPULATION CENTERS

City/Town	Trip Length (miles)
Porterville	2.6
Lindsey	16
Tipton	17
Delano	19
Tulare	24
Visalia	27
Corcoran	33
Bakersfield	50
Average Distance	24
Note: Trip lengths are rounded. Source: Appendix I – TIS.	

The estimated increase in VMTs from Alternative A is shown in **Table 4.8-9** and was calculated based on the daily trip generation rates for Alternative A as shown in **Table 4.8-4**. The daily trip rates used for the Casino as shown in **Table 4.8-4** take into consideration a 5 percent trip reduction from alternative modes of transportation, and a 10 percent reduction from diverted linked trips. Additionally, to account for the reduction in trips from the closure of the existing Eagle Mountain Casino, the daily trip counts taken at the Eagle Mountain Casino were subtracted from the anticipated daily casino trips under Alternative A. Therefore the net new project trips as shown in **Table 4.8-9** are lower than those shown in **Table 4.8-4** to account for the reduction in VMT from moving the Casino closer to a denser population center. In addition, daily trip rates take into consideration a 50 percent utilization of both the Convention and Event Centers under the assumption that neither would be used on a daily basis. The anticipated trips generated from operation of Alternative A would result in a net annual increase of approximately 35,567,030 VMT in the region, as shown in **Table 4.8-9**.

TABLE 4.8-9
ALTERNATIVES A AND B ANNUAL VEHICLE MILES TRAVELED

Land Use	Average Overall Trip Length ¹	Average Daily Trips ²		Average Overall Daily Trips ³	Annual VMT ⁴
		Weekday	Weekend		
Hotel	21.75	1,020	1,024	1,021	8,086,866
Casino		4,817	6,018		
<i>Trip Reduction (5%)</i>		-241	-41		
<i>Diverted Link Trips (10%)</i>		-482	-602		
<i>Existing Casino Trips</i>		-2,050	-2,500		
Casino (with trip reductions)	21.75	2,044	2,875	2,281	18,057,920
Convention Center	23.58	824	824	824	7,072,491
Multi-Purpose Events Center	23.58	238	238	238	2,043,150
Fire Station	16.85	50	50	50	306,603
Net New Project Trips⁵		4,126	7,223		35,567,030

Notes:
 1 – Average trip lengths are calculated by multiplying the trip length by the trip percent for each trip purpose (patrons and workers as shown in **Table 4.8-8**). The Average Overall Trip Length is calculated by summing all average trip lengths within each trip purpose. See **Appendix E** for trip purpose percentages.
 2 – Average Daily Trip Rates are calculated by multiplying the weekend or weekday trip generation rates by the size of the land use (see **Table 4.8-4**). This trip rate takes into account the reduction in trips from relocating the Casino.
 3 – The Average Overall Daily Trip Rate is calculated by summing the total weekday trips (average daily weekday trips multiplied by 5 days) and total weekend trips (average daily weekend trips multiplied by 2 days), and dividing the total by 7 days per week.
 4 – Annual Vehicle Miles Traveled (VMT) is calculated by multiplying together the Average Overall Trip Length, the Average Overall Daily Trip Rate, and 364 days per year (per CalEEMod). Note: Some values may not exactly equal CalEEMod Annual VMT totals in **Appendix E** due to rounding. Annual VMT values take into consideration all trip reductions, diverted linked trips, and existing casino trips.
 5 – The net new project trips as shown in this table are lower than those shown in **Table 4.8-4** because the net trips for purposes of estimated VMT takes into consideration the reduction of trips traveling to the existing casino, which would be closed under Alternative A.

4.8.3 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Construction Traffic

The temporary traffic generated during construction of Alternative B would be similar but slightly less than that associated with Alternative A, since Alternative B would not result in the construction of a water reclamation facility (WRF) within the Off-site Improvement Areas; therefore, Alternative B would result in a less-than-significant effect to traffic and circulation during construction after mitigation (included in **Section 5.8**) is implemented.

Project Traffic

Alternative B is similar to Alternative A in most aspects, with the main difference between the two alternatives being their handling of water and wastewater. All aspects related to operational traffic, including traffic volumes, trip generation and distribution, projected LOS, and VMT estimates, would be identical as those previously analyzed for Alternative A in **Section 4.8.2**. Mitigation measures have been

recommended within the TIS and included within **Section 5.8**. With implementation of these measures, Alternative B would result in less-than-significant impacts to traffic facilities.

4.8.4 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Construction Traffic

The temporary traffic generated during construction of Alternative C would be similar but less than that associated with Alternative A due to the reduction in size of several project components; therefore, Alternative C would result in a less-than-significant effect to traffic and circulation during construction after mitigation (included in **Section 5.8**) is implemented.

Project Traffic

Methodology used to determine trip generation and distribution is described above in **Section 4.8.1**. The projected vehicle trip generation resulting from Alternative C is shown in **Table 4.8-10**. The trip distribution for Alternative C is the same as for Alternative A; refer to **Section 4.8.2**.

TABLE 4.8-10
ALTERNATIVE C TRIP GENERATION

Component Name	Quantity	Units	Daily Trips		Weekday						Weekend		
					AM Peak Hour			PM Peak Hour			Peak Hour		
			Weekday	Weekend	Total	In	Out	Total	In	Out	Total	In	Out
Hotel	250	Room	1,020	1,024	68	40	28	75	38	37	90	50	40
Casino ¹	48,406	1,000 sf	3,613	4,513	143	67	76	444	236	209	750	375	375
Convention Space ²	1,128	Seat	569	564	57	43	14	85	21	63	90	23	68
Fire Station	1.00	Site	--	--	37	19	18	13	6	7	13	6	7
<i>Subtotal Project Trips</i>			<i>5,201</i>	<i>6,101</i>	<i>305</i>	<i>169</i>	<i>136</i>	<i>617</i>	<i>301</i>	<i>316</i>	<i>944</i>	<i>454</i>	<i>489</i>
Trip Reduction (Transit/Bike/Peds) – 5%			-181	-226	-7	-3	-4	-22	-12	-10	-38	-19	-19
Diverted Linked Trips – 10%			-361	-451	-14	-7	-8	-44	-24	-21	-75	-38	-38
Net New Project Trips			4,659	5,424	283	159	124	550	266	285	831	398	433

Notes:

1 – Gaming floor area

2 – Seats based upon density of 15 sq. ft./person for 19,900 sq. ft. facility at 85th percentile capacity; trips based upon 25 percent hotel visitors and a vehicle occupancy of 1.5 for this use.

Source: **Appendix I** – TIS.

Traffic Conditions under Alternative C

To assess the impacts of the project on transportation facilities in the study area, the projected number of trips generated by Alternative C was added to the baseline conditions established in **Section 4.8.1**.

Table 4.8-11 displays peak hour intersection delay and LOS at each of the study intersections under Alternative C. Turning movements, traffic volumes, and warrant analysis at each of the study

4.0 Environmental Consequences

intersections under background plus Alternative C traffic conditions are provided within the TIS (Appendix I).

TABLE 4.8-11
OPENING YEAR INTERSECTION CONDITIONS – ALTERNATIVE C

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
1	SR-137/SR-63	Signal	D	51.9	D	48.4	C	35.0
2	SR-137/SR-65	Signal	C	24.6	C	26.4	C	22.3
3	SR-137/Road 204 (Spruce Road)	Signal	C	28.9	C	32.9	C	25.1
4	Hermosa Street/SR-65	Signal	C	26.2	C	25.6	C	20.1
5	Avenue 196/SR-65	Signal	C	22.7	C	20.9	B	16.7
6	SR-99 SB Off Ramp/Burnett Road	TWSC	A	9.8	B	10.1	B	10.5
7	Avenue 144/SR-99 NB On/Off Ramps	TWSC	A	8.1	A	9.0	A	8.8
8	SR-190/Road 152	TWSC	B	12.6	C	17.1	C	15.3
9	SR-190/Road 192	AWSC	B	10.9	B	14.5	C	16.9
10	SR-190/Rockford Road (Road 208)	TWSC	C	16.6	C	22.2	C	23.2
11	SR-190/Road 216	TWSC	C	15.1	C	18.1	C	18.1
12	SR-190/Westwood Street	AWSC	F	55.5	D	31.1	C	17.0
13	SR-190/Newcomb Street	TWSC	C	16.4	B	14.1	B	13.4
14	SR-190/Jaye Street	Signal	D	35.9	C	33.7	C	28.3
15	SR-190/Plano Street	Signal	D	48.0	D	38.2	C	24.7
16	SR-190/Road 284	TWSC ¹	C	17.0	C	16.9	C	19.9
17	Avenue 136/Road 208	TWSC	B	10.7	B	11.2	B	10.5
18	Scranton Avenue/Road 216	TWSC	B	10.6	B	11.5	B	14.8
19	Scranton Avenue/West Street	TWSC	B	12.9	C	20.5	F	OVR
20	Scranton Avenue/Westwood Street	TWSC	A	9.3	B	12.8	C	18.9
21	Scranton Avenue/Newcomb Street	AWSC	A	8.5	A	7.9	A	8.4
22	Scranton Avenue/SR-65	Signal	C	24.9	F	85.4	D	47.1
23	Teapot Dome Avenue/Road 216	TWSC	A	9.7	A	9.2	A	9.2
24	Teapot Dome Avenue/West Street	TWSC	A	9.6	A	9.7	A	9.8
25	Teapot Dome Avenue/Road 224	TWSC	A	9.4	A	9.3	B	10.4
26	Teapot Dome Avenue/Newcomb Street	TWSC	B	10.2	B	10.4	B	10.2
27	Teapot Dome Avenue/SR-65	Signal	B	17.8	B	14.2	B	19.7
28	Teapot Dome Avenue/S Main Street	AWSC	A	9.7	B	11.3	A	9.8
29	Avenue 95/SR-65	Signal	B	13.3	B	19.0	B	18.2
30	BIA-211/Casino Entrance	TWSC	A	9.2	A	9.5	A	9.0
31	Success Valley Dr/Reservation Road	TWSC	A	9.2	A	9.3	A	8.9
32	SR-137/Road 168	TWSC	C	19.9	C	18.0	C	20.2
33	SR-198/Spruce Rd (Rd 204)	Signal	B	17.1	B	15.1	B	10.6
34	Avenue 256/Spruce Rd (Rd 204)	AWSC	D	26.2	C	19.1	B	13.9
35	Driveway 1/West Street	TWSC	A	9.8	B	11.2	B	13.5

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
36	Driveway 2/West Street	TWSC	A	9.1	A	9.6	B	10.4
37	Driveway 3/West Street	TWSC	B	10.4	B	12.8	C	17.1

Notes: AWSC = All-Way Stop Control; TWSC = Two-Way Stop Control; NB = Northbound; SB = Southbound.
 Target LOS for all intersections is LOS D or better.
Bolded text indicates failure to meet current LOS target.
 1 – This intersection has been updated with a roundabout control; however, traffic counts were taken before this improvement was installed.
 Source: **Appendix I**.

As shown in **Table 4.8-11** and Table 18 of **Appendix I**, with the addition of traffic from Alternative C, the following study intersections are projected to operate at an unacceptable LOS:

- SR-190/Westwood Street (weekday AM peak hours),
- Scranton Avenue/SR-65 (weekday PM peak hour), and
- Scranton Avenue/West Street (weekend peak hour).

However, the intersection SR-190/Westwood Street is the location of a programmed roundabout scheduled to be constructed before the opening year of Alternative C. The roundabout would result in an acceptable LOS at this intersection with the addition of traffic from Alternative C, and therefore, no mitigation is required.

Table 4.8-6 summarizes the study roadway segment conditions under Alternative C. As shown in **Table 4.8-6**, all study roadway segments would operate under acceptable levels of service at the opening year with traffic from Alternative C except for the segment of SR-65 from Road 204 (Spruce Road) to Hermosa Street. However, this is not considered a significant impact, as Alternative C would result in an V/C increase of less than 0.05 for a roadway segment that is already operating unacceptably and would continue to operate unacceptably in the future even without the addition of project-related traffic. No mitigation is required.

Table 4.8-7 summarizes the freeway ramp and merge/diverge conditions at the SR-190/SR-65 interchange with project related traffic from Alternative C. As shown therein, all merge/diverge segments at the SR-190/SR-65 interchange are forecasted to operate at acceptable levels of service at the opening year with traffic from Alternative C.

As with Alternative A, the increase in traffic generated by Alternative C would contribute to unacceptable traffic operations at the study locations outlined above. Without mitigation, these intersections would operate below acceptable LOS standards described in **Section 4.8.1**. Mitigation measures have been recommended within the TIS and included within **Section 5.8**. Upon implementation of recommended mitigation, Alternative C would have a less-than-significant effect on all study locations.

Site Access

Access to the Airpark Site under Alternative C would be the same as under Alternative A, as discussed in **Section 4.8.2**.

Transit, Bicycle, and Pedestrian Facilities

Impacts to transit, bicycle, and pedestrian facilities would be the same as those described under Alternative A; refer to **Section 4.8.2**. Therefore, a less-than-significant impact to transit, bicycle, and pedestrian facilities under Alternative A.

Pavement Conditions

As discussed in **Section 3.8.5**, the existing pavement condition for some of the roadways in the vicinity of the Airpark Site is poor. Like Alternative A, Alternative C would add trips to these roadways; mitigation is included in **Section 5.8** to address impacts to these roadways. Alternative C would account for 71.9 percent of trips on West Street, 24.9 percent of trips on Teapot Dome Avenue, and 67.4 percent of trips on Westwood Street.

Vehicle Miles Traveled

The trip length for Alternative C would be the same as Alternative A because both alternatives are located on the Airpark Site and have the same market area. The VMT reduction resulting from the casino relocation under Alternative C is the same as under Alternative A. In addition, daily trip rates take into consideration a 50 percent utilization of the convention center under the assumption that the facility would not be used on a daily basis. As shown in **Table 4.8-12**, the net new trips from operation of Alternative C equal approximately 22,071,212 VMT.

TABLE 4.8-12
ALTERNATIVE C ANNUAL VEHICLE MILES TRAVELED

Land Use	Average Overall Trip Length ¹	Average Daily Trip Rate ²		Average Overall Daily Trip Rate ³	Annual VMT ⁴
		Weekday	Weekend		
Hotel	21.75	1,020	1,024	1,021	8,086,866
Casino		3,613	4,513		
<i>Trip Reduction (5%)</i>		-181	-226		
<i>Diverted Link Trips (10%)</i>		-361	-451		
<i>Existing Casino Trips</i>		-2,050	-2,500		
Casino (with trip reductions)	21.75	1,021	1,336	1,111	8,794,454
Convention Center	23.58	569	564	569	4,883,289
Fire Station	16.85	50	50	50	306,603
Net New Project Trips⁵		2,660	2,980		22,071,212

Notes:
 1 – Average trip lengths are calculated by multiplying the trip length by the trip percent for each trip purpose (Commercial-Work, Commercial-Customer, or Commercial-Nonwork). The Average Overall Trip Length is calculated by summing all average trip lengths within each trip purpose. See **Appendix E** for trip purpose percentages. Note this does not match the average trip distance shown in **Table 4.8-8**.
 2 – Average Daily Trip Rates are calculated by multiplying the weekend or weekday trip generation rates by the size of the land use (see **Table 4.8-10**). This trip rate takes into account the reduction in trips from relocating the Casino.
 3 – The Average Overall Daily Trip Rate is calculated by summing the total weekday trips (average daily weekday trips multiplied by 5 days) and total weekend trips (average daily weekend trips multiplied by 2 days), and dividing the total by 7 days per week.
 4 – Annual Vehicle Miles Traveled (VMT) is calculated by multiplying together the Average Overall Trip Length, the Average Overall Daily Trip Rate, and 364 days per year (per CalEEMod). Note: Some values may not exactly equal CalEEMod Annual VMT totals in **Appendix E** due to rounding. Annual VMT values take into consideration all trip reductions, diverted linked trips, and existing casino trips.
 5 – The net new project trips as shown in this table are lower than those shown in **Table 4.8-10** because the net trips for purposes of estimated VMT takes into consideration the reduction of trips traveling to the existing casino, which would be closed under Alternative C.

4.8.5 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Construction Traffic

Construction impacts would be similar to, but significantly lesser than, those identified for Alternative A in **Section 4.8.2** due to the lack of a casino facility and reduction in size of other project components. Impacts would be temporary and less than significant. Mitigation is included in **Section 5.8** to further reduce the potential for impacts.

Project Traffic

See **Section 4.8.1** for an explanation of trip generation methodology. **Table 4.8-13** display the land uses and resultant trip generation for weekday AM and PM peak hours as well as the weekend peak hour. The trip distribution for Alternative D is the same as for Alternative A; refer to **Section 4.8.2**.

TABLE 4.8-13
ALTERNATIVE D TRIP GENERATION

Component Name	Quantity	Units	Daily Trips		Weekday						Weekend		
					AM Peak Hour			PM Peak Hour			PM Peak Hour		
			Weekday	Weekend	Total	In	Out	Total	In	Out	Total	In	Out
Hotel	250	Room	2,040	2,048	133	78	54	150	77	74	180	101	79
High Turnover Sit-Down Restaurant	7.295	1,000 sf	928	1,155	79	43	35	72	43	29	103	54	48
Specialty Retail	0.25	Seat	11	11	2	1	1	1	1	1	1	1	1
Convention Space ¹	1,128	Seat	564	869	56	42	14	85	21	63	139	35	104
<i>Subtotal Project Trips</i>			3,543	4,082	269	165	105	308	141	166	423	191	232
Trip Reduction (Transit/Bike/Peds) – 5%			-93	-116	-8	-4	-4	-7	-4	-3	-10	-5	-5
Diverted Linked Trips – 10%			-298	-321	-21	-12	-9	-22	-12	-10	-28	-16	-13
Net New Project Trips			3,152	3,645	240	148	92	278	125	153	384	170	215

Notes: 1 – Seats based upon density of 15 sf/person for 19,900 sf facility at 85th percentile capacity; trips based upon 25 percent hotel visitors and a vehicle occupancy of 1.5 for this use.
Source: **Appendix I** – TIS.

Traffic Conditions under Alternative D

To assess the impacts of the project on transportation facilities in the study area, the projected number of trips generated by Alternative D was added to the baseline conditions established in **Section 4.8.1**.

Table 4.8-14 displays peak hour intersection delay and LOS at each of the study intersections under Alternative D. Turning movements, traffic volumes, and warrant analysis at each of the study intersections under background plus Alternative D traffic conditions are provided within the TIS (**Appendix I**).

TABLE 4.8-14
OPENING YEAR INTERSECTION CONDITIONS – ALTERNATIVE D

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
1	SR-137/SR-63	Signal	D	52.8	D	48.8	C	35.0
2	SR-137/SR-65	Signal	C	24.8	C	26.6	C	22.2
3	SR-137/Road 204 (Spruce Road)	Signal	C	30.3	C	34.5	C	25.6
4	Hermosa Street/SR-65	Signal	C	26.5	C	25.8	C	20.1
5	Avenue 196/SR-65	Signal	C	22.9	C	21.0	B	16.7
6	SR-99 SB Off Ramp/Burnett Road	TWSC	A	9.9	B	10.1	B	10.2
7	Avenue 144/SR-99 NB On/Off Ramps	TWSC	A	8.0	A	8.9	A	8.8
8	SR-190/Road 152	TWSC	B	13.4	C	16.9	B	14.4
9	SR-190/Road 192	AWSC	B	11.7	B	14.4	C	15.2
10	SR-190/Rockford Road (Road 208)	TWSC	C	18.3	C	20.4	C	19.0
11	SR-190/Road 216	TWSC	C	16.1	C	18.3	C	18.0

4.0 Environmental Consequences

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
12	SR-190/Westwood Street	AWSC	F	58.5	E	44.8	C	19.9
13	SR-190/Newcomb Street	TWSC	C	18.2	C	15.7	B	15.0
14	SR-190/Jaye Street	Signal	D	36.2	C	33.5	C	28.8
15	SR-190/Plano Street	Signal	D	47.7	D	40.2	C	27.1
16	SR-190/Road 284	TWSC ¹	D	32.2	D	33.5	F	55.7
17	Avenue 136/Road 208	TWSC	B	10.7	B	10.6	A	9.8
18	Scranton Avenue/Road 216	TWSC	B	10.4	B	10.2	B	11.1
19	Scranton Avenue/West Street	TWSC	B	12.1	B	11.7	C	16.0
20	Scranton Avenue/Westwood Street	TWSC	A	9.3	B	11.3	B	12.6
21	Scranton Avenue/Newcomb Street	AWSC	A	8.4	A	7.6	A	8.0
22	Scranton Avenue/SR-65	Signal	B	13.0	E	77.0	D	36.8
23	Teapot Dome Avenue/Road 216	TWSC	A	9.7	A	9.2	A	9.2
24	Teapot Dome Avenue/West Street	TWSC	A	9.5	A	9.5	A	9.5
25	Teapot Dome Avenue/Road 224	TWSC	A	9.4	A	9.2	A	10.0
26	Teapot Dome Avenue/Newcomb Street	TWSC	B	10.2	B	10.2	A	9.9
27	Teapot Dome Avenue/SR-65	Signal	B	17.9	B	13.9	B	19.1
28	Teapot Dome Avenue/S Main Street	AWSC	A	9.7	B	11.3	A	9.8
29	Avenue 95/SR-65	Signal	B	13.4	B	19.1	B	18.3
30	BIA-211/Casino Entrance	TWSC	B	10.6	B	12.9	B	11.7
31	Success Valley Dr/Reservation Road	TWSC	B	11.0	B	12.4	B	12.2
32	SR-137/Road 168	TWSC	C	20.9	C	18.8	C	21.2
33	SR-198/Spruce Rd (Rd 204)	Signal	B	17.6	B	15.2	B	10.6
34	Avenue 256/Spruce Rd (Rd 204)	AWSC	D	27.5	C	19.4	B	13.8
35	Driveway 1/West Street	TWSC	A	9.7	A	9.6	B	10.1
36	Driveway 2/West Street	TWSC	A	9.1	A	9.0	A	9.2
37	Driveway 3/West Street	TWSC	B	10.1	B	10.2	B	11.0

Notes: AWSC = All-Way Stop Control; TWSC = Two-Way Stop Control; NB = Northbound; SB = Southbound.

Target LOS for all intersections is LOS D or better.

Bolded text indicates failure to meet current LOS target.

1 – This intersection has been updated with a roundabout control; however, traffic counts were taken before this improvement was installed.

Source: **Appendix I** – TIS.

As shown in **Table 4.8-14**, with the addition of traffic from Alternative D, the following study intersections are projected to operate at an unacceptable LOS:

- SR-190/Westwood Street (weekday AM and PM peak hours),
- SR-190/Road 284 (weekend peak hour), and
- Scranton Avenue/SR-65 (weekday PM peak hour).

However, the intersection SR-190/Westwood Street is the location of a programmed roundabout scheduled to be constructed before the opening year of Alternative A. The roundabout would result in an acceptable LOS at this intersection with the addition of traffic from Alternative D, and therefore, no mitigation is required. Additionally, the SR-190/Road 284 intersection has been improved by the installation of a roundabout. Therefore, Alternative D would not result in impacts to this intersection, as improvements have already occurred.

Table 4.8-6 summarizes the study roadway segment conditions under Alternative D. As shown in **Table 4.8-6**, all study roadway segments would operate under acceptable levels of service at the opening year with traffic from Alternative D except for the segment of SR-65 from Road 204 (Spruce Road) to Hermosa Street. However, this is not considered a significant impact, as Alternative D would result in an V/C increase of less than 0.05 for a roadway segment that is already operating unacceptably and would continue to operate unacceptably in the future even without the addition of project-related traffic. No mitigation is required.

Table 4.8-7 summarizes the freeway ramp and merge/diverge conditions at the SR-190/SR-65 interchange with project related traffic from Alternative A. As shown therein, all merge/diverge segments at the SR-190/SR-65 interchange are forecasted to operate at acceptable levels of service at the opening year with traffic from Alternative D.

The increase in traffic generated by Alternative D would contribute to unacceptable traffic operations at the study intersections outline above. Without mitigation, these intersections would operate below acceptable LOS standards described in **Section 4.8.1**. Mitigation measures have been recommended within the TIS and included within **Section 5.8**. Upon implementation of recommended mitigation, Alternative D would have a less-than-significant effect associated with traffic and circulation.

Site Access

Access to the Airpark Site under Alternative D would be provided by two driveway connections to West Street. The main entrance would be located approximately midway between Scranton Avenue to the north and Teapot Dome Avenue to the south. The second driveway would connect to West Street near the southwestern corner of the Airpark Site.

Transit, Bicycle, and Pedestrian Facilities

Impacts to transit, bicycle, and pedestrian facilities would be the same as those described under Alternative A; refer to **Section 4.8.2**. Therefore, a less-than-significant impact to transit, bicycle, and pedestrian facilities under Alternative A.

Pavement Conditions

As discussed in **Section 3.8.5**, the existing pavement condition for some of the roadways in the vicinity of the Airpark Site is poor. Like Alternative A, Alternative D would add trips to these roadways; mitigation is included in **Section 5.8** to address impacts to these roadways. Alternative D would account for 63.3 percent of trips on West Street, 18.4 percent of trips on Teapot Dome Avenue, and 58.3 percent of trips on Westwood Street.

Vehicle Miles Traveled

The trip length for Alternative D would be the same as Alternative A because both alternatives are located on the Airpark Site and have the same market area. As shown in **Table 4.8-15**, the VMT from operation of the Alternative D would be approximately 25,800,863.

TABLE 4.8-15
ALTERNATIVE D ANNUAL VEHICLE MILES TRAVELED

Land Use	Average Overall Trip Length ¹	Average Daily Trip Rate ²		Average Overall Daily Trip Rate ³	Annual VMT ⁴
		Weekday	Weekend		
Hotel	17.94	2,040	2,048	2,042	13,346,096
High Turnover Sit-Down Restaurant	18.79	928	1,155	992	6,788,916
Specialty Retail	19.38	11	11	11	77,067
Convention Space	23.58	564	869	651	5,588,784
<i>Internal Capture Rate (10%)⁵</i>		-93	-116		
<i>Diverted Linked Trips (10%)⁵</i>		-298	-321		
Net New Project Trips		3,152	3,645		25,800,863

Notes:
 1 – Average trip lengths are calculated by multiplying the trip length by the trip percent for each trip purpose (patrons or worker). The Average Overall Trip Length is calculated by summing all average trip lengths within each trip purpose. See **Appendix E** for trip purpose percentages. Note this does not match the average trip distance shown in **Table 4.8-8**.
 2 – Average Daily Trip Rates are calculated by multiplying the weekend or weekday trip generation rates by the size of the land use (see **Table 4.8-13**).
 3 – The Average Overall Daily Trip Rate is calculated by summing the total weekday trips (average daily weekday trips multiplied by 5 days) and total weekend trips (average daily weekend trips multiplied by 2 days), and dividing the total by 7 days per week.
 4 – Annual Vehicle Miles Traveled (VMT) is calculated by multiplying together the Average Overall Trip Length, the Average Overall Daily Trip Rate, and 364 days per year (per CalEEMod). Note: Some values may not exactly equal CalEEMod Annual VMT totals in **Appendix E** due to rounding. Annual VMT values take into consideration all trip reductions, diverted linked trips, and existing casino trips.
 5 – Trip reductions are not considered within the trip generation rate as input into CalEEMod, but are considered within the trip purpose percentages. Average Daily Trip Rate totals in CalEEMod are therefore greater than the Net New Project Trips calculated in the TIS.

4.8.6 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Construction Traffic

There would be an estimated maximum of 154 construction trips to and from the Eagle Mountain Casino Site (**Appendix E**). Impacts related to construction traffic would be temporary in nature and would cease upon completion of the project. Although most construction trips would likely take place outside peak

traffic hours, they are assumed to occur during peak hours for the purpose of this analysis, in order to obtain a conservative estimate. All construction traffic would access the Eagle Mountain Casino Site via SR-190 and Reservation Road. It is anticipated that the majority (more than 90 percent) of construction traffic would travel to the site from the west, including trips from the City and other nearby regional population centers, which are concentrated west of the Eagle Mountain Casino Site due to its location on the foothills of the Sierra Nevada Mountains. Areas to the east include mountainous terrain and are more sparsely populated. Because these roadway segments are all expected to operate at acceptable LOS during the opening year without project traffic, the addition of traffic associated with Alternative E would not result in significant impacts. However, mitigation measures are included in **Section 5.8** to further ensure trips associated with construction do not contribute to unacceptable roadway conditions.

Project Traffic

Trip Generation

In order to calculate Alternative E’s trip generation rate, traffic counts were conducted in 2016 on Wednesday, September 28 (weekday); on Saturday, October 8 (weekend); and from September 26 through October 5 (weeklong). From this data, trip generation rates shown in **Table 4.8-16** were calculated.

TABLE 4.8-16
ALTERNATIVE E TRIP GENERATION

Component Name	Quantity	Units	Daily Trips		Weekday						Weekend		
			Weekday	Weekend	AM Peak Hour			PM Peak Hour			PM Peak Hour		
					Total	In	Out	Total	In	Out	Total	In	Out
Casino/Restaurants	20.00	1,000 sf	532	645	28	15	13	42	22	21	52	31	20

Source: **Appendix I** – TIS.

Trip rates associated with the Eagle Mountain Casino are significantly lower than trip generation rates developed for similar casinos in California, due to the remote nature of the site’s location within the Tribe’s Reservation, which is not near any major population center. As described in **Section 1.2** of this EIS, patrons must drive over 12 miles through steep, winding terrain on a road devoid of many safety features in order to access the existing casino, which does not offer liquor service due to safety concerns. As a result, the existing casino experiences lower patronage than comparable casinos in general, as well as higher than average use of public transportation to access the site.

As a result of these factors, Omni-Means did not make any changes to the estimated trip generation rates determined from traffic counts and did not apply any trip reduction (**Appendix I**). It is assumed that normal business operations would continue with implementation of Alternative E and rates would remain constant.

Trip Distribution

Trip distribution under Alternative E is estimated as follows:

- Approximately 32 percent of traffic would travel from the City, west of the Eagle Mountain Casino Site. An additional 10 percent would travel from regions south of the City, while an additional 14 percent would travel from regions west of the City.
- Approximately 41 percent of traffic would travel from north and northwest of the City, including 27 percent from the City of Tulare and 12 percent from the City of Lindsay.
- Approximately 3 percent of traffic would originate from the northeast on SR-190.

All project-related traffic would eventually filter through SR-190 and Reservation Road in order to reach the Eagle Mountain Casino Site (**Appendix I**).

Traffic Conditions under Alternative E

To assess the impacts of the project on transportation facilities in the study area, the projected number of trips generated by Alternative E was added to the baseline conditions established in **Section 4.8.1**. As previously discussed, due to the location of the Eagle Mountain Casino Site approximately 17 miles east of the Airpark Site, not all of the roadways evaluated for project alternatives at the Airpark Site were analyzed under Alternative E.

Table 4.8-17 displays peak hour intersection delay and LOS at each of the study intersections under Alternative E. Turning movements, traffic volumes, and warrant analysis at each of the study intersections under background plus Alternative E traffic conditions are provided within the TIS (**Appendix I**).

As shown in **Table 4.8-17**, with the addition of traffic from Alternative E, the following study intersections are projected to operate at an unacceptable LOS:

- SR-190/Westwood Street (weekday AM peak hour),
- SR-190/Road 284 (weekday PM peak hour, weekend peak hour), and
- Scranton Avenue/SR-65 (weekday PM peak hour).

However, the intersection SR-190/Westwood Street is the location of a programmed roundabout scheduled to be constructed before the opening year of Alternative E. The roundabout would result in an acceptable LOS at this intersection with the addition of traffic from Alternative E, and therefore, no mitigation is required. Additionally, the SR-190/Road 284 intersection has been improved by the installation of a roundabout. Therefore, Alternative E would not result in impacts to this intersection, as improvements have already occurred.

TABLE 4.8-17
OPENING YEAR INTERSECTION CONDITIONS – ALTERNATIVE E

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
1	SR-137/SR-63	Signal	D	51.7	D	47.1	C	33.6
2	SR-137/SR-65	Signal	C	24.4	C	26.0	C	21.7
3	SR-137/Road 204 (Spruce Road)	Signal	C	29.2	C	33.6	C	24.7
4	Hermosa Street/SR-65	Signal	C	26.3	C	25.6	B	20.0
5	Avenue 196/SR-65	Signal	C	22.8	C	20.9	B	16.7
6	SR-99 SB Off Ramp/Burnett Road	TWSC	A	9.7	A	9.9	A	9.9
7	Avenue 144/SR-99 NB On/Off Ramps	TWSC	A	8.2	A	8.9	A	8.3
8	SR-190/Road 152	TWSC	B	12.1	B	14.2	B	12.3
9	SR-190/Road 192	AWSC	B	10.5	B	12.4	B	12.3
10	SR-190/Rockford Road (Road 208)	TWSC	C	16.2	C	16.6	B	14.3
11	SR-190/Road 216	TWSC	B	13.9	C	15.2	B	14.7
12	SR-190/Westwood Street	AWSC	F	57.5	D	31.7	C	16.2
13	SR-190/Newcomb Street	TWSC	C	17.7	C	15.3	B	14.5
14	SR-190/Jaye Street	Signal	D	35.8	C	33.1	C	28.3
15	SR-190/Plano Street	Signal	D	47.5	D	40.0	C	26.8
16	SR-190/Road 284	TWSC ¹	D	34.0	E	35.5	F	63.4
22	Scranton Avenue/SR-65	Signal	B	12.9	E	68.1	B	13.6
27	Teapot Dome Avenue/SR-65	Signal	B	17.4	B	13.5	B	18.3
29	Avenue 95/SR-65	Signal	B	13.3	B	18.8	B	18.1
30	BIA-211/Casino Entrance	TWSC	B	10.8	B	13.4	B	12.1
31	Success Valley Dr/Reservation Road	TWSC	B	11.3	B	12.8	B	12.7
32	SR-137/Road 168	TWSC	C	20.6	C	18.7	C	21.2
33	SR-198/Spruce Rd (Rd 204)	Signal	B	17.1	B	14.8	B	10.5
34	Avenue 256/Spruce Rd (Rd 204)	AWSC	D	26.0	C	18.6	B	13.2

Notes: AWSC = All-Way Stop Control; TWSC = Two-Way Stop Control; NB = Northbound; SB = Southbound.
Target LOS for all intersections is LOS D or better.
Bolded text indicates failure to meet current LOS target.
1 – This intersection has been updated with a roundabout control; however, traffic counts were taken before this improvement was installed.
Source: **Appendix I** – TIS.

Table 4.8-6 summarizes the study roadway conditions under Alternative E. As shown in the table, all study roadway segments would operate under acceptable levels of service at the opening year with traffic from Alternative E except for the segment of SR-65 from Road 204 (Spruce Road) to Hermosa Street. However, this is not considered a significant impact, as Alternative E would result in an V/C increase of less than 0.05 for a roadway segment that is already operating unacceptably and would continue to operate unacceptably in the future even without the addition of project-related traffic. No mitigation is required.

Table 4.8-7 summarizes the freeway ramp and merge/diverge conditions at the SR-190/SR-65 interchange with project related traffic from Alternative A. As shown therein, all merge/diverge segments at the SR-190/SR-65 interchange are forecasted to operate at acceptable levels of service at the opening year with traffic from Alternative E.

Site Access

No changes to existing access are planned for the casino expansion under Alternative E; therefore, no impacts will occur to site access under Alternative E.

Transit, Bicycle, and Pedestrian Facilities

The existing Eagle Mountain Casino relies heavily on transit services to transport patrons to and from the Eagle Mountain Casino Site. Alternative E would not result in any disruptions or other changes to existing transit service.

Vehicle Miles Traveled

The average trip length under Alternative E would be approximately 12 miles longer than Alternative A because the existing Eagle Mountain Casino is located 12 miles off SR-190 on Reservation Road. Therefore, the home to work trip length is 26.15 miles and the commercial to home and commercial to commercial is 35.58 miles (refer to **Section 4.8.1**). As shown in **Table 4.8-18**, Alternative E would result in a regional increase of 6,930,614 VMT, which is substantially less than the increase in VMT under Alternatives A through D.

TABLE 4.8-18
ALTERNATIVE E ANNUAL VEHICLE MILES TRAVELED

Land Use	Average Overall Trip Length ¹	Average Daily Trip Rate ²		Average Overall Daily Trip Rate ³	Annual VMT ⁴
		Weekday	Weekend		
Casino/Restaurants	33.75	532	645	564.14	6,930,614
Total		532	645		6,930,614

Notes:

- 1 – Average trip lengths are calculated by multiplying the trip length by the trip percent for each trip purpose (patrons and workers). The Average Overall Trip Length is calculated by summing all average trip lengths within each trip purpose. See **Appendix E** for trip purpose percentages. Note this does not directly match the average trip distances discussed in this section.
- 2 – Average Daily Trip Rates are calculated by multiplying the weekend or weekday trip generation rates by the size of the land use (see **Table 4.8-13**).
- 3 – The Average Overall Daily Trip Rate is calculated by summing the total weekday trips (average daily weekday trips multiplied by 5 days) and total weekend trips (average daily weekend trips multiplied by 2 days), and dividing the total by 7 days per week.
- 4 – Annual Vehicle Miles Traveled (VMT) is calculated by multiplying together the Average Overall Trip Length, the Average Overall Daily Trip Rate, and 364 days per year (per CalEEMod). Note: Some values may not exactly equal CalEEMod Annual VMT totals in **Appendix E** due to rounding.

4.8.7 ALTERNATIVE F – NO ACTION ALTERNATIVE

Traffic conditions under the No Action Alternative are characterized by the baseline conditions discussed in **Section 4.8.1**. No additional traffic would be added to the local intersections; therefore, no additional effects would occur under this alternative.

4.9 LAND USE

This section identifies the direct effects to land use that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.9**. Cumulative effects are identified in **Section 4.15**, while indirect effects associated with off-site construction and growth inducement are identified in **Section 4.14**. Mitigation measures, if warranted, are included in **Section 5.9**.

4.9.1 ALTERNATIVE A – PROPOSED PROJECT

Proposed Project on the Airpark Site

Alternative A would result in the removal of approximately 40 acres of land from the City of Porterville's (City) land use jurisdiction and placed into federal trust for the Tule River Indian Tribe (Tribe). Once the property is taken into trust, the only applicable land use regulations would be federal or tribal. However, the tribal government desires to work cooperatively with local and state authorities on land use matters.

Land Use Plans

City planning documents currently in effect for the Airpark Site include the City of Porterville General Plan (City General Plan) and the Porterville Development Ordinance. The Airpark Site is zoned by the City as Airport Industrial (IA), which is an employment district zoning designation. Employment districts are intended to provide appropriate areas within the City where employment uses can locate and operate without significant conflicts with other land uses. The IA designation specifically allows for the establishment of municipal airport and related businesses that have the potential to create adverse noise, light, or other similar conditions on adjacent properties. Alternative A, though not an airport related business, would result in the development of uses that would generate employment opportunities within the City. The commercial uses proposed under Alternative A would be generally compatible with the type and intensity of uses that would be allowable under the City's General Plan and zoning designations for the site. Additionally, Alternative A would be generally consistent with relevant land use policies, as it would involve development within the urban growth boundary of the City limits and would fund necessary infrastructure upgrades that are directly triggered by the project (refer to **Section 4.10**). Therefore, Alternative A would be generally consistent with local land use plans.

Land Use Compatibility

Alternative A would include the development of a casino-resort, dining, convention space, multi-purpose events center, and associated facilities on the Airpark Site. The Airpark Site consists of mostly vacant and undeveloped land and there are no uses in the vicinity of the site that would be disrupted by the construction of a casino/hotel resort. The proposed facilities under Alternative A would increase in the level of urban development and land use intensity on the site; however, the proposed land uses would not generate nuisances that would conflict with the adjacent land. There are no rural residential homes within

close proximity of the Airpark Site; the nearest residential receptor is located 2,550 feet (0.5 miles) to the west. Land to the north zoned Parks and Public Recreation Facilities (PK; the off-highway vehicle [OHV] park and Porterville Sports Complex) would not be adversely affected by the change in land use proposed for the Airpark Site. Because noise and nighttime lighting are generated by the OHV park and Porterville Sports Complex, these uses would be unaffected by any noise or light emitted by development of Alternative A. Similarly, nearby agricultural and industrial uses to the west and south, including the Southern California Edison (SCE) solar field to the south, would be unaffected by the increase in urban activities within the Airpark Site. Additionally, the hotel component of Alternative A could benefit the Porterville Municipal Airport and large events at the OHV park, Porterville Sports Complex, and Porterville fairgrounds, and thus would be complimentary to these existing land uses. Alternative A would not disrupt neighboring land uses, prohibit access to neighboring parcels, or otherwise conflict with neighboring land uses.

Agricultural operations surrounding the Airpark Site could result in land use compatibility impacts with Alternative A associated with odor, dust, and noise from operation of farm equipment. However, the typical recommended minimum buffer between agricultural uses and sensitive receptors is 300 feet; the hotel, which is the closest structure of Alternative A to the adjacent parcel's orchard operations, would be located nearly 700 feet from ongoing agricultural operations. Periodic dust and noise represent only a potentially minor annoyance for on-site customers; therefore, this is considered a less-than-significant impact.

Porterville Municipal Airport

As discussed in **Section 3.9.2**, the Airpark Site is within the Porterville Municipal Airport's Area of Influence as well as its Traffic Pattern Zone, as identified in the Tulare County Comprehensive Airport Land Use Plan (County Airport Plan). As stated within that document, gaming facilities, hotels, restaurants, and retail facilities are all compatible uses in this zone (Tulare County, 2012b). Additionally, the height of all proposed facilities under Alternative A would be 100 feet or less, which is well below the 150 foot obstruction standard in 14 Code of Federal Regulations (CFR) 77, which is incorporated into the City of Porterville Development Ordinance and applies to buildings on the Airpark Site and within the immediate vicinity of the Porterville Municipal Airport (City of Porterville, 2013).

A Federal Aviation Administration (FAA) Form 7460-1, Notice of Proposed Construction or Alteration, was submitted for the proposed hotel tower on January 19, 2017. A Determination of No Hazard to Air Navigation was issued by the FAA on February 27, 2017. The corresponding aeronautical study found that the hotel tower would not exceed obstruction standards, would not be a hazard to air navigation, and that marking and lighting would not be necessary for aviation safety (FAA, 2017b). Therefore, Alternative A would not result in land use incompatibility with the nearby airport.

Agriculture

The Airpark Site received a combined land evaluation and site assessment Farmland Conversion Impact Rating (FCIR) score of 69, which is under the 160-point threshold for evaluation of alternative sites. Additionally, there are no active agricultural activities occurring on the Airpark Site and the site is not designated for agricultural uses in local planning documents. Therefore, there would be no significant impacts to agriculture from development of Alternative A on the Airpark Site.

Off-site Improvements

Alternative A would result in the construction of off-site recycled water, sewer, and stormwater infrastructure. Two alternative site are under consideration for the proposed water reclamation facility (WRF): the 40-acre site and the 8-acre site. Potential impacts associated with land use and agriculture associated with the off-site improvements are discussed below.

40-acre Site

Land Use

Alternative A may result in the construction of a WRF on the 40-acre site. The 40-acre site is zoned for Agricultural/Conservation (AC) by the City; this designation does not explicitly allow major utilities. Should the 40-acre site be selected as the location for the proposed WRF, the City would process any approvals and permits necessary to allow the WRF through actions that may include either issuance of a special use permit or a zoning map amendment to allow major utilities. The proposed WRF is generally compatible with the AC designation, and would not generate significant noise, odor, or other concerns that would interfere with adjacent land uses. Alternative A would also result in the construction of a regional retention basin on the 40-acre site. The regional retention basin, like the WRF, is generally compatible with the AC designation, and would not generate significant noise, odor, or other concerns that would interfere with adjacent land uses. Therefore, development of proposed infrastructure improvements on the 40-acre site under Alternative A would have a less-than-significant impact on land use.

Agriculture

The 40-acre site is actively farmed for the production of non-human consumption crops and is designated Farmland of Statewide Importance by the Farmland Monitoring and Mapping Program (FMMP; refer to **Section 3.9** and **Figure 3.9-4**). The site received an FCIR score of 117, which is under the 160-point threshold for evaluation of alternative sites. As discussed in **Section 3.9.3**, the 40-acre site is currently under a Williamson Act Contract, restricting the land to agricultural use only. Under Alternative A, the City would withdraw from the Williamson Contract using the cancellation process described in **Section 3.9.3**. No project-related construction would take place on the parcel until after cancellation is complete. As stated in **Section 3.9.3**, there are 1,239,000 acres of farmland in Tulare County (County; USDA, 2012). If Alternative A is implemented, it would result in a conversion of 0.003 percent of the farmland

in the County. This represents a negligible conversion of farmland, and would be a less-than-significant impact.

8-acre Site

Land Use

Alternative A may result in the construction of a WRF on the 8-acre site. The 8-acre site is currently zoned PK; major utilities are not specifically permitted within this designation. Should the 8-acre site be selected as the location for the proposed WRF, the City would process any approvals and permits necessary to allow the WRF through actions that may include either issuance of a special use permit or a zoning map amendment to allow major utilities. The proposed WRF is generally compatible with the PK designation, and would not generate significant noise, odor, or other concerns that would interfere with adjacent land uses. Therefore, development of proposed infrastructure improvements on the 8-acre site under Alternative A would have a less-than-significant impact on land use.

Agriculture

The 8-acre site received a combined land evaluation and site assessment FCIR score of 63, which is under the 160-point threshold for evaluation of alternative sites. Additionally, there is no active agriculture occurring on the 8-acre site and the site is not designated for agricultural uses in local planning documents. Therefore, there would be no significant impacts to agriculture from development of the WRF on the 8-acre site.

Lift Station and Pipeline Improvement Areas

Alternative A would necessitate upgrades and improvements to sewer mains and lift stations located north and east of the Airpark Site, as well as the construction of recycled water pipelines and storm drains along West Street and the border between the OHV park and Porterville Sports Complex. The proposed recycled water, stormwater and sewer pipelines and lift station improvements would be located within road right-of-ways and existing utility easements. These improvements would involve temporary construction work; however, after completion of construction, there would be no changes to land use for any of the areas occupied by the pipelines and sewer lift stations. Therefore, land use and agriculture impacts from construction of off-site pipeline and lift station improvements under Alternative A would be less than significant.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses. No exterior improvements or construction activities would occur. The proposed governmental uses for the site would be compatible with surrounding rural uses and tribal housing. Traffic and associated air quality emissions and noise, would decrease on the Reservation under this Alternative, which would reduce associated land use conflicts with tribal housing located along heavily traveled roadways and in

the vicinity of the Casino. Therefore, no land use conflicts or other land use impacts would occur as a result of this component of Alternative A.

4.9.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Impacts from the development of Alternative B would be the same as Alternative A (refer to **Section 4.9.1**), except off-site impacts would occur only on the 40-acre site as a result of the construction of the regional retention basin. Therefore, Alternative B would have less-than-significant impacts associated with land use compatibility and conflicts, agriculture, and renovation of the existing Casino.

4.9.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Alternative C is similar to Alternative A in almost all aspects regarding land use effects, but to a lesser scale. Refer to **Section 4.9.1** for a detailed discussion. Impacts associated with land use compatibility and conflicts, agriculture, and renovation of the existing casino would be less than significant. Impacts associated with off-site infrastructure development under Alternative C would be the same as described under Alternative A if Option 1 for Water Supply or Wastewater Treatment and Disposal (described in **Section 2.5**) is implemented. Refer to the discussion above under **Section 4.9.1**. If Option 2 for Water Supply and Wastewater Treatment and Disposal is implemented, no impacts would occur as a result of off-site improvements, except for the construction of the regional retention basin on the 40-acre site.

4.9.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Alternative D is similar to Alternative A in almost all aspects regarding land use effects, as both are located on the Airpark Site, but to a lesser scale as Alternative D is smaller and does not have a gaming component. Refer to **Section 4.9.1** for a detailed discussion. Impacts associated with land use compatibility and conflicts as well as agriculture would be less than significant. Impacts associated with off-site infrastructure development under Alternative D would be the same as described under Alternative A if Option 1 for Wastewater Treatment and Disposal (described in **Section 2.6**) is implemented. Refer to the discussion above under **Section 4.9.1**. If Option 2 for Wastewater Treatment and Disposal is implemented, no impacts would occur to as a result of off-site improvements, except for the construction of the regional retention basin on the 40-acre site. No change in land use would occur on the Eagle Mountain Casino Site as a result of Alternative D.

4.9.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Alternative E involves improvements to the existing Eagle Mountain Casino. The Eagle Mountain 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 City and County General Plans are not applicable to Alternative E. 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 E would have a less-than-significant effect associated with land use conflicts and agriculture.

4.9.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, current land uses within the alternative sites would not change. No impacts associated with land use and agricultural resources would occur.

4.10 PUBLIC SERVICES

This section identifies the direct effects associated with public services that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.10**. Schools, libraries, and parks are discussed in **Section 4.7, Socioeconomic Conditions**. Indirect and cumulative effects are identified in **Section 4.14** and **Section 4.15**, respectively. Measures to mitigate for adverse effects identified in this section, if warranted, are presented in **Section 5.3, Section 5.4, and Section 5.10**.

Assessment Criteria

An adverse effect would occur if project-related demands on public services would cause an exceedance of system capacities that result in significant effects to the physical environment.

4.10.1 ALTERNATIVE A – PROPOSED PROJECT

Proposed Project at the Airpark Site

Water Supply

Under Alternative A, the Airpark Site would continue to receive water from the City of Porterville's (City's) municipal water system. The Tule River Indian Tribe (Tribe) has expressed its intent to contract with the City for water supply and pay the expenses associated with providing service to the Airpark Site. As detailed in the Water and Wastewater Study included as **Appendix C** and **Section 2.3.3**, the estimated total average rate of water consumption for Alternative A would be approximately 106,505 gallons per day (gpd), including 64,672 gpd of potable water and 41,833 gpd of recycled water. In order to ensure sufficient potable water service for Alternative A without added burden on the City's system, Alternative A includes the development of a water reclamation facility (WRF) and associated recycled water infrastructure to offset project demands. As discussed in **Appendix C** and **Section 2.3.3**, the WRF proposed under Alternative A would have the capacity to offset 100 percent of the Porterville Sports Complex's current average potable water demand of 138,500 gpd; therefore, given the 64,672 gpd potable water demand of Alternative A, implementation of Alternative A would reduce City-wide water demands by approximately 73,800 gpd relative to the existing baseline (see **Table 2-3**). This would be a beneficial impact to the City's water supply system. As described in **Section 2.3.3**, the existing potable water system at the Porterville Sports Complex would be retrofitted to eliminate the risk of cross-contamination with recycled water generated at the WRF. Additionally, water conservation mitigation measures are provided in **Section 5.3** to ensure that potable water use at the Airpark Site is minimized. Potential impacts from the construction of the WRF and associated recycled water facilities are addressed throughout this Environmental Impact Statement (EIS) as part of the analysis of off-site improvements proposed under Alternative A.

Municipal water service to the Airpark Site is currently provided by an 8-inch water main loop, with redundant service to the site provided by that loop's connection to 12-inch water mains that run parallel to West Street and West Scranton Drive (see Figure 2 of **Appendix C**). These facilities have an adequate capacity to provide water to the Airpark Site under Alternative A; however, the on-site 8-inch loop may need to be re-aligned to better accommodate the configuration of the proposed facilities within the site (**Appendix C**).

As noted in **Section 3.10.1**, the Airpark Site is in the City's Central Pressure Zone, which is served by the 3.0 million gallon (MG) Martin Hill storage reservoir. Operational storage equal to 15 percent of the Airpark Site's maximum day demand is required; at a projected maximum day demand of 121,432 gpd, 0.02 MG of storage would be necessary. That constitutes 0.7 percent of the 3.0 MG storage capacity of Martin Hill. No additional operational storage would be required, and the effect on Martin Hill would be negligible.

As described in **Section 2.3.3**, while the City indicated that the project area has a normal operating pressure of approximately 50 pounds per square inch (psi), a booster pump station may be required to provide sufficient operating and fire flow pressures at the site. A hydraulic analysis will be conducted as part of the final design to determine whether a residual pressure of at least 20 psi could be provided at the stipulated fire flow, which is estimated to be in the range of 3,000 to 4,000 gallons per minute (gpm) for a 3 to 4 hour duration. If a residual pressure of 20 psi could not be provided, the construction of a fire booster pump station would be necessary. No significant effects to the physical environment would occur should the on-site booster pump station need to be constructed.

The Martin Hill storage reservoir has already been sized to provide fire flow storage for a worst-case fire within the service area that would include fire flow for the Airpark Site. With the inclusion of fire sprinklers in the buildings proposed under Alternative A, the required fire flow should not be any higher than fire flows already estimated for industrial or commercial land uses in the reservoir's service area. The worst-case fire storage for the Martin Hill storage reservoir is estimated at approximately 960,000 gpd (4,000 gpm for 4 hours) or greater. Therefore, no additional storage should be required to accommodate fire flow for Alternative A. The fire flow storage requirement for Alternative A is estimated to be similar, if not the same, as the storage requirement for the previously planned industrial/commercial land use at the Airpark Site and other uses in the vicinity. No additional operational storage would be required, and the effect on Martin Hill would be negligible.

As described above, no off-site water supply infrastructure would be needed to supply water to Alternative A; therefore, no exceedance of water system capacities that would result in significant effects to the physical environment would occur.

Wastewater Service

The projected average rate of wastewater flow for Alternative A would be approximately 77,606 gpd, with peak flows estimated at 143 gpm. The Tribe has expressed its intent to contract with the City for wastewater treatment services and pay the expenses associated with providing service to the Airpark Site. As described in **Section 2.3.3** and **Section 4.3.1**, Alternative A would connect to the City's wastewater treatment plant (WWTP) via the existing wastewater infrastructure located on and in the immediate vicinity of the Airpark Site.

The existing 8-inch sewer pipelines at the Airpark Site were built in 1995 and would be sufficient to handle increased flows under Alternative A (**Appendix C**). However, as described in detail in **Appendix C**, several features of the municipal wastewater system in the immediate vicinity of the Airpark Site either are deficient under existing conditions or would require renovations to handle Alternative A wastewater flows. Lift Station No. 12 has only one booster pump; it would require both a second pump and additional storage capacity to reliably handle increased flows (**Appendix C**). The 8-inch sewer pipeline that conveys effluent south and east from Lift Station No. 12 has adequate capacity for flows generated under Alternative A, but, as stated in **Section 3.10**, the 10-inch techite pipe that carries the combined flows from Lift Station No. 12 and Lift Station No. 23 to Lift Station No. 7 would require replacement. Finally, Lift Station No. 7 and the force main associated with it appear to be 46 years old and are suffering from corrosion; both require replacement (**Appendix C**). Upgrades to these facilities are a component of Alternative A, and thus the potential impacts from the proposed improvements are addressed throughout this EIS as part of the analysis for Alternative A.

As stated in **Section 3.10**, the City's WWTP currently treats an average of approximately 4.7 million gallons per day (MGD) of wastewater, which represents approximately 58.8 percent of its rated capacity of 8.0 MGD. The approximately 77,606 gpd of wastewater generated on average at the Airpark Site under Alternative A would represent only 2.4 percent of the WWTP's estimated remaining capacity of 3.3 MGD. With estimated flows from Alternative A added, the City's WWTP would process an average of approximately 4.78 MGD, or 59.7 percent of its rated capacity, well within its limits and under the 80 percent threshold for expansion. Therefore, no expansion of the WWTP would be necessary to treat the wastewater generated by Alternative A.

Wastewater treated at the City's WWTP is conveyed via a 24-inch effluent pipeline to a 712-acre reclamation area located just over one mile southwest of the Airpark Site (**Appendix C**); the City may discharge no more than 5.3 MGD of treated effluent at this site (CVRWQCB, 2008). Under Alternative A's offset strategy, the off-site WRF would be connected to this 24-inch pipeline and would treat wastewater diverted from it to Title 22 standards. The WRF would divert approximately 203,000 gpd of wastewater from the pipeline under periods of average demand, but would have the capacity to divert up to 308,000 gpd (**Appendix C**). These diversion rates constitute 3.8 percent and 5.8 percent, respectively, of the total treated effluent currently discharged at the reclamation area. Farming practices at the reclamation area would be adjusted to account for the reductions in treated effluent throughout the year.

As described above, upgrades to some off-site wastewater collection infrastructure would be needed to accommodate the increased effluent flows under Alternative A. Potential impacts from these upgrades to the City's wastewater collection system are addressed throughout this EIS as part of the analysis for Alternative A, and mitigation recommended as appropriate to reduce all potential impacts to a less-than-significant level. Therefore, no exceedance of wastewater conveyance or treatment capacities would occur that would result in significant effects to the physical environment, and no mitigation is required.

Solid Waste Service

Construction

Construction of the casino-resort under Alternative A would result in a temporary increase in the generation of solid waste. Potential solid waste streams from construction and demolition of the existing buildings on-site would include paper, wood, glass, aluminum, and plastics from packing materials; lumber; insulation; empty non-hazardous chemical containers; concrete; metal, including steel from welding/cutting operations; and electrical wiring.

Construction waste that cannot be recycled would be collected by a hauling company and disposed of at the Teapot Dome Landfill or other permitted landfills that accept construction and demolition material. This impact would be temporary and not significant given that the landfill has an adequate capacity to accommodate the temporary increase in waste generated by the construction of Alternative A (CalRecycle, 2017b). Best Management Practices (BMPs) are presented in **Section 5.10.2** to reduce the amount of construction and demolition materials disposed of at the landfill and ensure impacts remain less than significant.

Operation

As described in **Section 3.10**, the Airpark Site is located within the service boundaries of the City's Field Services Division and the Tulare County Resource Management Agency (RMA). Waste generated under Alternative A would be hauled appropriately to the County RMA-managed landfill facilities described in **Section 3.10**.

The California Integrated Waste Management Board has established waste generation rates for the operation of different business types. Based on the generation rates of similar gaming facilities, it is estimated that Alternative A would generate approximately 4.50 tons per day or 1,643 tons per year (tpy) of solid waste, as shown in **Table 4.10-1**. Waste that cannot be recycled will be disposed of at Teapot Dome Landfill in the short term. The Teapot Dome Landfill has a maximum permitted capacity of 800 tons per day and its remaining capacity is just under 900,000 cubic yards (CalRecycle, 2017b). The Alternative A average daily solid waste stream would represent approximately 0.56 percent of the daily capacity of Teapot Dome Landfill, and its projected annual waste stream would represent approximately 1.14 percent of Teapot Dome Landfill's total remaining capacity. This is a negligible impact on Teapot Dome Landfill.

TABLE 4.10-1
ESTIMATED SOLID WASTE DISPOSAL – ALTERNATIVES A AND B

Waste Generation Source	Waste Generation Rate	Units	Value	Total Waste (lb/day) ^{1, 2}
Hotel	2.00	lb/room/day	250 rooms	500
Casino, including Back-of-House (other services)	3.12	lb/100 sf/day	16,845 sf	5,174
Restaurant	0.005	lb/sf/day	36,301 sf	182
Convention Center (other services)	3.12	lb/100 sf/day	93,083 sf	3,060
Fire Station (other services)	3.12	lb/100 sf/day	2,614 sf	82
Total lb/day				8,998
Total ton/day				4.50
Total ton/year				1,643
Total cubic yard/year (assumes 320 lb/cubic yard)				10,263
Notes:				
1 – To be conservative, solid waste from the existing Eagle Mountain Casino was not subtracted from these figures.				
2 – Total solid waste values are rounded to the nearest whole number.				
Source: CalRecycle, 2017a.				

Following the planned closure of the Teapot Dome Landfill, Tulare County (County) projects that solid waste from the Airpark Site region will be disposed of at the Visalia Landfill. The Visalia Landfill has a permitted capacity of 2,000 tons per day or 730,000 tpy, and has nearly 15 million cubic yards of available capacity. Under existing conditions, it has sufficient remaining capacity to continue operations through January 2024 (CalRecycle, 2017c). The Alternative A solid waste stream would represent approximately 0.23 percent of the daily capacity of Visalia Landfill, and its projected annual waste stream would represent approximately 0.07 percent of Visalia Landfill's total remaining capacity. However, as described in **Section 3.10.3**, the Visalia Landfill can be expanded into approximately 100 acres of adjacent land. Following this planned expansion, Visalia Landfill would be able to accommodate solid waste generated within the region including the Airpark Site for 30 to 40 years, assuming current projections of County population growth rates (Hermoso, 2017).

The estimated daily and yearly solid waste streams under Alternative A represent a relatively small proportion of the daily intake limit and remaining capacity of both Teapot Dome Landfill and its projected successor, Visalia Landfill. No significant impact to these facilities would occur under Alternative A. However additional BMPs are presented in **Section 5.10.2** which would further reduce the amount of solid waste disposed of at the landfill(s).

Law Enforcement

An analysis of the impact of casino gambling on local crime rates is included in **Section 4.7**. While there is no definitive link between casinos and crime, as with any commercial development it is anticipated that

the increased concentration of people that Alternative A would bring to the Airpark Site could lead to an increase in the number of service calls to local law enforcement.

In 1953, the State of California assumed partial jurisdiction over certain offenses occurring in Indian country pursuant to Public Law (PL) 83-280 (PL 280). As a consequence, the trust acquisition would result in changes in criminal jurisdiction on the Airpark Site dependent on whether victims or the accused are Native American. For future criminal matters at the casino consisting of crimes by non-Indians against other non-Indians, California would continue to exercise criminal jurisdiction. Accordingly, changes in criminal jurisdiction would not be significant.

As discussed in **Section 2.3.3**, law enforcement services would be provided by either the City of Porterville Police Department (PPD) or the Tulare County Sheriff's Department (TCSD). Tule River Tribal Gaming Security (Gaming Security), operating under the authority of the Tribe's Gaming Commission Agency (Gaming Commission), would provide security patrol and monitoring of the casino complex. Under Alternative A, the Tribe would hire 50 additional security staff, including 4 full-time emergency medical service (EMS) personnel (Santos, 2017). This would bring the proposed on-site security staff total to just over 90 full- and part-time personnel, 12 of whom would be full-time EMS officers. Security cameras and security personnel would provide surveillance of the casino, parking areas, and surrounding grounds. Security guards would patrol the facilities to reduce and prevent criminal and civil incidents. Security guards would carry two-way radios to request and respond to back up or emergency calls. Tribal security personnel would work cooperatively with other law enforcement agencies. The need for PPD or TCSD assistance would likely be required only in situations where a serious threat to life or property is present, or if arrests are necessary.

Because PPD and TCSD currently provide law enforcement services to the Airpark Site, and because the City recently constructed a Public Safety Building to decrease response times and increase resources in the service sector where the Airpark Site is located, it is not anticipated that PPD or TCSD would require additional facilities to continue to provide services subsequent to the development of Alternative A. However, operation of Alternative A has the potential to increase the number of calls for service placed to PPD and/or TCSD. Based on data from January 2018 through April 2018, incidents at the existing Eagle Mountain Casino generated an average of approximately 8 calls per month that were responded to by the TCSD, and 3.5 calls per month that were responded to by the Tribal Police Department (for a total average of 11.5 calls per month). It is estimated that the number of calls for service at the Casino would increase proportionally from an average of 11.5 calls per month to 33 calls per month, based on the estimated increase in traffic to the Airpark Site over the existing traffic to the existing Eagle Mountain Casino (refer to **Sections 3.8** and **4.8**). It is anticipated that the Tribe would enter into a service agreement with PPD and/or TCSD to fully reimburse the affected department for quantifiable direct and indirect costs incurred in conjunction with the provision of law enforcement services; this service agreement is included as **Mitigation Measure 5.10(G)**. Through the implementation of this service agreement and the other mitigation described in **Section 5.10.3**, including payments to local jurisdictions

to offset increased costs as well as the on-site security measures described above, impacts would be addressed and Alternative A would result in a less-than-significant effect on public law enforcement services.

Fire Protection and Emergency Medical Services

Construction

Construction may introduce potential sources of fire to the Airpark Site. During construction, equipment and vehicles may accidentally spark and ignite vegetation. Equipment used during grading and construction activities may also create sparks which could ignite dry grass on the site. This risk would be similar to that found at other construction sites and would be potentially significant. Mitigation measures are presented in **Section 5.10.3** to address this potential impact and reduce impacts to less-than-significant levels.

During the construction phase of Alternative A, prior to the completion and staffing of the on-site fire station described in detail below, fire protection and EMS would continue to be provided to the site by the City of Porterville Fire Department (PFD) and the Tulare County Fire Department (TCFD).

Operation

Under Alternative A, a fire station would be constructed in the northwest corner of the Airpark Site, as shown on **Figure 2-6**. This station would be staffed by Tule River Fire Department (TRFD), and would provide primary fire protection and EMS to the site. The proposed on-site fire station would be capable of much faster response times than the PFD or TCFD, which are stationed 2.9 miles and 2.3 miles, respectively, from the Airpark Site. Should the Tribe enter into a mutual aid agreement with the City and/or County, the presence of a TRFD-staffed fire station at the Airpark Site could also reduce the existing service call burden on PFD and/or TCFD by providing an additional fire response resource in the vicinity of the Airpark Site. Additionally, the Tribe's on-site security staff would include 12 full-time EMS personnel who could respond to EMS calls at or around Airpark Site, and wall-mounted defibrillators would be present.

It is anticipated that the Tribe will enter into mutual aid agreements with the PFD and TCFD for the provision of supplementary fire and emergency response services to the site and vicinity as needed. Development of Alternative A may create additional risks from fires and add to firefighting responsibilities in the area. Vegetation in and around the developed areas would be minimal and irrigated during dry months, thereby minimizing the risk of fire. Additionally, the timely detection of fires by individuals working in the casino, early intervention, and firebreaks created by driveways and roads would reduce the risk of fires. The casino structure would be constructed to meet California Building Code (CBC) design requirements, and the facilities would be constructed to meet adequate fire flow requirements. Refer to the *Water Supply* section above regarding the Airpark Site's sufficient fire flow storage and the potential need for a booster pump to provide adequate fire flow pressures.

Because both PFD and TCFD currently provide fire protection and emergency medical response services to the Airpark Site, and because the City recently constructed a new Public Safety Building to facilitate faster response times in the service sector in which the Airpark Site is located, it is not anticipated that PFD or TCFD would require additional facilities to provide services to the Airpark Site under Alternative A. Additionally, because a TRFD-staffed fire department would be located on site, it is not anticipated that the development of Alternative A would significantly increase the number of fire protection or EMS calls to PFD or TCFD. Pending the Tribe's entrance into a mutual aid agreement with PFD and/or TCFD, the capacity of the on-site fire station to respond to service calls within the City or unincorporated County has the potential to reduce the total number of service calls fielded by PFD or TCFD, which would constitute a beneficial impact to regional fire protection and EMS. Regardless of the creation of a mutual aid agreement, impacts to PFD and TCFD would be less than significant, and no mitigation is required.

The nearest full-service emergency room to the Airpark Site is located at Sierra View Medical Center in Porterville, California approximately 3.6 miles northeast of the Airpark Site. Sierra View Medical Center is in the processing of doubling the capacity of its emergency department from 22 to 44 beds; this expansion is anticipated to be completed in two to three years, and would allow Sierra View Medical Center to accommodate any increase in emergency room visits (Cunningham, 2017). Therefore, Alternative A's impact on emergency room services would be less than significant.

Energy and Natural Gas

Construction

Construction on the Airpark Site could damage underground utilities, leading to outages and/or serious injury. This would result in a significant adverse effect. Mitigation measures are presented in **Section 5.10.4** to reduce impacts to less-than-significant levels.

Operation

Alternative A is projected to have an electricity demand load of 4.2 megavolt-amperes (MVA) and an 8.5 MVA connected load (JBA Consulting Engineers, 2017). Electricity would be obtained from Southern California Edison (SCE), which currently provides electrical services to the Airpark Site via underground utility lines; SCE overhead electrical lines also run parallel to West Street, west of the Airpark Site. SCE serves the Airpark Site and vicinity out of its Poplar Substation, located approximately 4.3 miles southwest of the Airpark Site at the intersection of Road 192 and Avenue 112. The Poplar Substation currently has insufficient capacity to supply Alternative A (Garcia, 2017). However, expansion of this facility is currently planned and is projected to be completed in 2019. Following the planned expansion the substation would have adequate capacity to meet Alternative A's electricity demands. Additionally, the circuit that serves the Airpark Site currently has less than 1.0 MVA of remaining capacity; thus, a new circuit would also need to be installed prior to the operation of Alternative A (Garcia, 2017). This would include the addition of a new circuit breaker at the Poplar Substation, as well as the installation of new overhead and underground electrical lines in the region between the substation and the Airpark Site. The

final determinations regarding the need for and scale of facility upgrades will be made during the electrical service application process. The Tribe would be required to pay a fair share of the upgrades needed to serve Alternative A to receive service. Any infrastructure improvements required by the development of Alternative A would abide by all California Environmental Quality Act (CEQA) regulations and other applicable federal, State, and local laws. Potential impacts of the circuit expansion are described in **Section 4.14** and could include, but are not limited to, temporary linear ground disturbing activities, electrical service interruptions, and temporary delays in traffic due to construction, all of which are anticipated to be minor. Therefore, no significant effects to the physical environment would occur as a result of these off-site improvements. **Section 5.4.2** includes mitigation measures related to greenhouse gas (GHG) emissions that would reduce the energy demand of Alternative A.

The maximum estimated natural gas connected peak demand load under Alternative A is 20,400 cubic feet per hour (CFH; JBA Consulting Engineers, 2017). Natural gas is currently supplied to the Airpark Site via a 2-inch Southern California Gas Company (SoCalGas) distribution line that runs beneath Yowlumne Avenue, Yaudanchi Street, and the eastern portion of Wukchimni Avenue. This pipeline connects to a 4-inch SoCalGas distribution line at the intersection of West Street and Yowlumne Avenue. Under Alternative A, natural gas services would continue to be provided to the site by SoCalGas. The off-site 4-inch line may need to be upgraded to provide service to Alternative A. The Tribe would be required to pay a fair share of the improvement costs necessary to service the Airpark Site to receive gas service. Any infrastructure improvements required by the development of Alternative A would abide by all CEQA regulations and other applicable federal, State, and local laws. Potential impacts of natural gas line extensions are described in **Section 4.14** and are anticipated to be minor. Therefore, Alternative A would not result in significant adverse effects to natural gas services or the physical environment.

Off-site Improvements

Construction and operation of the proposed WRF, regional retention basin, recycled water pipelines, lift stations, and wastewater force mains would have minimal to no effect on water supply, law enforcement, fire protection and EMS, and natural gas. Therefore, no exceedance of the capacities of these services would occur that would result in significant effects to the physical environment. Development of the off-site improvements has the potential to impact solid waste services due to the need to remove existing soil prior to construction on the 40-acre site and the 8-acre site, municipal wastewater services due to the loss of the 40-acre site as a biosolid dispersal location, and electrical services due to the need to extend distribution lines to the 40-acre site or the 8-acre site.

As described in **Section 4.2.1** and **Appendix D**, construction on the 40-acre site and 8-acre site would require remedial grading to remove accumulated waste product within the existing soil that may not have been rendered inert. Soil removed as part of this process would be collected by a hauling company and disposed of at Visalia Landfill, which is the closest landfill to the 40-acre site and 8-acre site permitted to accept biosolid waste (CVRWQCB, 2015). This impact would be temporary and not significant given

that Visalia Landfill has an adequate capacity to accommodate the temporary increase in waste generated by the development of the 40-acre site and 8-acre site (CalRecycle, 2017c).

As described in **Section 3.10.2**, the 40-acre site is currently used as a dispersal field for biosolid waste generated at the City's WWTP. The City would no longer be able to use it as a biosolid dispersal field under Alternative A due to the development of the regional retention basin. The loss of the 40-acre site as a disposal field would be accommodated through adjustments in the farming and dispersal practices at the City's other biosolid application fields. Therefore, development of the 40-acre site would not result in a significant impact on municipal wastewater treatment and disposal services.

The estimated electricity demand load for the WRF is projected to be 51.4 kilovolt-amperes (kVA), while the projected connected load is 102.8 kVA (Psomas, 2017). Electricity would be obtained from SCE, which currently provides electricity to properties in the immediate vicinity of the Off-site Improvement Areas, including the Airpark Site. As stated above, development of the Airpark Site under Alternative A would require multiple upgrades of SCE's existing distribution infrastructure to meet the increased electricity demand. Due to the small electricity demand of the WRF relative to that of the Airpark Site development under Alternative A, it is not anticipated that operation of this facility would significantly impact SCE's ability to provide electricity in the region subsequent to the above-described upgrades. SCE has indicated that because the 8-acre site is landlocked, it may be necessary to obtain an easement prior to extending electrical services to that location (Garcia, 2017).

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses. Use of public services on the site would decrease due to the decreased number of people in the area. Conversion of the existing Casino to tribal government uses would reduce overall water demand on the Reservation by approximately 27,863 gpd and would also reduce wastewater flows to the Tribe's WWTP; these reductions in use would constitute beneficial impacts to the Tribe's water supply and wastewater services.

4.10.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Water Supply

The estimated total average daily water consumption for Alternative B would be approximately 106,505 gpd, including 64,672 gpd of potable water and 41,833 gpd of recycled water (**Appendix C**). As described in further detail in **Section 2.4** and **Section 4.3.2**, Alternative B would not incorporate any connections of the Airpark Site to the municipal water system. Instead, the Tribe would drill two groundwater wells on site to meet the water demand for all non-irrigation needs, including domestic use, emergency supply, and fire protection. As stated in **Appendix C**, the on-site wells would be located a

sufficient distance from the nearest domestic and municipal wells to avoid any impacts associated with well level drawdown or reduced pumping capacity. The Tribe would also build water distribution pipelines and storage facilities scaled to provide adequate fire flow storage.

Because Alternative B does not rely on the municipal water supply, no significant impacts to the City's water distribution infrastructure would occur. No mitigation is necessary. Refer to **Section 4.3.2** regarding Alternative B's significant impact to groundwater supply within the Tule Groundwater Sub-basin.

Wastewater Service

The projected average daily wastewater flow for Alternative B would be approximately 77,606 gpd, with peak flows estimated at 143 gpm. Under Alternative B, the Tribe would construct an on-site package extended aeration activated sludge plant (EAP) and package tertiary filter system (TFS) to treat effluent generated at the Airpark Site, as well as a leach field complex beneath the proposed parking lot. This treatment and disposal system is described in **Section 2.4** and detailed within the Water and Wastewater Study (**Appendix C**). As described in **Section 4.3.2**, the discharge of wastewater into the leach field complex would be regulated by the United States Environmental Protection Agency (USEPA) within the Underground Injection Control (UIC) program; the leach field complex would constitute a Class V injection well and would be registered with the USEPA as such. The Airpark Site would not be connected to the municipal wastewater system, and thus none of the improvements to the wastewater infrastructure surrounding the Airpark Site that are necessary under Alternative A would be required under Alternative B. Because Alternative B involves no connections of the Airpark Site to the municipal wastewater system, it will have no impact on the City's wastewater services. No mitigation is necessary.

Solid Waste Service

Construction

Impacts to solid waste services resulting from the construction of Alternative B would be the same as or very similar to those identified for Alternative A. Implementation of the BMPs presented in **Section 5.10.2** would ensure that impacts remain less than significant.

Operation

Impacts to solid waste services associated with the operation of Alternative B would be identical to those identified for Alternative A, with the exception of the biosolid waste that would be generated at the on-site WWTP. Refer to **Table 4.10-1** for solid waste generation estimates for Alternative B, excluding this biosolid waste stream.

In addition to the solid waste streams provided in **Table 4.10-1**, operation of Alternative B is estimated to generate an additional 466 lb/day (85 tpy) of solid waste in the form of dewatered sludge from the on-site

wastewater treatment complex. This amount constitutes an estimated nine truck trips per year. Teapot Dome Landfill does not accept biosolid waste; therefore, the dewatered sludge waste would instead be trucked to Visalia Landfill, the closest landfill permitted to accept dewatered sludge (CVRWQCB, 2015). The estimated annual dewatered sludge waste stream generated under Alternative B represents only approximately 4.9 percent of the total estimated annual Alternative B waste stream of 1,728 tpy and only approximately 0.01 percent of Visalia Landfill's annual permitted capacity. The addition of this solid waste stream is negligible relative both to the approximate total annual Alternative B waste stream and to the annual capacity of Teapot Dome Landfill and Visalia Landfill. Thus, Alternative B's operational impacts to solid waste services would be less than significant. Nonetheless, mitigation measures have been provided in **Section 5.10.2**, as well as **Mitigation Measure 5.4(C)(6)** regarding recycling, to reduce the amount of solid waste disposed of at the landfill(s).

Law Enforcement

Impacts to law enforcement services resulting from the development of Alternative B would be the same as those identified for Alternative A; thus, pending the implementation of both the on-site security measures discussed in **Section 4.10.1** and the mitigation measures presented in **Section 5.10.3**, including the service agreement with PPD and/or TCSD and payments to local jurisdictions, impacts would be less than significant.

Fire Protection and Emergency Medical Services

Construction

Impacts to fire protection and EMS associated with the construction of Alternative B would be the same as those identified for Alternative A. With the implementation of mitigation measures presented in **Section 5.10.3**, all construction-related impacts would be less than significant.

Operation

Impacts to fire protection and EMS resulting from the operation of Alternative B would be the same as those identified for Alternative A. Due to the location of a TRFD-staffed fire station on-site and pending the finalization of a mutual aid agreement between the Tribe and PFD and/or TCFD, impacts to fire protection and EMS would be less than significant.

Energy and Natural Gas

Construction

Construction-related impacts to energy services and utilities would be the same under Alternative B as under Alternative A. Mitigation measures are presented in **Section 5.10.4** to reduce impacts to a less-than-significant level.

Operation

The demand and connected electricity loads of Alternative B, excluding on-site water and wastewater infrastructure, would be identical to Alternative A. The demand and connected loads of the on-site water and wastewater facilities under Alternative B are anticipated to be approximately 33.2 kVA and 66.4 kVA (Psomas, 2017), respectively, meaning that the total electricity demand of Alternative B would be nearly identical to, but slightly less than, the combined electricity demand of the on- and off-site components of Alternative A. Thus, it is anticipated that the same off-site improvements of SCE's existing electricity distribution infrastructure required under Alternative A and described in **Section 4.10.1** would also be necessary to accommodate Alternative B. No significant effects to the physical environment would occur as a result of these off-site improvements. **Section 5.4.2** includes mitigation measures that would reduce the energy demand of Alternative B.

Natural gas service is currently provided to the Airpark Site by SoCalGas, as described in **Section 4.10.1**. The projected maximum connected peak demand for natural gas under Alternative B is identical to that of Alternative A. Refer to **Section 4.10.1** regarding anticipated upgrades or renovations of the existing natural gas distribution infrastructure in the area. Because the Tribe would pay its fair share of any required improvement costs and because any necessary upgrades would be performed in compliance with all CEQA regulations and all relevant federal, State, and local laws, Alternative B would not result in a significant impact to natural gas service providers or the physical environment.

Off-site Improvements

Construction and operation of the regional stormwater retention basin would have minimal to no effect on water supply, law enforcement, fire protection and EMS, electrical services, and natural gas. Therefore, no exceedance of the capacities of these services would occur that would result in significant effects to the physical environment. Development of the regional retention basin has the potential to have the same impacts on solid waste services and municipal wastewater services as identified for Alternative A under **Section 4.10.1**. Thus, impacts on these services would be less than significant.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative B would not result in significant adverse public services impacts, but would result in beneficial impacts to the Tribe's water supply and wastewater service system.

4.10.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Reduced Intensity Alternative at the Airpark Site

Water Supply

The estimated total average daily water consumption for Alternative C would be approximately 82,078 gpd, including 43,854 gpd of potable water and 38,224 gpd of recycled water (**Appendix C**). The development options for water supply are identical to those described under Alternatives A and B, though at a smaller scale. The water supply options are described in **Section 2.5** and detailed in **Appendix C**.

Off-site Water Supply (Option 1)

The WRF would be capable of generating enough recycled water to offset approximately 316 percent of Alternative C's potable water demand. Thus, Water Supply Option 1 would yield a 94,646 gpd net positive impact on the City's water supply relative to current conditions. This is a beneficial impact. As with Alternative A, it is anticipated that the Martin Hill storage reservoir has been sized appropriately to provide sufficient fire flow storage for Alternative C Water Supply Option 1.

On-site Water Supply (Option 2)

Alternative C Water Supply Option 2 would be identical to Alternative B with a proportionally smaller water demand. Therefore, as discussed for Alternative B, no impact to the City's water supply system would occur. Refer to **Section 4.3.3** regarding Alternative C Water Supply Option 2's significant impact to groundwater supply within the Tule Groundwater Sub-basin.

Wastewater Service

The projected average daily wastewater flow for Alternative C would be approximately 50,532 gpd, with peak flows estimated at 93 gpm. The development options for wastewater service are identical to those described under Alternatives A and B, though at a smaller scale. The wastewater service options are described in **Section 2.5** and detailed in **Appendix C**.

Off-site Wastewater Treatment and Disposal (Option 1)

Alternative C Wastewater Option 1 would be identical to Alternative A with a proportionally smaller demand for wastewater services. The 50,532 gpd of wastewater flow from the Airpark Site projected for Alternative C constitutes only 1.5 percent of the current approximate surplus capacity of the City's WWTP. Subsequent to the infrastructure improvements detailed in **Section 4.10.1**, Alternative C, Wastewater Option 1 would yield a less-than-significant impact to municipal wastewater services, and no mitigation is necessary.

On-site Wastewater Treatment and Disposal (Option 2)

Alternative C Wastewater Option 2 would be identical to Alternative B with a proportionally smaller demand for wastewater services.

No municipal wastewater systems would be affected by Alternative C Wastewater Option 2 as no connections to that system are proposed. No mitigation is necessary.

Solid Waste Service

Construction

Construction of Alternative C is anticipated to result in similar solid waste impacts to those discussed for Alternative A, but of a lesser scale. This impact would be temporary and not significant given that the landfill has sufficient capacity to accommodate the temporary increase in waste generated by the construction of Alternative C (CalRecycle, 2017b). Mitigation measures are presented in **Section 5.10.2** to reduce the amount of construction and demolition materials disposed of at the landfill and ensure impacts remain less than significant.

Operation

Operation of Alternative C is anticipated to result in similar solid waste impacts to those discussed for Alternatives A and B (Wastewater Option 2), but of a lesser scale. Based on the waste generation rates of similar gaming facilities, it is estimated that Alternative C would generate approximately 2.57 tons per day or 939 tpy of solid waste, as shown in **Table 4.10-2**. As discussed above, waste that cannot be recycled will be disposed of at Teapot Dome Landfill in the short term. The Alternative C average daily solid waste stream would represent approximately 0.32 percent of the daily capacity of Teapot Dome Landfill, and its projected annual waste stream would represent approximately 0.65 percent of Teapot Dome Landfill’s total remaining capacity (CalRecycle, 2017b).

TABLE 4.10-2
ESTIMATED SOLID WASTE DISPOSAL – ALTERNATIVE C

Waste Generation Source	Waste Generation Rate ¹	Units	Value	Total Waste (lb/day) ^{1, 2}
Hotel	2.00	lb/room/day	250 rooms	500
Casino, including Back-of-House (other services)	3.12	lb/100 sf/day	121,930 sf	3,804
Restaurant	0.005	lb/sf/day	19,900 sf	140
Convention Center (other services)	3.12	lb/100 sf/day	19,900 sf	621
Fire Station (other services)	3.12	lb/100 sf/day	2,614 sf	82
Total lb/day				5,147
Total ton/day				2.57
Total ton/year				939
Total cubic yard/year (assumes 320lb/cubic yard)				5,871
Notes: 1 – To be conservative, solid waste from the existing Eagle Mountain Casino was not subtracted from these figures. 2 – Total solid waste values are rounded to the nearest whole number. Source: CalRecycle, 2017a.				

The Alternative C solid waste stream would represent approximately 0.13 percent of the daily capacity of Visalia Landfill, and its projected annual waste stream would represent approximately 0.04 percent of Visalia Landfill's total remaining capacity (CalRecycle, 2017c). However, as described in **Section 3.10.3**, the County intends to expand the capacity of Visalia Landfill before it reaches its existing capacity; this planned expansion will increase the lifespan of the landfill by 30 to 40 years.

Operation of the on-site wastewater treatment complex under Alternative C, Wastewater Option 2 would generate an additional estimated 303 lb/day (56 tpy) of solid waste in the form of dewater sludge. This amount constitutes an estimated six truck trips per year. As under Alternative B, dewatered sludge waste would be trucked to Visalia Landfill. The estimated annual dewatered sludge waste stream generated under Alternative C, Wastewater Option 2 represents only approximately 5.6 percent of the total estimated annual waste stream of 994 tpy and less than 0.01 percent of Visalia Landfill's annual permitted capacity. Operation of Alternative C would not result in significant effects to solid waste services.

Law Enforcement

Impacts to law enforcement services associated with the operation of Alternative C would be similar but reduced relative to those identified for Alternative A, given the reduction in the size of facilities. It is estimated that the number of calls for service at the proposed Casino would increase proportionally from an average of 11.5 calls per month to 26 calls per month, based on the increase in traffic to the Airpark Site over the existing traffic to the existing Eagle Mountain Casino. With implementation of the on-site security measures discussed in **Section 4.10.1** and the mitigation measures described in **Section 5.10.3**, including the service agreement with PPD and/or TCSD and payments to local jurisdictions, impacts would be reduced and Alternative C would result in a less-than-significant effect to law enforcement services.

Fire Protection and Emergency Medical Services

Construction

As discussed in **Section 4.10.1**, construction may introduce potential sources of fire to the Airpark Site. This risk would be similar to that found at other construction sites and is considered potentially significant. Mitigation measures are presented in **Section 5.10.3** to address this potential impact and reduce impacts to less-than-significant levels. As with Alternative A, prior to the construction and operation of the on-site TRFD-staffed fire station planned under Alternative C, PFD and TCFD would continue to provide primary fire protection and emergency services to the site.

Operation

As with Alternatives A and B, under Alternative C a fire station would be constructed in the northwest corner of the Airpark Site. This station would be staffed by TRFD, and would provide primary fire protection and EMS to the Airpark Site. PFD and TCFD would continue to provide supplementary service to the Airpark Site, as described in **Section 4.10.1**. Refer to **Section 4.10.1** for a detailed discussion of the potential impacts of the development of the Airpark Site on public fire protection and EMS. As with Alternatives A and B, impacts are anticipated to be less than significant, and no mitigation is required.

The nearest full-service emergency room to the Airpark Site is located at Sierra View Medical Center in Porterville, California approximately 3.6 miles northeast of the Airpark Site. Because hospital services are adequate in the area, Alternative C's impact on EMS would be less than significant.

Energy and Natural Gas

Construction

Construction at the Airpark Site could damage underground utilities, leading to outages and/or serious injury. This would result in an adverse effect. Mitigation measures are presented in **Section 5.10.4** to reduce impacts to less-than-significant levels.

Operation

Alternative C's projected electricity demand load is 3.0 MVA; its projected connected load is 6.2 MVA (JBA Consulting Engineers, 2017). Because there is currently less than 1.0 MVA of available capacity on the circuit that serves the Airpark Site, improvements similar to what would be required under Alternative A would also be necessary under Alternative C (Brown, 2017).

The estimated maximum connected peak natural gas demand of Alternative C is 16,400 CFH. Because the Tribe would pay its fair share of any required improvement costs and because any necessary upgrades would be performed in compliance with all CEQA regulations and all relevant federal, State, and local laws, Alternative C would not result in a significant impact to natural gas and electrical service providers or the physical environment.

Off-site Improvements

Construction and operation of the WRF, regional stormwater retention basin, recycled water pipelines, lift stations, and wastewater force mains under Alternative C Water Supply Option 1 would have minimal to no effect on water supply, solid waste, law enforcement, fire protection and EMS, and natural gas. Therefore, no exceedance of the capacities of these services would occur that would result in significant effects to the physical environment. Development of the off-site improvements under Alternative C has the potential to generate the same impacts to wastewater and electrical services discussed in **Section**

4.10.1. Under Alternative C Water Supply Option 2, only those impacts associated with the development of the regional retention basin would occur.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative C would not result in significant adverse public services impacts, but would result in beneficial impacts to the Tribe's water supply and wastewater services.

4.10.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Non-Gaming Alternative at the Airpark Site

Water Supply

The estimated total average daily water consumption for Alternative D would be approximately 41,637 gpd, including 23,294 gpd of potable water and 18,343 gpd of recycled water (**Appendix C**). As with Alternative B, Alternative D would involve the drilling of two on-site groundwater wells for water supply.

The impacts to water resources, including groundwater levels, associated with Alternative D are discussed in **Section 4.3.4** and **Section 4.10.2**. No municipal water infrastructure would be affected by Alternative D, as this alternative involves no connections between the Airpark Site and the City's water system. Therefore, no adverse impacts to the City's water supply system would occur. Refer to **Section 4.3.4** regarding Alternative D's significant impact to groundwater supply within the Tule Groundwater Sub-basin.

Wastewater Service

The projected average daily wastewater flow for Alternative D would be approximately 24,650 gpd, with peak flows estimated at 46 gpm. The development options for wastewater service are identical to those described under Alternatives A and B, though at a smaller scale. The wastewater service options are described in **Section 2.6** and detailed in **Appendix C**.

Off-site Wastewater Treatment and Disposal (Option 1)

Alternative D Wastewater Option 1 would be identical to Alternative A with a proportionally smaller demand for wastewater services. The 24,650 gpd of wastewater flow from the Airpark Site projected for Alternative D constitutes only 0.8 percent of the current approximate surplus capacity of the City's WWTP. Subsequent to the infrastructure improvements detailed in **Section 4.10.1**, Alternative D Wastewater Option 1 would yield no significant impacts to municipal wastewater services, and no mitigation is necessary.

On-site Wastewater Treatment and Disposal (Option 2)

Alternative D Wastewater Option 2 would be identical to Alternative B with a proportionally smaller demand for wastewater services. No municipal wastewater systems would be affected by Alternative D Wastewater Option 2 as no connections to that system are proposed. No mitigation is warranted.

Solid Waste Service

Construction

Construction of Alternative D is anticipated to result in similar solid waste impacts to those discussed for Alternative A, but of a lesser scale.

This impact would be temporary and not significant given that the landfill has an adequate capacity to accommodate the increase in the amount of waste generated by the construction of Alternative D (CalRecycle, 2017b). Mitigation measures are presented in **Section 5.10.2** to reduce the amount of construction and demolition materials disposed of at the landfill and ensure impacts remain less than significant.

Operation

Operation of Alternative D is anticipated to result in similar solid waste impacts to those discussed for Alternatives A and B (for Wastewater Option 2), but of a lesser scale. Based on the waste generation rates of similar gaming facilities, it is estimated that Alternative D would generate approximately 0.58 tons per day or 212 tpy of solid waste, as shown in **Table 4.10-3**. As discussed above, waste that cannot be recycled will be disposed of at Teapot Dome Landfill in the short term. The Alternative D average daily solid waste stream would represent approximately 0.07 percent of the daily capacity of Teapot Dome Landfill, and its projected annual waste stream would represent 0.15 percent of Teapot Dome Landfill’s total remaining capacity (CalRecycle, 2017b).

TABLE 4.10-3
ESTIMATED SOLID WASTE DISPOSAL – ALTERNATIVE D

Waste Generation Source	Waste Generation Rate ¹	Units	Value	Total Waste (lb/day) ^{1,2}
Hotel	2.00	lb/room/day	250 rooms	500
Restaurant	0.005	lb/sf/day	7,545 sf	38
Convention Center (other services)	3.12	lb/100 sf/day	19,900 sf	621
Total lb/day				1,159
Total ton/day				0.58
Total ton/year				212
Total cubic yard/year (assumes 320lb/cubic yard)				1,322
Note: 1 – To be conservative, solid waste from the existing Eagle Mountain Casino was not subtracted from these figures. 2 – Total solid waste values are rounded to the nearest whole number. Source: CalRecycle, 2017a.				

The Alternative D solid waste stream would represent approximately 0.03 percent of the daily capacity of Visalia Landfill, and its projected annual waste stream would represent less than 0.01 percent of Visalia Landfill's total remaining capacity (CalRecycle, 2017c). As described in **Section 3.10.3**, the County intends to expand the capacity of Visalia Landfill before it reaches its existing capacity; this planned expansion will increase the lifespan of the landfill by 30 to 40 years.

Operation of the on-site wastewater treatment complex under Alternative D Wastewater Option 2 would generate an additional estimated 148 lb/day (27 tpy) of solid waste in the form of dewater sludge. This amount constitutes an estimated three truck trips per year. As under Alternative B, dewatered sludge waste would be trucked to Visalia Landfill. The estimated annual dewatered sludge waste stream generated under Alternative D, Wastewater Option 2 represents approximately 11.3 percent of the total estimated annual waste stream of 239 tpy and less than 0.01 percent of Visalia Landfill's annual permitted capacity. Operation of Alternative D would not result in a significant impact to solid waste services.

Law Enforcement

Impacts to law enforcement services associated with the operation of Alternative D would be similar but reduced relative to those identified for Alternative A, given the reduction in the size of facilities and the absence of a casino. With implementation of the on-site security measures discussed in **Section 4.10.1** and the mitigation measures described in **Section 5.10.3**, including the service agreement with PPD and/or TCSD and payments to local jurisdictions, impacts would be reduced and Alternative D would result in a less-than-significant effect to law enforcement services.

Fire Protection and Emergency Medical Services

Construction

As with Alternatives A through C, construction of Alternative D may introduce potential sources of fire to the Airpark Site. This risk would be similar to that found at other construction sites and is considered potentially significant. Mitigation measures are presented in **Section 5.10.3** to address this potential impact and reduce impacts to less-than-significant levels. As with Alternative A, prior to the construction and operation of the on-site TRFD-staffed fire station planned under Alternative D, PFD and TCFD would continue to provide primary fire protection and emergency services to the site.

Operation

Unlike Alternatives A through C, Alternative D does not include the development of a TRFD-staffed fire station at the Airpark Site. The Tribe has expressed its intent to contract with the City and/or County for fire protection to serve Alternative D. Therefore, PFD and TCFD would continue to provide primary fire protection and EMS to the Airpark Site during and after development of Alternative D. PFD and TCFD already serve the Airpark Site, and because the City recently constructed the new public safety facilities described in **Section 4.10.1** to speed response times and increase resources in the service sector in which

the Airpark Site is located, it is not anticipated that PFD or TCFD would require new facilities or additional personnel to accommodate development of Alternative D. Therefore, no significant effects to the physical environment would occur. Development of Alternative D may increase the number of service calls placed to PFD and/or TCFD. A service agreement between the Tribe and PFD and/or TCFD would include provisions to compensate the relevant agency or agencies for services rendered. Thus, pending the finalization of this agreement, the impacts of Alternative D on fire protection and emergency medical response services would be less than significant, and no mitigation is required.

Energy and Natural Gas

Construction

Construction at the Airpark Site could damage underground utilities, leading to outages and/or serious injury. This would result in an adverse effect. Mitigation measures are presented in **Section 5.10.4** to reduce impacts to less than significant.

Operation

Alternative D's projected electricity demand load is 1.5 MVA; its projected connected load is 3.3 MVA (JBA Consulting Engineers, 2017). Because there is currently less than 1.0 MVA of available capacity on the circuit that serves the Airpark Site, improvements similar to what would be required under Alternative A would also be necessary under Alternative D (Brown, 2017).

The estimated maximum connected peak natural gas demand of Alternative D is 5,400 CFH. Because the Tribe would pay its fair share of any required improvement costs and because any necessary upgrades would be performed in compliance with all CEQA regulations and all relevant federal, State, and local laws, Alternative D would not result in a significant impact to natural gas and electrical service providers or the physical environment.

Off-site Improvements

Development of the regional retention basin on the 40-acre site under Alternative D has the potential to generate the same impacts discussed in **Section 4.10.1**; therefore, the impacts of these off-site improvements on public services under Alternative D would be less than significant.

4.10.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Water Supply

The estimated average daily water consumption for Alternative E (including landscaping and irrigation) would be approximately 35,607 gpd, which represents an estimated increase of 5,381 gpd from current average water use at the Eagle Mountain Casino Site. Given the water supply constraints within the Reservation, to meet the additional potable water demand of the expanded casino facilities under

Alternative E, the Tribe would instead truck in water from an off-Reservation source, as described in **Section 4.3.5**. The implementation of Alternative E would therefore not significantly impact the Reservation's water supply system.

While there is a 200,000-gallon water storage tank on the casino property that is connected to the Reservation's water storage system, the Tribe has reported that the available storage capacity is often inadequate to meet all fire flow demands during periods of peak domestic water demand (**Appendix C**). As described in **Section 2.7**, the Tribe will conduct a hydraulic analysis during the final design phase of Alternative E to determine whether and to what extent the existing storage tank would need to be renovated to provide sufficient fire flow storage. No significant effects to the physical environment would occur should the storage tank require renovation or expansion.

Wastewater Service

The current average wastewater generation rate for the existing Eagle Mountain Casino is approximately 30,226 gpd. The projected average daily wastewater flow from the casino expansion under Alternative E would be approximately 5,023 gpd, raising the total to 35,249 gpd. Total peak flow would be approximately 70 gpd, an increase from the current 60 gpd (**Appendix C**).

As discussed in **Section 3.10**, all wastewater generated at the existing Eagle Mountain Casino Site is treated at an on-site sequencing batch reactor (SBR) WWTP with a capacity of 80,000 gpd. Secondary effluent generated at the SBR is disposed of in a leach field complex located beneath the Eagle Mountain Casino's existing parking lot. Under Alternative E, this on-site treatment and disposal system would continue to be used. The projected average daily wastewater flows of the expanded Eagle Mountain Casino (35,249 gpd) would remain significantly lower than the SBR's rated treatment capacity of 80,000 gpd. Thus, the additional wastewater flow generated by the casino under Alternative E would yield a less-than-significant impact to the Tribe's wastewater system. No mitigation is required.

Solid Waste Service

Construction

Construction of Alternative E is anticipated to result in similar solid waste impacts to those discussed for Alternative A, but of a lesser scale. This impact would be temporary and not significant given that the Teapot Dome Landfill has an adequate capacity to accommodate the increase in the amount of waste generated by the construction of Alternative E (CalRecycle, 2017b).

Operation

As described in **Section 3.10.3**, solid waste generated at the Eagle Mountain Casino Site is compacted on site. The compacted waste is picked up and hauled to Teapot Dome Landfill on a weekly basis by Mid Valley Disposal, a private recycling and waste management company based in Kerman, California.

Teapot Dome Landfill is located approximately 18 miles west of Eagle Mountain Casino. Under Alternative E, the Tribe would continue to contract with Mid Valley Disposal to haul away all solid waste generated and compacted at the Eagle Mountain Casino Site.

Based on the waste generation rates of similar gaming facilities, it is estimated that Alternative E would generate approximately 0.27 tons per day or 97 tpy of additional solid waste relative to the current amount of waste generated at the Eagle Mountain Casino Site, as shown in **Table 4.10-4**. Note that the calculations in **Table 4.10-4** reflect only the estimated solid waste generation resulting from the expansion of facilities; any solid waste generated at existing facilities is excluded from these calculations. As discussed above, waste that cannot be recycled will continue to be disposed of at Teapot Dome Landfill in the short term. The Alternative E average daily solid waste stream would represent approximately 0.03 percent of the daily capacity of Teapot Dome Landfill, and its projected annual waste stream would represent approximately 0.08 percent of Teapot Dome Landfill’s total remaining capacity (CalRecycle, 2017b).

TABLE 4.10-4
ESTIMATED SOLID WASTE DISPOSAL – ALTERNATIVE E

Waste Generation Source	Waste Generation Rate ¹	Units	Value	Total Waste (lb/day) ¹
Casino (other services)	3.12	lb/100 sf/day	16,500 sf	515
Restaurant	0.005	lb/sf/day	3,500 sf	18
Total lb/day				533
Total ton/day				0.27
Total ton/year				97
Total cubic yard/year (assumes 320lb/cubic yard)				608
Note: 1 - Total solid waste values are rounded to the nearest whole number. Source: CalRecycle, 2017a.				

Following the closure of Teapot Dome Landfill, it is likely that compacted waste will be disposed of at Visalia Landfill, though the disposal location would be at the discretion of Mid Valley Disposal. The Alternative E solid waste stream would represent approximately 0.01 percent of the daily capacity of Visalia Landfill, and its projected annual waste stream would represent 0.004 percent of Visalia Landfill’s total remaining capacity (CalRecycle, 2017c). As discussed in detail above, the County intends to expand the existing Visalia Landfill by approximately 100 acres, which would allow it to accommodate solid waste from the surrounding region for approximately 30 to 40 years following the expansion.

Therefore, operation of Alternative E would result in a less-than-significant effect on solid waste services. Mitigation measures are presented in **Section 5.10.2**, as well as **Mitigation Measure 5.4(C)(6)** regarding recycling, to further reduce this less-than-significant impact by reducing the amount of construction and demolition materials disposed of at the landfill.

Law Enforcement

Under Alternative E, primary law enforcement service would continue to be provided to the Eagle Mountain Casino Site by the Tribal Police Department (TPD), which is part of the Tribe's Department of Public Safety (DPS). Concurrent service would continue to be provided by TCSD. Both agencies have personnel on-call at the Tribe's Justice Center, located 1.7 miles west of the casino. TCSD would also continue to dispatch additional personnel as needed from its Porterville Patrol Substation. Gaming Security would continue to provide security patrol and monitoring of the casino as needed. Security cameras and security personnel would continue to provide surveillance of the casino, parking areas, and surrounding grounds. Security guards would patrol the facilities to reduce and prevent criminal and civil incidents. Gaming Security personnel would continue their current policy of working collaboratively with other law enforcement agencies.

As described above, TCSD would continue to provide law enforcement and EMS to the Eagle Mountain Casino Site. Based on data from January 2018 through April 2018, incidents at the existing Eagle Mountain Casino generated an average of approximately 8 calls per month that were responded to by the TCSD, and 3.5 calls per month that were responded to by the Tribal Police Department (for a total average of 11.5 calls per month). It is estimated that the number of calls to TCSD would increase proportionally from an average of 8 calls per month to 10 calls per month, based on the increase in traffic to the Eagle Mountain Casino Site over the existing traffic to the existing Eagle Mountain Casino. Calls to the Tribe's DPS would increase from 3.5 calls per month to 4.4 calls per month; and the Tribe would increase the law enforcement capacity of the DPS as needed to serve Alternative E. Because TCSD currently provides service via a mutual aid agreement and because Alternative E would not result in a significantly increased number of calls for service, no additional facilities or equipment would be needed to provide service to Alternative E. Should TCSD require additional resources to provide service to Alternative E, the service fee could be renegotiated per the terms of the existing mutual aid agreement. Therefore, Alternative E would result in a less-than-significant impact to law enforcement services.

Fire Protection and Emergency Medical Services

Construction

Construction may introduce potential sources of fire to the Eagle Mountain Casino Site. During construction, equipment and vehicles may accidentally spark and ignite flammable materials. This risk would be similar to that found at other construction sites and is considered potentially significant. Mitigation measures are presented in **Section 5.10.3** to address this potential impact and reduce impacts to less-than-significant levels.

Operation

After development of Alternative E, primary fire protection and EMS would continue to be provided to the Eagle Mountain Casino Site by the Tribe-operated TRFD; TCFD would continue to provide supplementary fire protection and EMS as necessary. Vegetation in and around the developed areas would be minimal and irrigated during dry months, thereby minimizing the risk of fire. Additionally, the timely detection of fires by individuals working in the casino, early intervention, and firebreaks created by driveways and roads would reduce the risk of fires

As described above, TCFD would continue to provide fire protection and EMS to the Eagle Mountain Casino Site. Because TCFD already provides services to the Eagle Mountain Casino Site, and because Alternative E is not anticipated to result in a significant increase in calls for service, TCFD would not require any additional personnel, facilities, or equipment to provide service to Alternative E.

The nearest full-service emergency room to the Eagle Mountain Casino Site is located at Sierra View Medical Center in Porterville, California approximately 3.6 miles west. Because hospital services are adequate in the area, Alternative E's impact would be less than significant.

Energy and Natural Gas

Construction

Construction at the Eagle Mountain Casino Site could damage underground utilities, leading to outages and/or serious injury. This would result in an adverse effect. Mitigation measures are presented in **Section 5.10.4** to reduce impacts to less than significant.

Operation

The electricity demand load of only the expanded portion of the Eagle Mountain Casino under Alternative E is projected to be 400 kVA; the connected load is projected to be 800 kVA (JBA Engineering Consultants, 2017). Electricity for the Eagle Mountain Casino Site would continue to be provided by SCE via their Boxwood Substation. Due to the relatively small increase in electricity demand under Alternative E, it is anticipated that SCE would be able to provide electricity to the Eagle Mountain Casino Site with minimal infrastructure or environmental impacts. As with Alternatives A through D, the final determination regarding the need for and scale of facility upgrades will be made during the application process. As with Alternatives A through D, the Tribe would be responsible for a fair share of costs associated with any relocation or expansion of existing SCE facilities required to accommodate the development of Alternative E. Delta Liquid Energy (DLE) would continue to supply liquid propane to the Eagle Mountain Casino Site under Alternative E; thus, Alternative E would not generate a significant impact to natural gas services.

4.10.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Airpark Site would not be taken into trust. No development would occur in the near future. No expansion would occur on the Eagle Mountain Casino Site. No significant effects to existing public services would occur. However, under Alternative F no WRF would be constructed and no improvements to the City's wastewater treatment infrastructure in the vicinity of the Airpark Site would take place. Thus, Alternative F would not involve the beneficial impacts to municipal water supply and wastewater treatment services that would occur under Alternative A and the off-site water and wastewater treatment options for Alternatives C and D, and which are described in detail above.

4.11 NOISE

This section identifies the direct effects associated with noise that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.11**. Cumulative and indirect effects are identified in **Section 4.15** and **Section 4.14**, respectively.

Assessment Criteria

The assessment of project effects is based on Federal Noise Abatement Criteria (NAC) standards used by the Federal Highway Administration (FHWA; **Table 3.11-3** and **Table 3.11-4**). Adverse noise-related effects may occur if: 1) project construction causes the ambient noise environment to exceed 78 decibels, A-weighted (dBA) equivalent noise level (Leq) at sensitive receptor locations, or 2) project implementation causes the ambient noise environment to exceed 67 dBA Leq at sensitive receptor locations including residential housing in the vicinity of the project site. For off-site infrastructure improvements in the City of Porterville (City), the City's threshold of 60 dBA for residential land uses, 70 dBA for commercial, and 75 dBA for sports areas and outdoor spectator sports, is used to assess noise related effects at sensitive receptors.

If the existing ambient noise levels are greater than the significance thresholds discussed above, significance will be evaluated based on if the project audibly increases the ambient noise level at sensitive receptor locations. As discussed in **Section 3.11**, a 3.0 dBA increase in noise is barely perceivable; therefore, an increase in the ambient noise level of 3.0 dBA would be considered significant if existing noise levels exceed the NAC or City thresholds.

The assessment of vibration noise is based on the Federal Transportation Administration (FTA) standards of 0.5 peak particle velocity (PPV) for structures and 0.1 PPV for annoyance of people (FTA, 2006).

4.11.1 ALTERNATIVE A – PROPOSED PROJECT

Proposed Project at the Airpark Site

Construction Noise and Vibration

Grading and construction activities associated with Alternative A would be intermittent and temporary in nature. The closest residential sensitive receptor that would be exposed to potential noise impacts during project construction is a residence located approximately 2,550 feet west of the Airpark Site, while the Porterville Sports Complex is located approximately 300 feet east of the Airpark Site at its closest point. Construction noise levels at and near the Airpark Site would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment.

Construction of Alternative A would consist of ground clearing, excavation, erection of foundations and buildings, and finishing work. No pile-driving is proposed. **Table 4.11-1** shows typical stationary point source noise levels during different construction stages. Stationary point sources of construction noise attenuate (lessen) at a rate of 6.0 to 9.0 dBA per doubling of distance from the source, depending on environmental conditions (i.e., atmospheric conditions, topography and type of ground surfaces, natural and manmade noise barriers, etc.). An attenuation factor of 6.0 dBA per doubling of distance is appropriate for this analysis given the flat topography and lack of vegetation.

TABLE 4.11-1
TYPICAL CONSTRUCTION NOISE LEVELS

Construction Phase	Estimated Distance (feet)	Noise Level (dBA Leq)
Ground Clearing	175	82
Excavation	175	82
Foundations	100	73
Erection	100	89
Finishing	100	72

Source: FTA, 2006b (Table 8.1).

The maximum construction noise at the Airpark Site is estimated to be 89 dBA at 100 feet. Using an attenuation factor of 6.0 dBA Leq per doubling of distance, the maximum noise level (Lmax) at the nearest residential sensitive noise receptor, a private residence located approximately 2,550 feet west of the construction site, would be 63.5 dBA Leq, which is less than the FHWA NAC threshold of 78 dBA Leq for construction (**Table 3.11-3**). The Lmax at the nearest portion of the Porterville Sports Complex located approximately 300 feet east of the Airpark Site would be approximately 80.2 dBA, which is more than the FHWA NAC threshold of 78 dBA Leq for residential sensitive receptors but less than the threshold of 83 dBA Leq for commercial areas. Because construction activities would be temporary, and because anticipated construction noise levels at the Sports Complex would not result in physical adverse effects to sensitive receptors (such as hearing damage from prolonged exposure or sleep deprivation) due to the nature of activities occurring there (sensitive receptors would not reside or sleep at the Porterville Sports Complex), this is considered a less-than-significant impact. Therefore, noise associated with construction of Alternative A at the Airpark Site would not result in significant adverse effects associated with the ambient noise environment.

Construction Traffic

Construction-related material haul trips and worker trips have the potential to raise ambient noise levels along local routes, depending on the number of worker/haul trips made and types of vehicles used. All construction traffic and haul trips would access the Airpark Site via one of the West Street driveways (refer to **Figure 2-6**). The construction material haul routes could include: West Street north to Scranton Avenue to State Route (SR) 65; West Street north to Scranton Avenue, and north on Westwood Street or Road 216 to SR-190; or south to Teapot Dome Avenue to SR-65. There are several residences located

along the haul routes; therefore, the FHWA construction significance criteria for construction activities occurring near a residence of 78 dBA Leq or an increase of 5 dBA Leq over the existing baseline, whichever is louder will be used (**Section 3.11, Table 3.11-3**).

During construction, up to approximately 528 one-way worker trips and 206 one-way material haul trips would occur per day based on the size of the development (total of 734 one-way vehicle trips per day; refer to **Appendix E**). However, no material haul trips would occur during a peak traffic hour. Although worker trips would also generally occur outside of the peak hour, it is assumed for this noise analysis, as a worst-case scenario, that all arriving worker trips would occur during the AM peak traffic hour. Therefore, approximately 264 additional vehicle trips (or half of the 528 total daily one-way worker trips) would occur per AM peak hour during the construction of Alternative A relative to a no-project opening year scenario. The existing ambient noise level in the vicinity of Airpark Site near sensitive noise receptors is conservatively estimated to be approximately 71.6 dBA based on the noise measurements conducted in the project vicinity presented in **Table 3.11-6**. Construction trips would increase vehicle trips on construction route roads by approximately 264 vehicles during the AM peak hour, resulting in an increase in the ambient noise level at residential receptors of approximately 5.1 dBA Leq along construction route roads¹. The increase in ambient noise levels due to the increase in vehicles on area roadways during construction would be approximately 76.7 dBA Leq, which is less than the FHWA noise threshold for residential uses of 78 dBA Leq. Therefore, noise resulting from increased construction traffic for Alternative A would not result in a significant adverse effect to the ambient noise level during any phase of construction.

Construction Vibration

Vibration impacts from construction generally occur within 500 feet of a project site (FTA, 2006). Also, the most vibration-prone construction methods (such as pile driving) are not anticipated to be necessary for the construction of Alternative A. As the nearest sensitive receptor is located several thousand feet from the construction site, there would be a less than significant impact due to construction vibration.

Operational Noise

The following identifies potential impacts from project-related noise sources, such as traffic, heating ventilation, and air conditioning (HVAC) systems, parking lots, and delivery trucks.

Traffic

Traffic noise levels depend on: 1) the volume of the traffic, 2) the speed of the traffic, and 3) the number of trucks in the flow of the traffic. It is not anticipated that average vehicle speeds would change in the

¹ Based on AM peak hour opening year traffic counts on the segment of Teapot Dome Avenue between intersections 24 and 25 (as labeled in **Appendix I**). Eastbound traffic count at intersection 24 = 121 trips; westbound count at intersection 25 = 119 trips; average: 120 trips. Introduction of 264 vehicle trips: $10 \cdot \log_{10}([264+120]/120) = 5.1$ (Caltrans, 2013).

vicinity of the Airpark Site or that the mix of trucks in the traffic would change during the operational phase; however, with the implementation of Alternative A, traffic volumes from project patrons and employees would increase. Baseline noise level measurements were collected along representative off-site roadways that would experience an increase in traffic as result of the project. Increases in noise levels resulting from the increase in project traffic were analyzed using the existing Average Daily Traffic (ADT) volumes and existing plus project ADT volumes from the traffic impact analysis included in **Appendix I**. **Table 4.11-2** shows the existing traffic noise levels compared to operational traffic noise levels in terms of Leq at the closest sensitive receptors along roadways that would experience the largest increase in traffic as a result of the project. With the exception of Teapot Dome Avenue, Scranton Avenue, and Road 216, none of the roadways that would experience the most increase in project related traffic would exceed the FHWA NAC of 67 dBA Leq with the addition of project traffic. Therefore, the impacts to sensitive receptors along these roadways from Alternative A traffic noise would be less than significant. Impacts to sensitive receptors along Teapot Dome Avenue, Scranton Avenue, and Road 216 are discussed below.

TABLE 4.11-2
ALTERNATIVES A AND B TRAFFIC VOLUMES AND AMBIENT NOISE LEVELS

Roadway Segment	Existing		Opening Year		Opening Year + Project		Change (dBA Leq)	Discernible Increase?
	ADT	dBA Leq	ADT	dBA Leq	ADT	dBA Leq		
SR-65 from Pioneer Avenue to SR-190	24,500	55.1	24,820	55.2	26,670	55.5	0.3	No
SR-190 from SR-65 to Plano Street	23,700	59.7	23,980	59.8	25,470	60.1	0.3	No
SR-65 from SR-190 to Avenue 95	11,100	55.1	11,700	55.3	11,880	55.4	0.1	No
Teapot Dome Avenue from Road 208 to SR-65	1,270	67.8	1,300	67.9	1,940	69.7	1.8	No
Scranton Avenue from Rockford Road to SR-65	560	59.7 ¹	890	61.7	5,460	69.6	7.9	Yes
SR-190 from Road 192 to SR-65	5,500	55.1	5,350	55.0	9,310	57.4	2.4	No
Road 216 from Teapot Dome to SR-190	300	59.7	300	59.7	2,880	69.5	9.8	Yes
Westwood Street from Scranton Avenue to SR-190	1,750	59.7	1,750	59.7	3,280	62.4	2.7	No
Newcomb Street from Teapot Dome to SR-190	1,190	55.1	1,260	55.4	2,220	57.9	2.5	No

Note: ADT = Average Daily Traffic; dBA Leq for Peak Hour Average Level
Bold means the ambient noise level is above the NAC threshold of 67 dBA Leq, or that the change in noise level is above the discernible threshold of 3 dBA
 1 - Conservatively based on SR-190 noise levels
 Source: **Appendix I, Appendix J**.

Teapot Dome Avenue

There are several residential sensitive receptors located along the segment of Teapot Dome Avenue between SR-65 and West Street. As shown within **Table 4.11-2**, Teapot Dome Avenue currently exceeds the FHWA NAC of 67 dBA Leq for traffic noise levels. However, the increase in traffic resulting from Alternative A would not cause a discernible increase in noise levels along this segment (greater than 3

dB(A) Leq). Therefore, the impacts to sensitive receptors along Teapot Dome Avenue from Alternative A traffic noise would be less than significant.

Scranton Avenue

There are three residential sensitive receptors adjacent to the segment of Scranton Avenue between Rockford Road (Road 208) and SR 65. Alternative A would substantially increase the volume of traffic on this segment of Scranton Avenue compared to opening year without project conditions, causing ambient noise levels to exceed the FHWA NAC of 67 dBA Leq at these sensitive receptors. The increase in ambient noise levels resulting from Alternative A traffic would be greater than 3 dBA Leq. Therefore, the increase in ambient noise levels resulting from Alternative A traffic would be significant. The mitigation provided in **Section 5.11.1** would reduce the ambient noise level at the affected sensitive receptors to below the FHWA NAC threshold of 67 dBA Leq through the construction of a sound barrier wall or other noise attenuating features. After mitigation, traffic noise impacts along this road segment would be reduced to less-than-significant levels.

Road 216

There is one residential sensitive receptor located along the segment of Road 216 between SR-190 and Scranton Avenue. Alternative A would substantially increase the volume of traffic on Road 216 relative to opening year conditions, causing ambient noise levels to exceed the FHWA NAC of 67 dBA Leq at this sensitive receptor. The increase in ambient noise levels resulting from Alternative A traffic would be greater than 3 dBA Leq. Therefore, the increase in noise levels along Road 216 from Alternative A traffic would be significant. Mitigation has been included in **Section 5.11** that would reduce the ambient noise level at the affected sensitive receptor to below the FHWA NAC of 67 dBA Leq threshold through the construction of a sound barrier wall or other noise attenuating features. After mitigation, traffic noise impacts would be reduced to less-than-significant levels.

Airport Noise

The Airpark Site is located within Porterville Municipal Airport Influence Area as defined by the Tulare County Comprehensive Airport Use Plan (Tulare County, 2012b). Development of Alternative A would place sensitive receptors within 1,500 feet of airborne aircraft noise and vibration. As shown in the City General Plan, the Airpark Site is outside the lowest existing noise contour of the Airport, therefore, the measured 62.1 dBA Leq (refer to **Table 3.11-6**) will be used as the ambient noise level, which is below the federal NAC of 67 dBA Leq (refer to **Table 3.11-4**). Accordingly, exposure of patrons of Alternative A to noise from aircrafts would not be a significant impact; no mitigation is recommended.

Other Noise Sources

Commercial uses on the Airpark Site would bring the possibility of noise due to operations of roof-mounted air handling units associated with building HVAC equipment in addition to noise from loading

docks and surface parking lots. The noise levels produced by HVAC systems vary with the capacities of the units, as well as with individual unit design. In this case, HVAC systems on commercial buildings would be shielded and located at higher elevations than the nearest off-site residence. Idling trucks at loading docks, proposed under Alternative A, have the potential to emit 80 dBA at 50 feet from the source. The proposed loading docks would be located along the eastern side of the casino structure, away from the nearest sensitive receptor. Given the distance to the nearest sensitive noise receptor (approximately 2,550 feet), noise from roof mounted HVAC equipment and the proposed loading docks would not be discernible. Therefore, Alternative A operational equipment noise would not result in significant adverse effects associated with the ambient noise environment.

Paved surface parking lot and structure noise increases would be mainly due to slow moving and idling vehicles, opening and closing doors, and patron conversation. The noise level in parking lots and structures is generally dominated by slow moving vehicles; therefore, the ambient noise level in a parking structures and parking lots is approximately 60 dBA Leq, which is less than the NAC of 67 dBA. Accordingly, parking lot noise would not result in significant adverse effects associated with the off-site ambient noise environment.

Events at the outdoor amphitheater proposed under Alternative A would also be a temporary and intermittent source of operational noise. Based on noise monitoring data from events at similar venues, the outdoor noise level would be approximately 94 dBA Leq at a distance of 100 feet from the stage during events (MEC, 2008). Assuming an attenuation factor of 6.0 dBA per doubling of distance, the noise level at the closest residential receptor, a private residence located approximately 3,000 feet south of the amphitheater stage, would be approximately 64.6 dBA Leq during events. The actual noise level at this residence would likely be even lower as sound would be further attenuated by the land uses between the site and the residence, including the Southern California Edison (SCE) solar field, citrus orchards, and fairground buildings. Because the anticipated noise levels at the nearest residential receptor would be below the NAC of 67.0 dBA, the noise impact of outdoor events on residential receptors would be less than significant.

As stated in **Section 3.11.2**, the Noise Element of the City General Plan identifies a maximum permissible noise level of 75 dB Ldn for sports areas and outdoor spectator sports, which is higher than the NAC significance threshold of 67 dBA for residential receptors. At distances of approximately 500 feet and 1,550 feet from the stage of the proposed amphitheater at their closest points, the noise level at the Porterville Sports Complex and Porterville fairgrounds during events would be approximately 79.7 dBA Leq and 70.4 dBA Leq, respectively, assuming an attenuation factor of 6.0 dBA per doubling of distance. However, because the proposed amphitheater would project sound to the southwest, away from the nearest portions of the Porterville Sports Complex, and because the casino and hotel complex proposed under Alternative A would be located between the amphitheater and the sports fields, the actual ambient noise level at the Sports Complex would likely be lower than the estimate cited above. Furthermore,

events at the outdoor amphitheater would typically be held during evening hours, when the Porterville Sports Complex is less likely to be in use. Therefore, this impact would be less than significant.

Operational Vibration

Commercial and hotel uses do not include sources of perceptible vibration. Therefore, operation of Alternative A would not result in significant adverse effects associated with vibration.

Off-site Improvements

Construction Noise

Alternative A would result in the construction of off-site recycled water, sewer, and stormwater infrastructure. As shown in **Table 4.11-1**, the highest typical construction noise levels from construction of the off-site infrastructure improvements would be 89 dBA Leq at 100 feet. Using an attenuation factor of 6.0 dBA Leq per doubling of distance, the L_{max} at the nearest sensitive noise receptor, a private residence located approximately 1,100 feet west of the 40-acre site, would be 68 dBA Leq, which does not exceed the NAC of 78 dBA Leq, but is higher than the City threshold of 60 dBA Leq for residential land uses (**Table 3.11-3**). This is a potentially significant impact. Construction activities on the 40-acre site would not cause significant adverse noise-related impacts to the Porterville Sports Complex due to the distance between the sites (approximately 1,900 feet at their closest point). If construction occurs on the 8-acre site, noise levels in the southern portion of the Porterville Sports Complex, which borders the 8-acre site to the north, would be approximately 89 dBA Leq. Mitigation measures are recommended in **Section 5.11**, including limiting construction activities to daytime hours in accordance with the City's noise ordinance to prevent sleep disturbance. As stated in **Section 3.11.2**, construction noise is exempt from City noise standards provided that construction activities do not take place before 6:00 AM or after 9:00 PM on any day except Saturday or Sunday, or before 7:00 AM or after 5:00 PM on Saturday or Sunday. Therefore, after mitigation, noise effects associated with construction of the proposed off-site infrastructure improvements under Alternative A would be less than significant.

Operational Noise

Alternative A includes the construction of off-site recycled water, sewer and storm water infrastructure improvements. Improvements to the lift stations would update and replace old pumps and equipment with newer state of the art equipment that will likely result in lower noise levels. Of the off-site infrastructure improvements, only operation of the proposed off-site water reclamation facility (WRF) has the potential to generate an increase in the ambient noise environment. The components of this facility that would generate the most noise would be the pumps located on either the 40-acre site or the 8-acre site. The proposed WRF would utilize one pump, which would conservatively generate 81 dBA L_{max} at 50 feet from the pump (FHWA, 2006b). Using a 6 dBA attenuation factor, the noise level at the nearest sensitive noise receptor would be 49.5 dBA L_{max}, which represents the pump's L_{max}, therefore demonstrating that noise levels would not exceed the 60 dBA Leq City threshold. Accordingly, noise

from operation of proposed off-site infrastructure under Alternative A would not result in significant adverse effects associated with the off-site ambient noise environment.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses. No exterior improvements or construction activities would occur, and noise levels at the existing casino would decrease due to the decreased visitation and operational hours. No significant noise impacts would occur.

4.11.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Impacts from the development of Alternative B would be the same as Alternative A, except none of the impacts associated with the development of the WRF or lift station improvement areas would occur. Therefore, Alternative B construction and operational noise (including traffic) and vibration, as well as airport noise, would not result in significant adverse effects after the implementation of mitigation measures recommended in **Section 5.11**.

4.11.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Reduced Intensity Alternative at the Airpark Site

Construction Noise and Vibration

Noise impacts resulting from construction activities, traffic, and vibration associated with Alternative C would be less than those analyzed in Alternative A due to the reduced size of the development. Therefore, Alternative C construction noise would not result in significant adverse effects and no mitigation is required.

Operational Noise

Traffic

Table 4.11-3 shows the existing traffic noise levels compared to operational traffic noise levels in terms of Leq at the closest sensitive receptors along each roadway that would experience the largest increase in traffic as a result of the project. With the exception of Teapot Dome Avenue, Scranton Avenue, and Road 216, none of the roadways that would experience the most increase in project related traffic would exceed the FHWA NAC of 67 dBA Leq with the addition of project traffic. Therefore, the impacts to sensitive receptors along these roadways from Alternative C traffic noise would be less than significant. Impacts to sensitive receptors along Teapot Dome Avenue, Scranton Avenue, and Road 216 are discussed below:

Teapot Dome Avenue

As shown in **Table 4.11-3**, Teapot Dome Avenue currently exceeds the FHWA NAC of 67 dBA Leq for traffic noise levels. However, the increase in traffic resulting from Alternative C would not cause a discernible increase in noise levels along this segment (greater than 3 dBA Leq). Therefore, the impacts to sensitive receptors along Teapot Dome Avenue from Alternative C traffic noise would be less than significant.

TABLE 4.11-3
ALTERNATIVE C TRAFFIC VOLUMES AND AMBIENT NOISE LEVELS

Roadway Segment	Existing		Opening Year		Opening Year + Project		Change (dBA Leq)	Discernible Increase?
	ADT	dBA Leq	ADT	dBA Leq	ADT	dBA Leq		
SR-65 from Pioneer Avenue to SR-190	24,500	55.1	24,820	55.2	26,270	55.5	0.3	No
SR-190 from SR-65 to Plano Street	23,700	59.7	23,980	59.8	25,150	60.0	0.2	No
SR-65 from SR-190 to Avenue 95	11,100	55.1	11,700	55.3	11,840	55.4	0.1	No
Teapot Dome Avenue from Road 208 to SR-65	1,270	67.8	1,300	67.9	1,800	69.3	1.4	No
Scranton Avenue from Rockford Road to SR-65	560	59.7 ¹	890	61.7	4,490	68.7	7.0	Yes
SR-190 from Road 192 to SR-65	5,500	55.1	5,350	55.0	8,450	57.0	2.0	No
Road 216 from Teapot Dome to SR-190	300	59.7	300	59.7	2,320	68.6	8.9	Yes
Westwood Street from Scranton Avenue to SR-190	1,750	59.7	1,750	59.7	2,950	62.0	2.3	No
Newcomb Street from Teapot Dome to SR-190	1,190	55.1	1,260	55.4	2,070	57.6	2.2	No

Note: ADT = Average Daily Traffic; dBA Leq for Peak Hour Average Level
Bold means the ambient noise level is above the NAC threshold of 67 dBA Leq, or that the change in noise level is above the discernible threshold of 3 dBA
 1 - Conservatively based on SR-190 noise levels
 Source: **Appendix I, Appendix J.**

Scranton Avenue

Traffic from Alternative C would cause ambient noise levels to exceed the FHWA NAC of 67 dBA Leq at the three sensitive receptors located adjacent to Scranton Avenue. The increase in ambient noise levels resulting from Alternative C traffic would be greater than 3 dBA Leq. Therefore, the increase in noise levels along Scranton Avenue from Alternative C traffic would be significant. The mitigation provided in **Section 5.11.2** would reduce the ambient noise level at the affected sensitive receptors to below the FHWA NAC threshold of 67 dBA Leq through the construction of a sound barrier wall or other noise attenuating features. After mitigation, traffic noise impacts would be reduced to less-than-significant levels.

Road 216

Traffic from Alternative C would cause ambient noise levels to exceed the FHWA NAC of 67 dBA Leq at the sensitive receptor located adjacent to Road 216. The increase in ambient noise levels resulting from Alternative C traffic would be greater than 3 dBA Leq. Therefore, the increase in noise levels along Road 216 from Alternative C traffic would be significant. Mitigation has been included in **Section 5.11** that would reduce the ambient noise level at the affected sensitive receptor to below the FHWA NAC of 67 dBA Leq threshold through the construction of a sound barrier wall or other noise attenuating features. After mitigation, traffic noise impacts would be reduced to less-than-significant levels.

Airport Noise

Impacts on the development of Alternative C would be the same as Alternative A; therefore, exposure of hotel patrons to noise from aircraft is not considered a potentially significant impact of Alternative C.

Other Noise Sources

Noise from stationary sources and parking lots resulting from Alternative C would be less than that analyzed for Alternative A. Refer to **Section 4.11.1**. Therefore, Alternative C parking lot, HVAC, loading dock, and outdoor amphitheater noise would not result in significant adverse effects associated with the ambient noise environment.

Operational Vibration

Commercial uses do not include sources of perceptible vibration. Therefore, operation of Alternative C would not result in significant adverse effects associated with vibration.

Off-site Improvements

Impacts from the off-site improvements under Alternative C would essentially be the same as described under Alternative A if Water Supply Option 1 or Wastewater Option 1 (described in **Section 2.5**) is implemented. Therefore, after mitigation, the off-site improvements would not result in significant adverse effects associated with noise levels. If Water Supply Option 2 or Wastewater Option 2 is implemented, only impacts associated with development of the regional stormwater retention basin on the 40-acre site would occur. These impacts would also be reduced to less-than-significant levels through the mitigation provided in **Section 5.11.1**.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative C would not result in any adverse noise impacts.

4.11.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Non-Gaming Alternative at the Airpark Site

Construction Noise and Vibration

Noise impacts resulting from construction activities, traffic, and vibration associated with Alternative D would be less than those analyzed in Alternative A due to the reduced size of the development. Therefore, Alternative D construction noise would not result in significant adverse effects.

Operational Noise

Traffic

Table 4.11-4 shows the existing traffic noise levels compared to operational traffic noise levels in terms of Leq at the closest sensitive receptors along each roadway that would experience the largest increase in traffic as a result of the project. With the exception of Teapot Dome Avenue, Scranton Avenue, and Road 216, none of the roadways that would experience the most increase in project related traffic would exceed the FHWA NAC of 67 dBA Leq with the addition of project traffic. Therefore, the impacts to sensitive receptors along these roadways from Alternative D traffic noise would be less than significant. Impacts to sensitive receptors along Teapot Dome Avenue, Scranton Avenue, and Road 216 are discussed below.

TABLE 4.11-4
ALTERNATIVE D TRAFFIC VOLUMES AND AMBIENT NOISE LEVELS

Roadway Segment	Existing		Opening Year		Opening Year + Project		Change (dBA Leq)	Discernible Increase?
	ADT	dBA Leq	ADT	dBA Leq	ADT	dBA Leq		
SR-65 from Pioneer Avenue to SR-190	24,500	55.1	24,820	55.2	25,800	55.3	0.1	No
SR-190 from SR-65 to Plano Street	23,700	59.7	23,980	59.8	24,770	59.9	0.1	No
SR-65 from SR-190 to Avenue 95	11,100	55.1	11,700	55.3	11,790	55.3	0.0	No
Teapot Dome Avenue from Road 208 to SR-65	1,270	67.8	1,300	67.9	1,640	68.9	1.0	No
Scranton Avenue from Rockford Road to SR-65	560	59.7 ¹	890	61.7	3,320	67.4	5.7	Yes
SR-190 from Road 192 to SR-65	5,500	55.1	5,350	55.0	7,450	56.4	1.4	No
Road 216 from Teapot Dome to SR-190	300	59.7	300	59.7	1,670	67.2	7.5	Yes
Westwood Street from Scranton Avenue to SR-190	1,750	59.7	1,750	59.7	2,560	61.4	1.7	No
Newcomb Street from Teapot Dome to SR-190	1,190	55.1	1,260	55.4	1,810	57.0	1.6	No

Note: ADT = Average Daily Traffic; dBA Leq for Peak Hour Average Level
Bold means the ambient noise level is above the NAC threshold of 67 dBA Leq, or that the change in noise level is above the discernible threshold of 3 dBA
 1 – Conservatively based on SR-190 noise levels
 Source: **Appendix I, Appendix J.**

Teapot Dome Avenue

As shown in **Table 4.11-4**, Teapot Dome Avenue currently exceeds the FHWA NAC of 67 dBA Leq for traffic noise levels. However, the increase in traffic resulting from Alternative D would not cause a discernible increase in noise levels along this segment (greater than 3 dBA Leq). Therefore, the impacts to sensitive receptors along Teapot Dome Avenue from Alternative D traffic noise would be less than significant.

Scranton Avenue

Traffic from Alternative D would cause ambient noise levels to exceed the FHWA NAC of 67 dBA Leq at the three sensitive receptors located adjacent to Scranton Avenue. The increase in ambient noise levels resulting from Alternative D traffic would be greater than 3 dBA Leq. Therefore, the increase in noise levels along Scranton Avenue from Alternative D traffic would be significant. Mitigation has been included in **Section 5.11.1** that would reduce the ambient noise level at the affected sensitive receptors to below the FHWA NAC threshold of 67 dBA Leq through the construction of a sound barrier wall or other noise attenuating features. After mitigation, traffic noise impacts would be reduced to less-than-significant levels.

Road 216

Traffic from Alternative D would cause ambient noise levels to exceed the FHWA NAC of 67 dBA Leq at the sensitive receptor located adjacent to Road 216. The increase in ambient noise levels resulting from Alternative D traffic would be greater than 3 dBA Leq. Therefore, the increase in noise levels along Road 216 from Alternative D traffic would be significant. Mitigation has been included in **Section 5.11** that would reduce the ambient noise level at the affected sensitive receptor to below the FHWA NAC threshold of 67 dBA Leq through the construction of a sound barrier wall or other noise attenuating features. After mitigation, traffic noise impacts would be reduced to less-than-significant levels.

Airport Noise

Exposure of hotel patrons to noise from aircraft under Alternative D, like Alternative A, which is also located on the Airpark Site, would not be a potentially significant impact.

Other Noise Sources

Noise from stationary sources and parking lots resulting from Alternative D would be less than those analyzed under Alternative C due to the reduction in size. Refer to **Section 4.11.1**. Therefore, Alternative D stationary sources and lot noise would not result in significant adverse effects associated with the ambient noise environment.

Operational Vibration

Commercial uses do not include sources of perceptible vibration. Therefore, operation of Alternative D would not result in significant adverse effects associated with vibration.

Off-site Improvements

Impacts from the off-site improvements under Alternative D would be similar to those described under Alternative A, though Alternative D involves only the construction of a regional stormwater retention basin on the 40-acre site. Therefore, construction of the regional stormwater retention basin on the 40-acre site would result in potentially significant impacts to ambient noise levels that would be reduced to less-than-significant levels through the mitigation measures described in **Section 5.11.1**. No noise impacts associated with the operation of the regional stormwater retention basin would not occur.

4.11.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Construction Noise and Vibration

Construction activities associated with Alternative E would be intermittent and temporary in nature. The closest sensitive receptors that would be exposed to potential noise impacts during project construction is a residence located approximately 650 feet west of the Eagle Mountain Casino Site. Construction noise levels at and near the Eagle Mountain Casino Site would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment.

Construction of Alternative E would consist of erection of foundations and buildings and finishing work. No pile-driving is proposed. **Table 4.11-1** shows typical stationary point source noise levels during different construction stages. An attenuation factor of 8.0 dBA per doubling of distance is appropriate for this analysis given the fluctuating topography and surrounding vegetation. The maximum construction noise at the Airpark Site is estimated to be 89 dBA at 100 feet. Using an attenuation factor of 8.0 dBA Leq per doubling of distance, the L_{max} at the nearest sensitive noise receptor, a private residence located approximately 650 feet west of the construction site, would be 61 dBA Leq, which is less than the FHWA threshold of 78 dBA Leq (**Table 3.11-3**). Therefore, construction noise associated with Alternative E would not result in significant adverse effects associated with the ambient noise environment.

Construction Traffic

Construction-related material haul trips and worker trips have the potential to raise ambient noise levels along local routes, depending on the number of worker/haul trips made and types of vehicles used. All construction traffic and haul trips would access the Eagle Mountain Casino Site via the entrance on South Reservation Road (refer to **Figure 2-5**). Construction material haul route would include SR-190 to Reservation Road. There are several residences located along the haul routes; therefore, the FHWA construction significance criteria for construction activities occurring near a residence of 78 dBA Leq or

an increase of 5 dBA Leq over the existing baseline, whichever is louder will be used (**Section 3.11, Table 3.11-3**).

During construction, up to approximately 111 one-way worker trips and 43 one-way material haul trips would occur per day based on the size of the development (total of 154 one-way vehicle trips per day; refer to **Appendix E**). However, no material haul trips would occur during a peak traffic hour. Although worker trips would also generally occur outside of the peak hour, it is assumed for this noise analysis, as a worst-case scenario, that all arriving worker trips would occur during the AM peak traffic hour.

Therefore, approximately 56 additional vehicle trips (or roughly half of the 111 total daily one-way worker trips) would occur per AM peak hour during the construction of Alternative E relative to a no-project opening year scenario. The existing ambient noise level in the vicinity of the Eagle Mountain Casino Site near sensitive noise receptors is approximately 55 dBA Leq (Engineering Toolbox, 2017). Construction trips would increase vehicle trips on construction route roads by approximately 56 vehicles during the AM peak hour, resulting in an increase in the ambient noise level at residential receptors of approximately 1.5 dBA Leq along construction route roads.² The increase in ambient noise levels due to the increase in vehicles on area roadways during construction would be approximately 56.5 dBA Leq, which is less than the FHWA noise threshold for residential uses of 78 dBA Leq. Therefore, noise resulting from increased construction traffic for Alternative E would not result in a significant adverse effect to the ambient noise level during any phase of construction.

Construction Vibration

Construction of Alternative E would result in similar vibration effects as Alternative A. Refer to **Section 4.11.1**. Therefore, Alternative E construction vibration would not result in significant adverse effects associated with the ambient noise environment.

Operational Noise

The following identifies potential impacts from project-related noise sources, such as traffic, HVAC systems, parking lots, and delivery trucks.

Traffic

Table 4.11-5 shows the existing traffic noise levels compared to operation traffic noise levels in terms of Leq at closest sensitive receptors along each roadway. As shown in the table, none of the roadways would exceed the FHWA NAC of 67 dBA Leq with the addition of project traffic. Therefore, increases in traffic related noise under Alternative E would be less than significant, and no mitigation is required.

² Based on AM peak hour opening year traffic counts on the segment of Reservation Road between intersections 30 and 31 (as labeled in **Appendix I**). Westbound traffic count at intersection 30 = 132 trips; eastbound count at intersection 31 = 132 trips; average: 132 trips. Introduction of 56 vehicle trips: $10 \cdot \log_{10}([56+132]/132) = 1.5$ (Caltrans, 2013).

TABLE 4.11-5
ALTERNATIVE E TRAFFIC VOLUMES AND AMBIENT NOISE LEVELS

Roadway Segment	Existing		Opening Year		Opening Year + Project		Change (dBA Leq)	Discernible Increase?
	ADT	dBA Leq	ADT	dBA Leq	ADT	dBA Leq		
SR-190 from SR-65 to Plano Street	23,700	59.7	23,980	59.8	24,200	59.8	0.04	No
SR-65 from SR-190 to Avenue 95	11,100	55.1	11,700	55.3	11,720	55.3	0.01	No
Reservation Road from SR-190 to Reservation Entrance	3,210	55.0 ¹	2,790	55.0 ¹	3,630	56.1	1.1	No

Note: ADT = Average Daily Traffic; dBA Leq for Peak Hour Average Level
Bold means the ambient noise level is above the NAC threshold of 67 dBA Leq, or that the change in noise level is above the discernible threshold of 3 dBA
 1 – Refer to *Construction Noise and Vibration* subsection above
 Source: **Appendix I, Appendix J.**

Operational Vibration

Commercial uses do not include sources of perceptible vibration. Therefore, operation of Alternative E would not result in significant adverse effects associated with vibration.

4.11.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Airpark Site would not be taken into trust and no development would occur. No expansion would occur on the Eagle Mountain Casino Site. No significant noise effects would occur.

4.12 HAZARDOUS MATERIALS

This section assesses the significance of the direct effects related to hazardous materials that could result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.12**. Indirect and cumulative effects are identified in **Section 4.14** and **Section 4.15**, respectively. Measures to mitigate for adverse effects identified in this section are presented in **Section 5.12**.

Assessment Criteria

Impacts associated with hazardous materials include impacts resulting from a release of hazardous materials and impacts from improper hazardous materials management. A project would be considered to have significant hazardous materials impacts if it involved development on a site with hazardous materials contamination. Additionally, if a project would result in the use, handling, or generation of a regulated hazardous material, of which the regulated amounts would increase the potential risk of exposure resulting in reduction of quality of life or loss of life, then the project would have a significant impact.

4.12.1 ALTERNATIVE A – PROPOSED PROJECT

Proposed Project at the Airpark Site

Construction

Although no major hazardous materials issues are known to be associated with the Airpark Site, the possibility exists that undiscovered contaminated soil and/or groundwater is present on the site due to the migration of hazardous materials from off-site properties or unknown hazardous materials dumping. Although not anticipated, construction personnel could encounter contamination during construction-related earth moving activities. This could pose a risk to human health and/or the environment. Best Management Practices (BMPs) presented in **Section 5.12** would minimize or eliminate adverse effects from undiscovered contaminated soil or groundwater. Additionally, use of fill material imported from other sites may carry a risk of contamination. Therefore, BMPs are presented in **Section 5.12** to verify fill is not contaminated before use on the Airpark Site.

During grading and construction, the use of hazardous materials may include substances such as gasoline, diesel fuel, motor oil, hydraulic fluid, solvents, cleaners, sealants, welding flux, various lubricants, paint, and paint thinner. These materials would be used for operation and maintenance of equipment as well as directly in the construction of the facilities. Fueling and oiling of construction equipment would be performed daily. The most likely possible hazardous materials releases would 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. Typical BMPs for construction limit and often eliminate the effect of such accidental releases. Specific BMPs presented in **Section 5.12** would

minimize the risk of inadvertent release and, in the event of a contingency, minimize adverse effects. With these measures, Alternative A would not result in significant adverse effects associated with hazardous materials during construction.

Operation

As discussed in **Section 3.12**, the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) regulations include provisions that require facilities to document the potential risk associated with the storage, use, and handling of toxic and flammable substances.

Diesel fuel storage tanks would be needed for the operation of emergency generators provided for the casino development. Generators would be located in areas that are easily accessible to maintenance and emergency personnel. The transport of diesel fuel would be infrequent and is not likely to present a significant hazard to the public. Improper storage of diesel fuels could create a potentially significant risk of soil and groundwater contamination. The storage tanks that would be used are common to commercial sites and do not pose unusual storage, handling, or disposal issues. Materials would be stored, handled, and disposed of according to federal and manufacturer's guidelines. Therefore, operation of Alternative A would not result in significant adverse effects associated with the storage tanks.

The storage and use of swimming pool chemicals would be necessary for operation of the hotel swimming pool facility. Generally, liquid chlorine and liquid muriatic or dry granular sodium bisulfate are the primary pool chemicals that would be utilized. The materials would be stored within a secured building and only used by qualified personnel, minimizing the chance of impacts to human health and the environment. The swimming pool chemicals that would be used are common to commercial sites and do not pose unusual storage, handling, or disposal issues. Materials would be stored, handled, and disposed of according to federal and manufacturer's guidelines. Therefore, operation of Alternative A would not result in significant adverse effects associated with the use, storage, and transportation of swimming pool chemicals.

Project-related use, transport, and storage of landscape chemicals (fertilizers, herbicides, pest control chemicals), would be limited to infrequent transport for use onsite. Although the transport of these materials would occur in relatively small amounts, their transport would be governed by federal laws to ensure proper transport occurs, thus minimizing the chance of impacts to human health and the environment. Nevertheless, if improperly managed, the presence of landscape chemicals could pose a risk to employees and casino patrons. The amount and types of landscape chemicals that would be used are common to commercial sites and do not pose unusual storage, handling, or disposal issues. Materials would be stored, handled, and disposed of according federal and manufacturer's guidelines. Therefore, operation of Alternative A would not result in significant adverse effects associated with the use of landscape chemicals.

During operation of the facilities proposed under Alternative A, the majority of waste produced would be non-hazardous. The amount and types of hazardous materials that would be generated are common to commercial sites and do not pose unusual storage, handling, or disposal issues. The small quantities of hazardous materials that would be routinely utilized include motor oil, hydraulic fluid, solvents, cleaners, lubricants, paint, and paint thinner. These materials would be utilized for the operation and maintenance of the casino-hotel and other project facilities. Materials would be stored, handled, and disposed of according to state, federal, and manufacturer's guidelines. Therefore, operation of Alternative A would not result in significant adverse effects associated with hazardous materials and waste handling.

Off-site Improvements

Construction

Alternative A would result in the construction of off-site infrastructure improvements, including a water reclamation facility (WRF) on either the 40-acre site or 8-acre site and a regional retention basin on the 40-acre site. The lift station and pipeline improvement area would remain in their current uses.

Construction personnel could encounter contamination during construction-related earth moving activities associated with these Off-site Improvement Areas due to agricultural chemical use on the 40-acre site and the 8-acre site's past use as a shooting range, as described in **Section 3.12.2**. The recommended measures presented in **Section 5.12** would ensure that unanticipated hazardous materials impacts from construction activity are reduced to less-than-significant levels. Additionally, use of fill material imported from other sites may carry a risk of contamination. Therefore, BMPs are presented in **Section 5.12** to verify fill is not contaminated before use on the Off-Site Improvement Areas.

The amount and types of hazardous materials that would be stored, used, and generated during the construction of the Off-site Improvement Areas would be similar as those described under the Airpark Site. As discussed above, mitigation measures for the storage and handling of hazardous materials are provided in **Section 5.12**. Adherence to these mitigation measures would minimize the risk of inadvertent release during construction, and, in the event of a contingency, minimize adverse effects. With these measures, the construction taking place on the Off-site Improvement Areas would not result in significant adverse effects associated with hazardous materials.

Operation

With development of a WRF on either the 40-acre site or the 8-acre site, 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 wastewater treatment plant (WWTP). However, mitigation measures for the storage and handling of hazardous materials are provided in **Section 5.12** in order to further reduce impacts resulting from hazardous materials.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses. No exterior improvements or construction activities would occur; therefore, potential hazardous materials impacts would be less than significant.

4.12.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Construction

Impacts from the development of Alternative B would be the same as Alternative A. Therefore, small quantities of fuel, oil, and grease that may drip from construction equipment would have low relative toxicity and concentrations. Specific BMPs presented in **Section 5.12** would minimize the risk of inadvertent release and, in the event of a contingency, minimize adverse effects. With these measures, Alternative B would not result in significant adverse effects associated with hazardous materials during construction.

Operation

Impacts from the development of Alternative B on the Airpark Site would be the same as Alternative A except on-site wells and a WWTP would be developed under this Alternative. As described in **Section 2.4**, the WWTP would consist of a package extended aeration activated sludge plant (EAP) and a tertiary filter system (TFS) would be developed on-site. The WWTP may require the delivery, storage, and use of hazardous materials, including sodium hypochlorite (bleach) or hydrogen chloride gas. The chemicals that would be used during operation of the WWTP are common to commercial sites and would not pose unusual storage, handling, or disposal issues. Materials would be stored, handled, and disposed of according to federal and manufacturer's guidelines. Therefore, operation of Alternative B would not result in significant adverse effects associated with the wells and WWTP.

Off-site Improvements

Impacts from the off-site improvements under Alternative B would essentially be similar to those described under Alternative A, except only impacts associated with the development of the regional retention basin on the 40-acre site would occur. Therefore, with proper handling and storage of chemicals and adherence to the recommended measures presented in **Section 5.12**, impacts associated with hazardous materials from construction activity and operation would be less than significant.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative B would not result in any impacts associated with hazardous materials.

4.12.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Reduced Intensity Alternative at the Airpark Site

Construction

Alternative C would consist of casino and commercial development similar to Alternative A, but on a reduced scale. Therefore, impacts from the development of Alternative C would be similar, but reduced, compared to Alternative A. As with previous alternatives, it is possible that undiscovered contaminated soil and/or groundwater exists on the site. Although not anticipated, construction personnel could encounter contamination during construction-related earth moving activities associated with Alternative C. The recommended measures presented in **Section 5.12** would minimize or eliminate adverse effects from the unanticipated discovery of hazardous materials during construction of Alternative C. Additionally, use of fill material imported from other sites may carry a risk of contamination. Therefore, BMPs are presented in **Section 5.12** to verify fill is not contaminated before use on the Airpark Site.

Operation

The types of hazardous materials that would be stored, used, and generated during the operation of Alternative C would be similar to those described under Alternative A; however the amount would be smaller due to the reduction in size of development components under Alternative C. As discussed for Alternative A, with proper handling and storage operation of Alternative C would not result in significant adverse effects associated with the hazardous materials.

Off-site Improvements

Impacts from the off-site improvements under Alternative C would essentially be the same as described under Alternative A if Water Supply Option 1 or Wastewater Option 1 (described in **Section 2.5**) is implemented. Therefore, with proper handling and storage of chemicals and adherence to the recommended measures presented in **Section 5.12**, impacts associated with hazardous materials from construction activity and operation would be reduced to less than significant levels. If Water Supply Option 2 or Wastewater Option 2 is implemented, only the impacts associated with the development of the regional retention basin on the 40-acre site would occur. Additionally, use of fill material imported from other sites may carry a risk of contamination. Therefore, BMPs are presented in **Section 5.12** to verify fill is not contaminated before use on the Off-site Improvement Areas.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative C would not result in any impacts associated with hazardous materials.

4.12.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Non-Gaming Alternative at the Airpark Site

Construction

Alternative D would consist of a hotel and conference center with a similar footprint to Alternative C. Therefore, impacts from the development of Alternative D would essentially be the same, but reduced, as described in Alternative A. It is possible that undiscovered contaminated soil and/or groundwater exists on the site. Although not anticipated, construction personnel could encounter contamination during construction-related earth moving activities associated with Alternative D. The recommended measures presented in **Section 5.12** would minimize or eliminate adverse effects from the unanticipated discovery of hazardous materials during construction of Alternative D.

Operation

The types of hazardous materials that would be used, generated, and stored during the operation of Alternative D would be similar to those of Alternative A, but on a greatly reduced scale due to the exclusion of the casino facility and the significant reduction in size of other components. Refer to **Section 4.12.1** for a description of potentially significant effects resulting from hazardous materials usage and storage during project operation. Mitigation is included in **Section 5.12** to reduce potentially significant effects from the use of hazardous materials during the operation of Alternative D to less-than-significant levels.

Off-site Improvements

Impacts from the off-site improvements under Alternative D would essentially be the same as described under Alternative A except an off-site option for water supply is not considered under this alternative. Therefore, with proper handling and storage of chemicals and adherence to the recommended measures presented in **Section 5.12**, impacts associated with hazardous materials from construction activity and operation would be reduced to less-than-significant levels.

4.12.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Construction

Alternative E would consist of the expansion of the Tribe's existing Eagle Mountain Casino and the addition of an approximately 210,000-square foot parking garage. As under Alternative A, construction personnel could encounter unanticipated contamination during construction-related earth moving activities associated with Alternative E. The unanticipated discovery of contaminated soil and/or groundwater is a potentially significant effect. The recommended measures presented in **Section 5.12** would minimize or eliminate effects associated with unanticipated discovery of contaminated soil and/or groundwater during construction of Alternative E.

As with Alternative A, construction of Alternative E would involve the use of routine hazardous materials typical of construction activities, which could result in a potentially significant effect without implementation of control measures. As discussed in **Section 4.12.1**, mitigation measures for the storage and handling of hazardous materials are provided in **Section 5.12**. Adherence to these measures would minimize the risk of inadvertent release and, in the event of a contingency, minimize adverse effects. With these measures, Alternative E would result in less-than-significant effects associated with hazardous materials during construction.

Operation

The type and amounts of hazardous materials that would be used, generated, and stored during the operation of Alternative E would not differ significantly from current levels. With proper handling and implementation of BMPs according to state, federal, and manufacturer's guidelines, Alternative E would result in less-than-significant effects associated with hazardous materials during operation.

4.12.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Airpark Site would not be taken into trust and no development would occur. No expansion would occur on the Eagle Mountain Casino Site. No significant effects from the use, storage, or handling of hazardous materials would result from this alternative.

4.13 AESTHETICS

This section identifies the direct effects associated with aesthetics that would result from the development of each alternative described in **Section 2.0**. Effects are measured against the environmental baseline presented in **Section 3.13**. Indirect and cumulative effects are identified in **Section 4.14** and **Section 4.15**, respectively. Measures to mitigate for adverse effects identified in this section, if warranted, are presented in **Section 5.13**.

Assessment Criteria

Assessing the impacts of a project on visual resources is in large part subjective by nature. The impact to the viewshed will be defined by the magnitude of the visual impact in terms of distance, viewer position, and the frequency of views. A project would have significant adverse effects if the development would degrade or diminish the aesthetics of visual resources such as scenic vistas, introduce lighting that would substantially increase nighttime lighting in the area of existing conditions, and/or cast a shadow on private residences or public areas for substantial portions of the day.

4.13.1 ALTERNATIVE A – PROPOSED PROJECT

Proposed Project at the Airpark Site

Construction Impacts

Equipment and material staging would be visible during construction activities on the Airpark Site. During this time, heavy construction equipment, materials, and work crews would be readily visible neighboring recreational and commercial use areas, as well as from vehicles traveling along West Street. Aesthetic impacts from construction would be temporary in nature. As discussed in **Section 3.13**, there are no scenic resources within the site and vicinity; therefore, construction would not obstruct views of scenic resources. Therefore, construction of Alternative A would not result in significant effects associated with visual resources.

Operational Impacts

Alternative A would change the existing views of the site from disked open fields with several office buildings to a casino-resort complex. Proposed facilities include a casino; hotel; dining, retail, and convention space; a multipurpose event center; and a parking garage. The most visually dominant feature of Alternative A would be the 7-story hotel tower, which would not exceed 100 feet in height. As described in **Section 2.3**, the architecture of the proposed structures would 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.

Alternative A would transform the views of the Airpark Site from partially developed rural land to urban and commercial uses. The City of Porterville's (City's) General Plan designates the Airpark Site and

vicinity for industrial use (Airport Industrial; IA); therefore the intensity of uses within the site would be considered compatible with future surrounding land uses as development occurs in accordance with the City's General Plan. The IA designation was created by the City for land uses with the potential to create adverse visual, noise, or other impacts to surrounding properties, which encompasses the uses proposed under Alternative A (City of Porterville, 2015). Alternative A would result in a visually cohesive development that may be considered more aesthetically pleasing than the existing office and storage structures within the site. However, it would considerably increase the level of human-made elements on the existing landscape of the Airpark Site, which is currently only partially developed and contains large sections of cleared fields. Though the Proposed Project would alter the colors, lines, and texture of the landscape vegetation of the Airpark Site, the changes would not be out of character with typical development in the vicinity, nor would they alter any scenic vistas or resources. Therefore, Alternative A would have a less-than-significant aesthetic impact. Specific effects to viewsheds in the vicinity of the Airpark Site as well as possible effects associated with shadow, light, and glare are discussed below. Best Management Practices (BMPs) included in **Section 5.13** would further reduce the potential for aesthetic impacts from implementation of Alternative A.

Effects on Viewsheds Surrounding the Project

Section 3.13 describes the viewsheds surrounding the Airpark Site (**Figure 3.13-2**). The following is a brief analysis of the changes to each viewpoint that would occur from implementation of Alternative A:

Viewpoint A

This view would be typical for vehicles heading north on West Street or turning onto Yowlumne Avenue. Under Alternative A, Yowlumne Avenue and the office buildings would be removed and replaced with a large, paved surface lot for parking. The view from Viewpoint A would change from cleared fields and office buildings to a large, paved surface with landscaped medians and other natural features (**Figure 2-6**). The proposed fire station would also be visible from this viewpoint.

Viewpoint B

This southeast-facing view represents a typical view of the Airpark Site from the perspective of motorists traveling south along West Street. Under Alternative A, this view would change slightly, although the predominant features would still be of commercial buildings. The casino-resort would be bigger than the existing buildings, but would include landscaping and vegetation to enhance the view.

Viewpoint C

The view represents a typical view of the site from Scranton Avenue and the nearby Porterville Sports Complex. Under Alternative A, the long range views of the site would change from mostly cleared fields to commercial structures, including a parking garage and 7-story hotel tower. The office buildings visible in the distance would be removed.

Shadow, Light, and Glare

A significant effect from shadows would result if the proposed development were to cast a shadow on private residences or public areas for substantial portions of the day. The nearest off-site residence is approximately 2,550 feet to the west of the Airpark Site. The nearest public area is the adjacent Porterville Sports Complex operated by the City. The buildings proposed within the site are not of sufficient height or near enough in proximity to cast shadows on any private residences or public areas.

Alternative A would introduce new sources of light into the existing setting. Light spillover into surrounding areas and increases in regional ambient illumination could result in potentially significant effects if it were to cause traffic safety issues or create a nuisance to sensitive receptors. Illuminated signage and light from occupied hotel rooms would be visible from surrounding areas at night and would have the potential to significantly alter the nighttime lighting environment within surrounding properties. Additionally, the use of glass panels and reflective ornamental detailing could increase the glare to aircraft operations, travelers on West Street, and adjacent properties. The potential for Alternative A to produce light and glare in the vicinity is a potentially significant adverse effect. Mitigation measures in **Section 5.13** are consistent with both the International Dark Sky Association's Model Lighting Ordinance (IDA, 2011) and the Unified Facilities Criteria and would reduce this potential impact to a less-than-significant level.

Off-site Improvements

Alternative A would result in the development of off-site recycled water, sewer, and stormwater infrastructure. Potential aesthetic impacts from the construction and operation of off-site improvements under Alternative A are described below.

Construction Impacts

Similar to the Proposed Project on the Airpark Site, equipment and material staging would be visible during construction activities associated with the off-site improvements. This would include material excavated during the construction of the regional retention basin, a portion of which would be temporarily stockpiled on the 40-acre site until it is used as fill material in other regional construction projects. Aesthetic impacts from construction would be temporary in nature and would not result in obstructed views of scenic resources. Therefore, construction of the off-site improvements would not result in significant adverse effects associated with visual resources.

Operational Impacts***40-acre Site***

Potential infrastructure improvements on the 40-acre site include the regional retention basin, a water reclamation facility (WRF), a recycled water pump station, and a recycled water operational holding tank.

The 11-foot-high pump station and tertiary treatment plant would be located in the southeast corner of the 40-acre site while the regional retention basin would be located on the northern 20 acres of the site.

As described in **Section 3.13**, the 40-acre site is used as a dispersal field for biosolids produced at the City's wastewater treatment plant and is actively cultivated with non-human consumption crops. The site's designation of Agriculture/Conservation (AC) was created by the City to preserve agricultural and conservation areas, but it also allows septic systems as well as clustered development, which generally encompasses the types uses proposed under Alternative A (City of Porterville, 2015).

Although the proposed development would alter the colors, lines, and texture of the landscape on the 40-acre site, the changes would not affect any scenic resources, and would therefore have a less than significant aesthetic impact.

8-acre Site

Development of the proposed facilities on the 8-acre site would include a WRF, recycled water pump station, and a recycled water operational holding tank. As described in **Section 3.13**, the 8-acre site is currently undeveloped and consists of cleared fields. Development of the proposed facilities would increase the level of human-made elements on the existing landscape as well as alter the colors, lines, and texture of the of the of the 8-acre site. However, the current views of the site are extremely limited due to its remote location from the nearest roadways, and the changes would not affect any scenic visual resources. Therefore aesthetic impacts from infrastructure development on the 8-acre site would be less than significant.

Lift Station and Pipeline Improvement Areas

Alternative A would result in improvements to off-site lift stations, the extension of recycled water pipelines, and upgrades to various sewer lines. Sewer and recycled water pipeline would be located underground and would not be visible. One lift station is located on the edge of the Porterville Sports Complex on the adjacent property north of the Airpark Site; the other is located east of the 8-acre site. Improvements to the lift stations would not change the level of human-made elements on the existing landscape of the sites. The development would not alter the colors, lines, and texture of the landscape vegetation of the lift station improvement areas. Therefore, off-site lift station and pipeline improvements under Alternative A would not affect any sensitive visual resources, and would therefore have a less-than-significant aesthetic impact.

Shadow, Light, and Glare

Proposed off-site improvements would not result in significant changes to lighting, shadows, or glare. The WRF building would include some security lighting, but lighting would be shielded and downward directed in accordance with City policies and therefore light spillover into surrounding areas would be minimal (City of Porterville, 2010). Additionally, the WRF, recycled pump station, and storage tank

would not include the use of glass panels and reflective ornamental detailing in the project design. There would be no increase the glare to aircraft operations, travelers on West Street, and adjacent properties. Therefore no adverse effects related to shadow, light, and glare would occur.

Renovation of Existing Casino for Tribal Governmental Uses

Under Alternative A, the existing Eagle Mountain Casino would be converted to tribal governmental uses. Because no exterior improvements or construction activities are proposed, no aesthetics impacts would occur.

4.13.2 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Construction Impacts

Impacts from the development of Alternative B would be the same as Alternative A, except none of the impacts associated with the development of the WRF or the lift station and pipeline improvement areas would occur. Therefore, construction of Alternative B would not result in significant adverse effects associated with visual resources.

Operational Impacts

Impacts from the development of Alternative B would be the same as Alternative A, except none of the impacts from off-site improvements would occur. Instead, two wells and one WRF and pump station would be located on the western border of the Airpark Site. As shown on **Figure 2-8**, Well #1 would be 110 feet by 125 feet and Well #2 would be 30 feet by 30 feet in size. Additionally, the WRF, located in the southwest corner would contain an 80 feet by 170 feet plant paralleled by a 35 feet by 35 feet building. The small size of these buildings would be insignificant when compared to the proposed casino-resort. Therefore, operation of Alternative B would not affect any sensitive visual resources, and would have a less-than-significant aesthetic impact. BMPs provided in **Section 5.13** would further reduce the potential for adverse effects.

Shadow, Light, and Glare

Impacts from the development of Alternative B on the Airpark Site would be the same as Alternative A. Accordingly, the potential for Alternative B to produce light and glare in the project vicinity is a potentially significant adverse effect. Implementation of mitigation measures outlined in **Section 5.13** would reduce this potential impact to a less-than-significant level.

Off-site Improvements

Impacts from the off-site improvements under Alternative B would be similar to those described under Alternative A, except only the impacts associated with the development of the regional retention basin on the 40-acre site would occur. Refer to the discussion above under **Section 4.13.1**.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative B would not result in any aesthetic impacts.

4.13.3 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Reduced Intensity Alternative at the Airpark Site

Construction Impacts

Development proposed under Alternative C would result in similar construction on the Airpark Site as under Alternative A, but on a reduced scale. As with previous alternatives, (refer to **Section 4.13.1**) construction of Alternative C would not result in significant adverse effects associated with visual resources.

Operational Impacts

Impacts to viewsheds resulting from Alternative C would be similar, although reduced, when compared with Alternative A. The hotel facility would be the same as under previous alternatives, but the casino, dining area, and convention space, would all be reduced in size, and a multipurpose events center and parking garage would not be constructed under Alternative C. The exclusion of the events center and parking garage in particular would lessen the visual impact of Alternative C from surrounding viewpoints. No scenic resources would be adversely affected from development of Alternative C. BMPs provided in **Section 5.13** would further reduce the potential for adverse effects.

Effects on Viewsheds Surrounding the Project

Effects on viewsheds surrounding the Airpark Site under Alternative C would be similar to those discussed under Alternative A, but reduced due to the exclusion of the events center and parking garage, as well as the reduced size of all other project components. As described under Alternative A, the views from and of the Airpark Site would change from open space and cleared fields to extensive commercial development and paved lots. Construction of Alternative C would result in significant alteration of existing rural viewsheds; however, as with previous alternatives, this change would be consistent with the current and future land use setting and no visual resource would be adversely affected.

Shadow, Light, and Glare

Structures proposed under Alternative C would cast a smaller shadow than those proposed under previous alternatives due to the exclusion of some components and the reduction in size of others. Because this reduces the already low chance of shade spillover onto surrounding properties, Alternative C would not result in significant adverse effects associated with shadows.

The development of Alternative C would introduce new sources of light and glare as described under Alternative A. With implementation of the mitigation measures provided in **Section 5.13**, Alternative C would not result in significant adverse effects associated with light emissions and glare.

Off-site Improvements

Impacts from the off-site improvements under Alternative C would be the same as described under Alternative A if Water Supply Option 1 or Wastewater Option 1 (described in **Section 2.5**) is implemented. Refer to the discussion above under **Section 4.13.1**. If Water Supply Option 2 of Wastewater Option 2 is implemented, only the impacts associated with the development of the regional retention basin on the 40-acre site would occur.

Renovation of Existing Casino for Tribal Governmental Uses

Similar to Alternative A, renovation of the existing Eagle Mountain Casino under Alternative C would not result in any aesthetic impacts.

4.13.4 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER**Non-Gaming Alternative at the Airpark Site*****Construction Impacts***

Development proposed under Alternative D would result in similar construction on the Airpark Site as Alternative C, but on a further reduced scale and with the additional exclusion of the casino and reduction of the dining area and back-of-house space. As with previous alternatives (refer to **Section 4.13.1**), construction of Alternative D would not result in significant adverse effects associated with visual resources.

Operational Impacts

Under Alternative D, proposed development would be similar to Alternative C, but with the exception of a casino facility and a reduced scale in other proposed components. As with Alternative C, no multipurpose events center or parking garage is proposed. Though the development of Alternative D would transform the current agricultural and undeveloped landscape to one with a more urban and commercial appearance, Alternative D would be visually compatible with current and future land use designations, and would not adversely affect any visual resource in the vicinity of the Airpark Site. No

scenic or visual resources would be adversely affected. BMPs specified in **Section 5.13** would further reduce visual impacts.

Effects on Viewsheds Surrounding the Project

Effects on viewsheds surrounding the Airpark Site under Alternative D would be similar to those discussed under Alternative C, but further reduced due to the exclusion of the casino facility and the reduction in size of other project components. As described under Alternative A, the views from and of the Airpark Site would change from open space and cleared fields to extensive commercial development and paved lots. Development of Alternative D would result in significant alteration of existing rural viewsheds; however, as with previous alternatives, this change would be consistent with the current and future land use setting and no visual resource would be adversely affected.

Shadow, Light, and Glare

Structures proposed under Alternative D would cast a smaller shadow than those proposed under previous alternatives due to the exclusion of some components and the reduction in size of others. Because this reduces the already low chance of shade spillover onto surrounding properties, Alternative D would not result in significant adverse effects associated with shadows.

The development of Alternative D would introduce new sources of light and glare as described under Alternative A. With mitigation provided in **Section 5.13**, Alternative D would not result in significant adverse effects associated with light emissions and glare.

Off-site Improvements

Impacts from the off-site improvements under Alternative D would be similar to those described under Alternative A, except this alternative does not include an option for off-site water supply (described as Water Supply Option 1 under Alternative A). Refer to the discussion above under **Section 4.13.1**.

4.13.5 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Construction Impacts

Alternative E involves the expansion of the Tribe's existing Eagle Mountain Casino. Similar to Alternative A, aesthetic-related impacts from construction would be temporary in nature and would not result in obstructed views of scenic resources. Therefore, construction of Alternative E would not result in significant adverse effects associated with visual resources.

Operational Impacts

Alternative E involves the expansion of the existing Eagle Mountain Casino and the addition of a parking garage. Full implementation of Alternative E would expand the casino-resort by 25,400 sf and add 500

new parking spaces. The dominant visual change resulting from Alternative E would result from the addition of the 210,000-sf parking garage.

Alternative E would result in a visually cohesive development similar to, but on a larger scale than, the existing Eagle Mountain Casino. The amount of human-made elements on the existing landscape of the Eagle Mountain site would increase. Though the proposed development would alter the colors, lines, and texture of the landscape vegetation currently on site, the site-specific visual effects would not be significant, as the resulting product would look very similar to the existing setting. Development under Alternative E would not adversely affect scenic resources or significantly alter the visual character of the site. Mitigation measures specified in **Section 5.13** would further reduce visual effects.

Shadow, Light, and Glare

The existing casino development is a substantial source of existing light in the project area and the proposed changes resulting from Alternative E would not significantly change the level of lighting cast off site. Therefore, Alternative E would not result in significant adverse effects associated with light and glare. Project design and recommended measures presented in **Section 5.13** would further minimize identified effects.

4.13.6 ALTERNATIVE F – NO ACTION ALTERNATIVE

No changes or impacts would occur to visual resources under the No Action Alternative. The alternative sites would remain in their current state and no new development would occur. The No Action Alternative would have no effect on aesthetics or visual resources in the vicinity of the alternative sites.

4.14 INDIRECT AND GROWTH-INDUCING EFFECTS

The Council on Environmental Quality (CEQ) Regulations for Implementing the National Environmental Policy Act (NEPA) require that an Environmental Impact Statement (EIS) analyze both the indirect and the “growth-inducing” effects of a proposed project (40 Code of Federal Regulations [CFR] §1502.16 [b], 40 CFR §1508.8 [b]):

“...indirect effects...are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on...natural systems.”

Direct impacts,¹ caused by the action and occurring at the same time and place as the action, have been discussed in **Sections 4.2** through **4.13**, and cumulative impacts measured in conjunction with other reasonably foreseeable projects, whether past, present, or future, are addressed in **Section 4.15**. The potential indirect effects of off-site traffic mitigation and electrical utility improvements integral to the development of Alternatives A through E are discussed in **Section 4.14.1**, and growth inducing effects are discussed in **Section 4.14.2**. Project design and recommended measures presented in **Section 5.0** would ensure potential indirect effects associated with proposed alternatives are minimized. In addition, off-site improvements may require obtaining approvals and permits from jurisdictional agencies, including potential California Environmental Quality Act (CEQA) compliance.

4.14.1 INDIRECT EFFECTS FROM OFF-SITE TRAFFIC MITIGATION AND GAS AND ELECTRICAL UTILITY IMPROVEMENTS

Improvements

Alternatives A through D (Airpark Site)

Implementation of any alternative on the Airpark Site would require construction of traffic mitigation and gas and electrical utility improvements off site. A detailed description of off-site traffic mitigation for each alternative is provided in **Section 5.8**, and gas and electrical utility improvements are described in **Section 4.10**. Off-site traffic mitigation and electrical/gas utility improvements are conceptual at this time. Design and construction plans would be prepared after an alternative has been selected for development.

¹ In addition to the proposed development occurring within the Airpark Site, Alternatives A through D would involve the construction of a regional retention basin on the 40-acre site (and, depending on the water supply and/or wastewater treatment option selected, Alternatives C and D may have additional impacts to Off-site Improvement Areas). The off-site recycled water, sewer, and stormwater infrastructure upgrades are proposed components of the alternatives, as described in **Section 2.0**, and therefore the environmental consequences of these improvements are discussed as direct effects in **Sections 4.2** through **4.13**.

Traffic mitigation improvement locations are shown in **Figure 4.14-1** and are recommended at the intersections of State Route (SR) 190/Rockford Road (Road 208), Scranton Avenue/West Street, Scranton Avenue/Westwood Street, Scranton Avenue/SR-65, SR-137/SR-63, SR-137/SR-65, SR-137/Road 204 (Spruce Road), SR-190/Road 192, SR-190/Road 216, SR-198/Spruce Road (Road 204), Avenue 256/Spruce Road (Road 204), and SR-190/Jaye Street, as well as on the roadway segments of Westwood Street between Scranton Avenue and approximately one half mile north of Scranton Avenue, Avenue 128 (Teapot Dome Avenue) between Westwood Street (Road 224) and Newcomb Street, and West Street between Scranton Avenue and Yowlumne Avenue (the specific roadway improvement sections are shown on Figure 1 of **Appendix S**).

The recommended improvements vary depending on the proposed alternative, as described in **Section 5.8**. The intersection improvements of optimizing signal timing at the intersection of SR-190/Jaye Street would not require construction and therefore would not generate indirect impacts. As such, this improvement is not discussed further in this section. As discussed in more detail below, traffic mitigation improvements are not anticipated to result in adverse environmental effects.

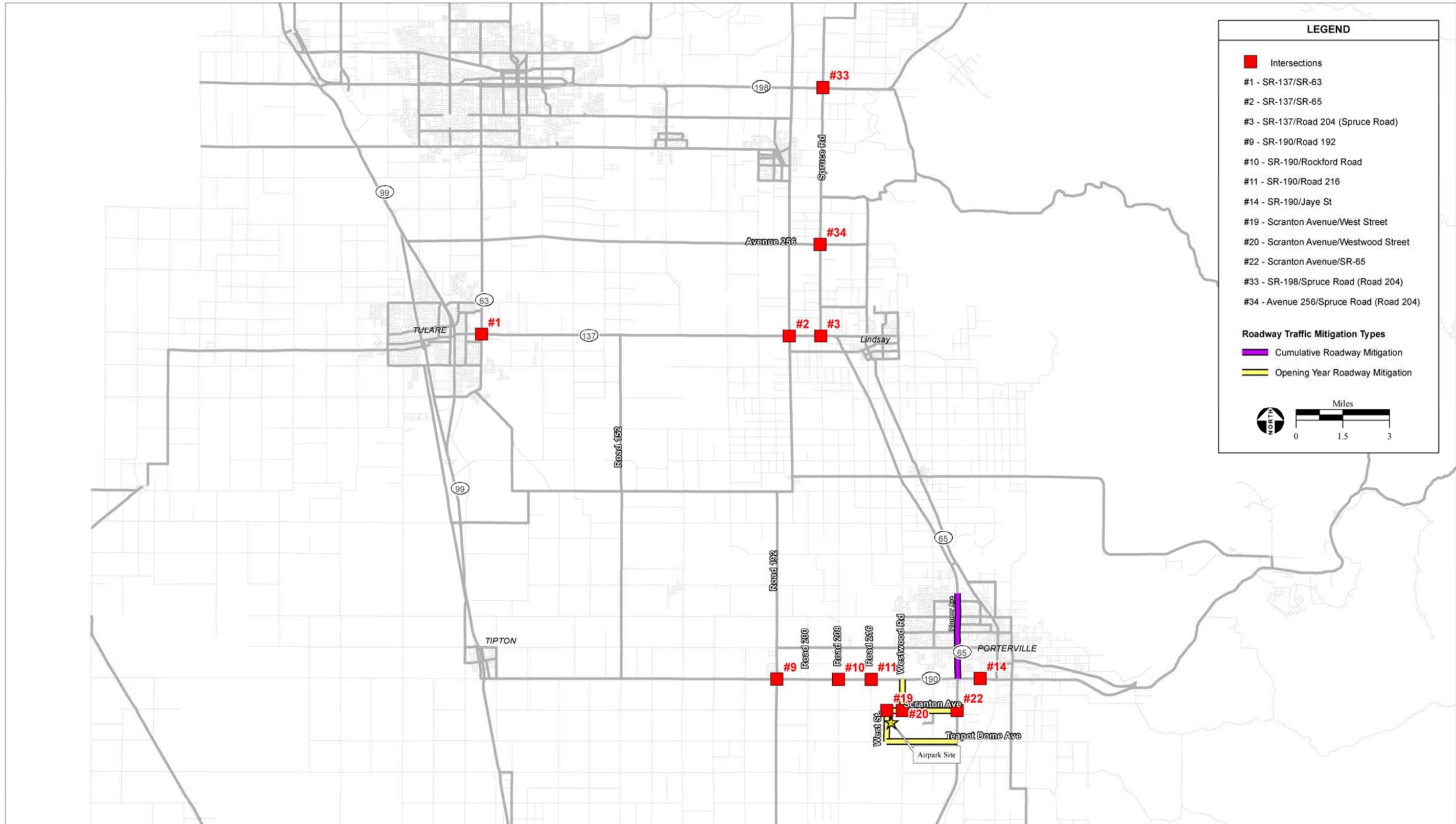
Electricity transmission improvements require a new distribution circuit, which includes a new circuit breaker at the Poplar Substation, a new overhead wire, and a new underground cable between the Airpark Site and the Poplar Substation, which is located approximately 4.3 miles southwest of the Airpark Site in unincorporated Tulare County (County) at the intersection of Road 192 and Avenue 112. These required transmission improvements are in addition to the already-planned Poplar Substation upgrade project, which would increase the available electricity supply enough to serve the Airpark Site in addition to anticipated demands. As discussed in **Section 4.10**, it is anticipated that development of the Airpark Site would also require improvements to natural gas distribution infrastructure. The extension of these lines would occur on the Airpark Site or within existing roadways or right-of-ways. As discussed in more detail below, utility line extensions are not anticipated to result in adverse environmental effects.

Alternative E (Eagle Mountain Casino Site)

Traffic mitigation improvements are recommended for the intersections of SR-137/SR-63, SR 190/Westwood Street, and Scranton Avenue/SR-65, and widening the segment of SR-65 from Road 204 (Spruce Road) to Hermosa Street. No off-site utility improvements are necessary under Alternative E.

Environmental Consequences

The following section identifies the potential indirect environmental effects of construction of off-site traffic mitigation and utility improvements. Off-site projects would require obtaining approvals and permits from the City of Porterville (City) and/or County and may be subject to CEQA, which requires additional environmental review prior to approval. Implementation of permitting and CEQA requirements would further reduce the potential for significant adverse impacts from off-site construction projects.



Geology and Soils

The construction of traffic mitigation and utility improvements would require grading and the introduction of fill material to extend existing road shoulders and roadbed, and install electricity transmission lines. Potential impacts include physical impacts to the transportation network from geological hazards and increased potential for soil erosion due to the increase of impervious surfaces and additional earthwork needed to construct the improvements.

Stable fill material, engineered embankments, and erosion control features would be used to reduce the potential for slope instability and erosion in accordance with roadway construction requirements imposed by local jurisdictional agencies, such as the California Department of Transportation (Caltrans), the County, and the City of Tulare. In accordance with the federal Clean Water Act (CWA), any construction of roadway or utility improvements over one acre in area would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit program. A Stormwater Pollution Prevention Plan (SWPPP) would be developed, including 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.

With standard construction practices and specifications required by the jurisdictional agencies and the NPDES Permit, as well as Best Management Practices (BMPs) and mitigation included in **Section 5.2**, there would be no adverse effects to geology and soils as a result of off-site traffic mitigation and electricity infrastructure improvements.

Water Resources

Construction of traffic mitigation and utility improvements could increase impervious surfaces and modify drainage patterns. Potential effects include an increase in runoff and erosion, which could cause localized flooding and adversely affect surface water quality due to increases in sediment and roadway pollutants such as grease and oil.

As discussed above, construction of improvements that exceed one acre of land would be required to comply with the NPDES General Construction Permit Program, including the development of a SWPPP 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.

Curbs, gutters, inlets, and other drainage facilities would be constructed to meet the standards of local jurisdictional agencies and provide adequate facilities to direct stormwater runoff. With incorporation of these drainage features and compliance with the soil erosion and sediment control practices identified in the SWPPP, as well as erosion control mitigation and construction BMPs included in **Section 5.2**, effects

to water resources would be less than significant. Therefore, there would be no significant indirect effects to water resources as a result of off-site traffic mitigation and utility improvements.

Air Quality

Development of roadway and utility improvements would result in short term, construction-related air pollutant emissions. Construction would produce two types of air contaminants: exhaust emissions from construction equipment and fugitive dust generated as a result of demolition and soil movement.

Construction of improvements would be limited in scope and duration. The limited nature of roadway and utility improvement construction activities combined with adherence to the San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations would result in less-than-significant indirect effects to air quality. Construction of traffic mitigation and utility improvements would be much less extensive than that of the proposed project alternatives; correspondingly, greenhouse gas (GHG) emissions would be lesser. Given the limited and temporary nature of roadway and utility improvement construction activities, GHG emissions would be less than significant.

Operational effects would occur if the roadway or utility improvements resulted in localized increases in carbon monoxide (CO) concentrations or if the improvements contributed to traffic congestion at large intersections. However, it is expected that the roadway improvements described in **Section 5.8** would reduce congestion and improve traffic flow. With the improved circulation resulting from traffic mitigation, level of service (LOS) would be improved, thereby reducing idling time and associated vehicle emissions. The operational effects to air quality from roadway and utility improvements would be less than significant.

Biological Resources

Construction of the roadway and utility improvements would result in loss of some existing ruderal vegetation and/or modification of drainage channels. Surveys of the potentially affected areas for the proposed traffic mitigation were conducted by Analytical Environmental Services (AES) biologist Nick Bonzey on July 26-27, 2017. Most of the habitats that exists in the areas of proposed roadway improvements are highly disturbed and consist of paved areas, compacted dirt or graveled road shoulders, and ornamental or weedy vegetation. Due to the degraded condition of the roadside areas, habitat quality is generally low, and it is unlikely that construction of the roadway or utility improvements would result in any adverse effects to sensitive plant or animal species. Prior to construction, surveys for special status species, nesting migratory birds and sensitive habitats such as riparian and wetlands would be conducted in accordance with CEQA. Site specific mitigation measures would be developed such as the establishment of buffer areas, and any necessary permits would be obtained for impacts to waterways and wetlands in accordance with regulatory requirements, as described in **Section 5.5**. Compliance with CEQA, adherence to regulatory requirements that protect special status species, nesting birds and Waters of the U.S., and implementation of **Mitigation Measure 5.5(J)** would ensure that impacts to biological resources from construction of traffic mitigation and utility improvements would be less than significant.

Cultural Resources

The construction of roadway and utility improvements has the potential to disturb archaeological resources. Background research for the traffic improvements locations was completed on July 10, 2017, and April 9, 2018 and indicated that four resources were in the vicinity of project elements: 1) the Tulare Irrigation District's Tulare Canal, which parallels the west side SR-63 (located near the SR-137 and SR-63 intersection); 2) the Poplar Ditch located on the north side of the Avenue 144/Poplar Avenue intersection; 3) the Cairns Corner Olive Trees, consisting of a row of olive trees located on the south side of SR-137 at SR-65; and 4) the Central Pacific Railroad, which crosses Sycamore Avenue approximately 300 feet west of the intersection with Spruce Avenue (AES, 2018).

On July 26 to 27, 2017, AES completed a pedestrian survey of each of the various intersections and road widening corridors (AES, 2018). In all cases, ground surface visibility was excellent, ranging from 90 to 100 percent. The only resources identified within 50 feet of any traffic improvement locations consisted of those identified in the background research described above (the Poplar Ditch, the Cairns Corner olive tree row, and the Tulare Canal). Each of these sites may be avoided through project planning. In addition, grading roadsides to add traffic lanes may disturb previously unknown sites. Due to prior grading of the existing roadways and occasional traffic on roadsides it is likely that resources remaining in these areas would be highly disturbed and lack integrity, thus diminishing their significance.

Potential off-site improvement projects would be subject to the protection of cultural resources afforded by the CEQA *Guidelines* §15064.5 and related provisions of the Public Resources Code. The lead agency under CEQA would be required to mitigate potential impacts to a less than significant level or to issue a finding of fact and statement of overriding considerations if significant impacts could not be mitigated. As described, in **Section 5.6**, mitigation may include the avoidance of resources; the preservation of key historical features; or the removal, documentation, and curation of cultural resources. Therefore, with the implementation of measures in **Section 5.6**, which include avoiding the known resources described above, a less-than-significant indirect effect to cultural resources would result.

Socioeconomic Conditions

Roadway and utility improvements would result in short term disturbances to traffic flow and minor delays due to constricted traffic movement. Nearby businesses and residences would remain accessible throughout construction. The area of roadway and utility impacts would be of a limited size and would not create negative socioeconomic effects. The improvements would not result in long term disruption of access to surrounding land uses or to minority or low-income populations. The Tribe would be responsible for pro rata share payments to fund the proposed improvements. Therefore, no significant indirect effects to socioeconomic conditions would occur as a result of off-site traffic mitigation and utility improvements.

Transportation/Circulation

Construction of off-site improvements would result in short term inconveniences and minor delays due to constricted traffic movements. The intersection improvements are not expected to result in long term disruptions of access to surrounding land uses. If construction activities would require temporary lane closures to accommodate construction equipment, a traffic management plan would be prepared in accordance with the jurisdictional agency requirements, thus avoiding potentially adverse temporary effects.

Land Use

Construction of roadway improvements would occur within existing right-of-ways and would not conflict with surrounding land uses. Off-site traffic mitigation and utility improvements would be generally consistent with the City, City of Tulare, and County general plans and relevant Caltrans highway improvement plans. Right-of-way acquisition for the improvements may be required. Adjacent property owners would be compensated at fair market values for land needed for right-of-way. The improvements would not result in changes in land use inconsistent with the General Plans or other guiding documents. Implementation of roadway and utility improvements for Alternatives A through E would not result in significant adverse indirect effects to land use.

Public Services

Traffic improvements may require relocation of utilities near existing roadways, including overhead electricity lines and telecommunication lines. Relocation of these lines could result in a temporary break in service to some homes and businesses in the area. However, because these effects are common when upgrading and maintaining utility services, and because potential service breaks would be temporary, these effects are considered less than significant. Construction of the electrical and natural gas utility improvements described in **Section 4.10** will increase the serviceability of Southern California Edison (SCE) electricity and Southern California Gas Company (SoCalGas) natural gas to consumers in the vicinity of the Airpark Site. No effects to police, fire, or emergency medical services are expected, as access to homes and businesses would be maintained during the construction period. Therefore, there would be no indirect effects to public services as a result of off-site traffic mitigation and utility under Alternatives A through E.

Noise

Construction of roadway improvements would result in short-term increases to local ambient noise levels. Because construction activities are expected to occur during normal daytime hours and the closest receptors are businesses, significant adverse effects to the ambient noise environment would not occur. Implementation of roadway and utility improvements for Alternatives A through E would not result in significant adverse indirect effects associated with noise.

Hazardous Materials

The accidental release of hazardous materials used during grading and construction activities could pose a hazard to construction employees, surrounding residents, and the environment. Additionally, equipment used during grading and construction activities could ignite dry grasses and weeds on site. However, these hazards, which are common to construction activities, would be minimized with adherence to State and federal statutes and standard operating procedures, such as refueling in designated areas, storing hazardous materials in approved containers, clearing of dried vegetation, and proper initiation of response and clean-up measures. Potential indirect hazardous materials impacts from the construction of off-site roadway improvements would be less than significant for Alternatives A through E.

Aesthetics

Visual effects would occur as the result of modification and expansion of existing roadways and additions to aboveground utility transmission lines. However, because the improvements would occur to existing, previously developed roadways and utilities (versus the construction of new roadways and utilities in previously undeveloped areas), changes to the visual setting would not be significant. Intersections, roadway segments, and utility improvements would conform to the applicable City and County design standards. Aesthetic impacts resulting from construction of traffic mitigation and utility improvements would be less than significant.

4.14.2 GROWTH-INDUCING EFFECTS

NEPA requires that an EIS analyze “growth inducing effects” (40 CFR §1502.16 [b], 40 CFR §1508.8 [b]). A growth inducing effect is defined as one that fosters economic or population growth, or the construction of additional housing. Growth inducement could result if a project established substantial new permanent employment opportunities (e.g., new commercial, industrial, or governmental enterprises) or if it would remove obstacles to population growth (e.g., expansion of a wastewater treatment plant [WWTP] that could allow more construction in the service area). Direct growth inducement is possible if a project contains a component that by definition would lead to “growth,” such as new residential development. None of the project alternatives includes direct growth inducement. This section assesses the potential for indirect growth inducement for each development alternative.

Alternative A – Proposed Project

Development of Alternative A would result in employment opportunities arising from direct as well as indirect and induced effects. Construction-related employment opportunities would be temporary in nature, and would not result in the permanent relocation of employees to the City or County.

As discussed in **Section 4.7.1**, proposed facilities under Alternative A would provide approximately 1,214 total direct employment positions; of these, 790 would be a direct net addition after the closure of the existing Eagle Mountain Casino. Of these new jobs, a majority of positions would be filled with people

already residing within the region and would, therefore, not require new housing. As discussed in **Section 3.7.1**, there were approximately 11,222 vacant housing units in the County housing market in 2015. Based on the analysis presented in **Section 4.7** and within **Appendix B**, it is anticipated the number of employees that would relocate their place of residence to the County under Alternative A to equal between 41 and 65. As such, there are estimated to be more than enough vacant homes to support potential impacts to the regional labor market under Alternative A.

Alternative A has the potential to induce on-Reservation growth. As described in **Section 3.7.2**, the Tribe has placed a building moratorium on new structures within the Reservation, including much-needed tribal housing. Under Alternative A, approximately 27,863 gallons per day (gpd) of water that was previously being used by Eagle Mountain Casino would be available for re-allocation that could allow for the construction of additional on-Reservation homes (refer to **Section 4.3.1**). While the construction of additional tribal housing is considered a beneficial effect to the Tribe due to the current housing shortage (refer to **Section 1.2**), construction of these homes has the potential to result in environmental consequences associated with biological resources, cultural resources, traffic, air quality, and noise, among others. Any future growth and development on the Reservation would continue to be subject to tribal and federal environmental regulations, including the CWA, Clean Air Act (CAA), federal Endangered Species Act (FESA), Safe Drinking Water Act, and National Historic Preservation Act (NHPA). Adherence to these regulatory requirements would minimize the environmental consequences associated with on-Reservation development.

The potential for commercial growth resulting from the development of Alternative A would result from fiscal output generated throughout the County. Under Alternative A, this output would be generated from direct, indirect, and induced economic activity. 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 City and County. As such, significant regional commercial growth inducing impacts would not be anticipated to occur under Alternative A. Development in the City or other cities within the County would be subject to the constraints of their general plans, local ordinances, and other planning policies and documents. New projects resulting from any induced effect would be subject to appropriate project-level environmental analysis. As discussed above, the minimal amount of commercial growth that may be induced by Alternative A would not result in significant adverse environmental growth inducing effects.

Alternative B – Proposed Project with On-site Water and Wastewater Systems

The growth-inducing effects of Alternative B would be identical to those described under Alternative A.

Alternative C – Reduced Intensity Hotel and Casino

The effect on housing and potential commercial growth under Alternative C would be comparable but to a lesser degree than Alternative A, since Alternative C is reduced in size and scope. As such, no significant

impacts to the housing market are anticipated to occur, nor is significant regional commercial growth anticipated to occur under Alternative C.

Like Alternative A, Alternative C has the potential to induce on-Reservation growth due to the availability of the water currently being used by the operation of the existing Eagle Mountain Casino. Development on the Reservation would be subject to tribal and federal regulations.

As discussed above, the minimal amount of commercial growth that may be induced by Alternative C would not result in significant adverse environmental effects.

Alternative D – Non-Gaming Hotel and Conference Center

The effect on housing and potential commercial growth under Alternative D would be comparable but to a lesser degree than Alternative A, since Alternative D is reduced in size and scope. As such, no significant impacts to the housing market are anticipated to occur, nor is significant regional commercial growth anticipated to occur under Alternative D. As Alternative D involves the continuing operation of the existing Eagle Mountain Casino, there is no potential to induce on-Reservation growth due to the lack of available water and building moratorium, little on-Reservation growth of any kind is anticipated under Alternative D.

As discussed above, the minimal amount of commercial growth that may be induced by Alternative D would not result in significant adverse environmental effects.

Alternative E – Expansion of Existing Eagle Mountain Casino

The effect on housing and potential commercial growth under Alternative E would be much less than that under Alternative A due to the reduction in number of new employees and low potential for employee relocation (refer to **Section 4.7.5**). As Alternative E involves the continued operation of the existing Eagle Mountain Casino, there is no potential to induce on-Reservation growth, due to the lack of available water.

Development on-Reservation is guided by tribal documents and policies. However, due to the on-Reservation water shortage and building moratorium, little growth of any kind is anticipated under Alternative E.

Alternative F – No Action Alternative

Under the No Action Alternative, the Airpark Site would not be taken into trust. No development would occur in the near future, and no expansion would occur on the Eagle Mountain Casino Site. No significant growth-inducing effects would result from this alternative.

4.15 CUMULATIVE EFFECTS

4.15.1 INTRODUCTION

Cumulative effects are defined as those effects to the environment resulting from the incremental effect of the Proposed Action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time (40 Code of Federal Regulations [CFR] §1508.7). Cumulative effects analysis broadens the scope of analysis to include effects beyond those solely attributable to the direct effects of the alternatives. The purpose of cumulative effects analysis, as stated by the Council on Environmental Quality (CEQ), “is to ensure that federal decisions consider the full range of consequences” (CEQ, 1997). For a discussion of the growth inducing effects of the proposed alternatives, please refer to **Section 4.14**.

The process of analyzing cumulative effects, or impacts, requires consideration of issues in each of the traditional components of the Environmental Impact Statement (EIS), including scoping, describing the affected environment, and determining environmental consequences. The incorporation of cumulative effects analysis also aids in the development of alternatives and appropriate mitigation measures.

The analysis in this section considers the incremental effects of the project alternatives on specific resources, ecosystems, and human communities that could occur in conjunction with other reasonably foreseeable actions, projects, and trends. As recommended by CEQ’s *Considering Cumulative Effects*, only those potential cumulative effects that are considered to be relevant or consequential have been discussed in depth (CEQ, 1997).

The geographic boundaries of the cumulative effects zone have been determined based on the nature of the resources affected and the distance that such effects may travel. As an example, increased sedimentation of waterways that result from a project is limited to the watershed in which they occur. As a result, it is only necessary to examine effects within that watershed. Air quality emissions from a project travel over far greater distances and, therefore, necessitate analysis on a County, air basin, or regional level. For this analysis, the geographic boundary of the cumulative effects zone is generally that of Tulare County (County), although with many resources (water, biological etc.) smaller natural or cultural boundaries are used.

4.15.2 CUMULATIVE SETTING

The cumulative setting includes past, present, and reasonably foreseeable future actions not part of the Proposed Action, but related to cumulative effects. This includes projected growth and zoning as detailed in the County and the City of Porterville (City) General Plans. The cumulative impact analysis within this EIS and associated technical studies (including the traffic impact study [TIS] provided as **Appendix**

I), considered the construction of the list of potential cumulative actions and projects in the vicinity and additional growth in accordance with the County and City General Plans.

The status of affected resources is based upon the information provided in **Section 3.0** of this document, from specific resource studies that have been undertaken for the project alternatives, and additional review and analysis. Cumulative effects analysis is based on the assumed enforcement of federal, State, and local regulations, including the implementation of the policies outlined in the County and City General Plans. Cumulative impacts for each environmental issue area are discussed below for Alternatives A through E.

The rate of population growth expected to occur in the City through 2030 is 3.7 percent, per the City General Plan (City of Porterville, 2008). The County General Plan does not provide an anticipated population growth rate; however, it is anticipated that growth in the vicinity of the alternative sites, which are located in fairly rural areas, would be less than the growth anticipated within the City.

Potentially Cumulative Actions and Projects

Major development projects proposed and/or currently being constructed in the vicinity of the Airpark Site and Eagle Mountain Casino Site are listed below and are assumed under cumulative conditions. These projects were determined based on consultation with local government agencies, including the City and the County, as well as the TIS (**Appendix I**).

Transportation Projects – All Alternative Sites

A number of transportation projects are planned within the traffic study area, and are listed below. It should be noted that the traffic study area incorporates the vicinities of both alternative site locations analyzed in this EIS (e.g., the Airpark Site and the Eagle Mountain Casino Site). As identified in the Transportation Concept Reports and regional plans, these improvements are expected to be operational by the cumulative year and will increase overall capacity and improve circulation (**Appendix I**):

- **State Route (SR) 65** from Avenue 128 to 0.567 miles north of Scranton Avenue is proposed to be widened from a 2-lane roadway to a 4-lane expressway as a 20-25 year concept, and to a 4-lane freeway with auxiliary lanes as a post-25 year concept. SR-65 from 0.567 miles north of Scranton Avenue to Linda Vista Avenue is proposed to be widened from a 4-lane freeway to a 6-lane freeway with auxiliary lanes as a post-25 year concept (Caltrans, 2014).
- **State Route 137** is proposed to be widened from a 2-lane conventional highway to a 4-lane conventional highway between Tulare (Martin Street) and Lindsay (SR-65; Caltrans, 2011).
- **State Route 190** is proposed to be widened from a 2-lane conventional highway to a 4-lane expressway as a 20-25 year concept and post-25 year concept. Therefore, future deficiencies along the SR-190 corridor within an around the City will be alleviated. In addition, at-grade

intersections will be grade-separated in the future, which will result in improved circulation and traffic flow (Caltrans, 2015).

- The **Scranton Avenue/West Avenue** intersection will be signalized, as described in the Tulare County 2014 Regional Transportation Plan.

Development Projects

Through year 2030, projected development within the City's General Plan includes the addition of approximately 20,170 new residential dwelling units and approximately 23,260,000 square feet (sf) of non-residential growth, including retail, office, service, industry, and other non-residential uses (City of Porterville, 2008). A list of proposed development projects within the City and County is presented in **Table 4.15-1**.

4.15.3 ALTERNATIVE A – PROPOSED PROJECT

The effects of Alternative A in conjunction with the cumulative setting identified above are presented below. Effects are described for each of the subject areas of the environment described in other portions of this EIS.

Geology and Soils

Cumulative effects associated with geology and soil resources are not expected to occur as a result of future developments in combination with Alternative A. Topographic changes may be cumulatively significant if the topography contributes significantly to environmental quality with respect to drainage, habitat, or other values; however, no significant topographic changes would occur as a result of Alternative A.

Soil loss could be cumulatively considerable if the project alone would not result in significant loss of topsoil, but taken together with all other developments may result in significant depletion of available soils. Local permitting requirements for construction would address regional geotechnical and topographic conflicts, seismic hazards, and resource extraction availability. Approved developments, including those listed above, would be required to follow applicable local permitting procedures. In addition, the project and all other developments that disturb one acre or more must comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, which requires that Best Management Practices (BMPs) be implemented to address soil erosion, as outlined in **Section 5.2**. Therefore, implementation of Alternative A would not result in significant cumulative effects to geology or soils.

TABLE 4.15-1
CUMULATIVE DEVELOPMENT IN THE CITY OF PORTERVILLE AND TULARE COUNTY

Project Name	Type	Description	Site Acres	Location	Distance to Airpark Site	Distance to Eagle Mountain Casino Site
South County Detention Facility	Public/Quasi Public	County-operated 510-bed correctional facility	73.6	Northeast of Porterville Municipal Airport	1 mile	16 miles
GreenPower Motor Company Project ¹	Industrial	150,000-sf factory for assembling electric buses	9.3	Hope Drive	1 mile	16 miles
Riverwalk Marketplace Phase II	Commercial	Expanded retail facility, including a Wal-Mart Supercenter and four Outlets	21.78	Indiana Drive and Springville Drive, Porterville	3 miles	14 miles
Olive and Lotas Commercial Development	Commercial	60,654 sf of commercial development including retail shops and a restaurant	6.12	Olive Avenue between S. Lotas Street and S. Beverly Street, Porterville	3 miles	15 miles
Westwood Plaza Commercial Development	Commercial	Convenience store and gas station, restaurant, retail	4.51	Henderson Avenue and Westwood Street, Porterville	3 miles	17 miles
Culver Mine Project	Industrial	Annual sand extraction of up to 75,000 tons (93,750 cubic yards)	87.46	Section 21 of Township 22 South, Range 27 East	2 miles	16 miles
Hyder Ranch Sports Park	Recreation/ Public	Sports park and small residential community garden	22.3	Southeastern corner of Reservation and Road 296, unincorporated County	9 miles	7 miles
Deer Creek Rock SMARA Permit Amendment Project	Industrial	Increase rock and gravel mining to 950,000 tons of aggregate annually	98	27671 Avenue 120/Road 27, Porterville	7 miles	10 miles
Harvest Power Project	Public	Increase composting, construct anaerobic digestion facility, construct biogas upgrading unit, construct CNG fueling station and CHP	35	Sections 33, Township 19 South, Range 25 East, Northeast of Tulare	17 miles	30 miles
Special Use Permit for Solid Waste Recycling Facility	Public/ Commercial	Receive and stockpile unseparated topsoil, rock, and sand from construction grading projects	20	14180 Road 192, to the east of Porterville	3 miles	20 miles
Exeter to Lindsay Expressway	Public/Road Improvement	Construct a 4-lane expressway from Hermosa Avenue to SR-198	9.3 miles	Along SR-65	12 miles	22 miles

Notes: 1 – Assumed to be operational by opening year
 Source: OPR, 2016; OPR, 2017a; OPR, 2017b; Crawford, 2017; Tulare County, 2013b; Tulare County, 2016a; Tulare County, 2015b; Tulare County, 2014b; Tulare County, 2013c; Tulare County, 2016b; OPR, 2017c.

Water Resources

Surface Water and Flooding

Cumulative effects to water resources may occur as the result of buildout of the County and City General Plans, including the cumulative projects listed above in combination with Alternative A. Examples of potential effects include increased sedimentation, increased pollution, and increased stormwater flows. Stormwater discharges from residential and commercial areas are of concern in managing surface water quality. Pollutants that accumulate in the dry summer months, such as oil and grease, asbestos, pesticides, and herbicides, may create water quality problems due to their presence in high concentrations during the first major storm event.

A watershed's runoff characteristics are altered when impervious surfaces replace natural vegetation. Changes in runoff characteristics may increase stream volumes, increase stream velocities, increase peak discharges, shorten the time to peak flows, and lessen groundwater contributions to stream base-flows during non-precipitation periods. Urban areas also have sources of non-point source pollution that can affect regional water quality. Construction and implementation of the proposed development projects listed above may likewise affect water quality by increasing sedimentation and pollution, and increasing stormwater flows. However, the projects would include erosion control measures in compliance with the NPDES permit program and related regulatory requirements. Other cumulative projects would have similar precautionary features incorporated into their design. As described in **Sections 2.3.3** and **4.3** and detailed in **Appendix D**, chamber cistern units would be constructed at the Airpark Site to collect, hold, and treat differential runoff (the difference between pre-development and post-development runoff) under Alternative A for the 1-day/10-year storm event. Non-differential runoff would continue to be directed to the existing 60-inch storm drain running beneath West Street which will be connected to the new 200 acre-foot (AF) regional retention basin on the 40-acre site.

As discussed in **Appendix D**, while the off-highway vehicle (OHV) park currently functions as the regional retention basin for the Airpark System, the City considers this to be a temporary measure, and the OHV park does not have adequate capacity to handle flows from severe precipitation events under existing conditions. As a result, overflow of the OHV park during severe precipitation events causes the inundation of portions of the Airpark Site, 8-acre site, and Porterville Sports Complex. The City's Storm Drain Master Plan originally identified the need for a permanent 200-AF regional retention basin that would be sized to retain and treat stormwater flows from the entire Airpark System resulting from a 10-day/100-year precipitation event. This regional retention basin was proposed to be located at the southwest corner of the intersection of Scranton Avenue and West Street; however, as described in **Section 3.3.2**, the property identified in City's Storm Drain Master Plan is no longer considered a feasible location, and the City has identified the 40-acre site as a viable alternative. The development of the 200-AF regional retention basin on the northern portion of the 40-acre site under Alternative A and the realignment of the regional storm drain infrastructure to convey flows from the OHV park to the proposed basin (refer to **Section 2.3.3**) would align with the goals of the City's Storm Drain Master Plan, would mitigate the current flooding issues associated with the OHV park, and would allow for the retention and

treatment of flows from the entire Airport System in the cumulative scenario. Therefore, because the proposed regional retention basin is sized to accommodate flows from other regional development following the full buildout of the Airport System, Alternative A would not contribute to any adverse cumulative effects to surface water and flooding.

Water Quality

Concurrent construction of Alternative A and other cumulative projects identified above could result in cumulative effects to water quality. Construction activities could result in erosion and sediment discharge to surface waters, potentially effecting water quality in downstream water bodies. In addition, construction equipment and materials have the potential to leak, thereby discharging oils, greases, and construction supplies into stormwater, potentially affecting both surface water and groundwater. To mitigate potential adverse effects, approved developments would be required to implement erosion control measures and construction BMPs via a site-specific Stormwater Pollution Prevention Plan (SWPPP) in compliance with the State of California General Permit for Discharges of Storm Water Associated with Construction Activity, or compliance with United States Environmental Protection Agency (USEPA) stormwater regulations. With the implementation of measures identified in **Section 5.2** and **Section 5.3**, Alternative A would not result in adverse cumulative effects to water quality.

Groundwater Supply

Buildout of the County and City General Plans could result in cumulative effects to groundwater if the total water demand of approved projects, including the future developments identified above and Alternative A, exceed the recharge capacity of the groundwater basin. As discussed in **Section 3.3**, the City obtains its primary water supply from the Tule Groundwater Sub-basin (TBWP, 2015b).

As discussed in **Section 3.3**, the Tule Groundwater Sub-basin is currently in a state of critical overdraft. Triggered by the development of a “more significant” water shortage, the City has entered Phase IV of its Water Conservation Plan, which imposes severe water use restrictions on residential, commercial, and municipal users (Tulare County, 2014a). Future demands on the groundwater basin by cumulative development would be controlled by City and County land use authorities, as well as by the recently passed Senate Bill 1168, which requires local agencies to create groundwater management plans, and Assembly Bill (AB) 1739, which allows the state to intervene if local groups do not adequately manage groundwater resources. The inclusion of a greater than 100-percent groundwater use offset strategy within the project design of Alternative A (as described in **Section 4.3**), coupled with these state regulatory mechanisms and the BMPs specified in **Section 5.3**, would ensure that Alternative A’s contribution to cumulative impacts to groundwater supply is not significant.

Groundwater Quality

Wastewater generated by Alternative A and the buildout of the County and the City’s General Plans, including the future developments discussed above, would be treated and disposed of through connection

to the City municipal sewer system. Wastewater from the Airpark Site would be conveyed to the City’s wastewater treatment plant (WWTP) via existing and upgraded lift stations and pipeline infrastructure. Detailed discussion of the wastewater components requiring repair or replacement can be found in **Section 4.3**. Wastewater treated at the City’s WWTP is treated and discharged into a 712-acre reclamation area under a Regional Water Quality Control Board (RWQCB) NPDES permit (**Appendix C**). Alternative A involves the construction of an off-site water reclamation facility (WRF) that would have the capacity both to offset 100 percent of the Porterville Sports Complex’s current average potable irrigation water demand and to supply Alternative A’s project maximum-month recycled water demand. The diverted effluent would be treated to Title 22 disinfected tertiary recycled water standards and conveyed to the Airpark Site and the Porterville Sports Complex for landscape irrigation use. Because the irrigation water would be treated to Title 22 standards, which are protective to water quality, no adverse effects to surface water or groundwater quality would occur as a result of this development. Therefore, Alternative A would not result in significant cumulative effects to groundwater quality.

Air Quality

Operational Emissions

Operation of Alternative A would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as stationary source emissions from combustion of natural gas in boilers and other equipment. Emissions were estimated using California Emissions Estimator Model (CalEEMod) air quality modeling program. Emission estimates for Alternative A in the cumulative year 2040 are provided in **Table 4.15-2**. CalEEMod output files are included in **Appendix E**. Increased gas mileage and improved fleet emission controls of trucks and vehicles in the future are accounted for in CalEEMod. The increase in future gas mileage is attributed to improved fuel efficiency technology and stricter federal and state regulations.

TABLE 4.15-2
ALTERNATIVE A UNMITIGATED 2040 OPERATIONAL EMISSIONS

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Area	2.14	0.00	0.02	0.00	0.00	0.00
Energy	0.99	8.97	7.54	0.05	0.68	0.68
Mobile	1.06	11.19	16.45	0.13	13.43	3.63
Stationary	0.25	1.12	1.18	0.00	0.08	0.08
Total Emissions	4.43	21.29	25.19	0.19	14.20	4.40
<i>De Minimis Levels</i>	10	10	N/A	N/A	N/A	50
Exceed Levels	No	Yes	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (refer to Section 3.4). Source: CalEEMod, 2016.						

Past, present, and future development projects contribute to a region's air quality conditions on a cumulative basis; therefore, by its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of the National Ambient Air Quality Standards (NAAQS). If a project's individual emissions contribute toward exceedance of the NAAQS, then the project's cumulative impact on air quality would be significant. In developing attainment designations for criteria pollutants, USEPA considers a region's past, present and future emission levels. As stated in **Section 3.4**, the Airpark Site and vicinity is in nonattainment for ozone (O₃) and particulate matter 2.5 microns in diameter (PM_{2.5}). The main source of O₃ and PM_{2.5} from foreseeable development is mobile sources from automobiles, which will be reduced over time as the fuel efficiency increases. By 2020, fleet-wide averages for fuel efficiency will be almost double those in 2010 (USDOT, 2014; USDOT, 2016). As automobiles use less (or even run without) gasoline, emissions of criteria air pollutants per mile traveled also decreases. SJVAPCD uses the guidelines, such as providing new source review and emission reduction credit program, provided in the SJVAPCD's 2016 Ozone Plan for 2008 8-Hour Ozone Standard, adopted June 16, 2016 and the 2016 Moderate Area Plan for the 2012 PM_{2.5} Standards to reduce O₃ and PM_{2.5} in the SJVAB.

As shown in **Table 4.15-2**, PM_{2.5} emissions from Alternative A are not above the *de minimis* level; therefore, no impact would occur from project related PM_{2.5} emissions. Because project emissions are above the *de minimis* levels for ozone precursor (NO_x), Alternative A has the potential to contribute towards significant cumulative impacts to air quality. However, with the implementation of mitigation provided in **Section 5.4**, emissions of Alternative A would be reduced below *de minimis* level and therefore would not be cumulatively significant.

Carbon Monoxide (CO) Hot Spot Analysis

Hot Spot Analysis is conducted on intersections that after mitigation would have a level of service (LOS) of E or F (Caltrans, 2010). After the implementation of recommended mitigation for the project alternatives, no intersection would have an LOS or an increase in delay in the cumulative year 2040 that would warrant a Hot Spot Analysis (refer to **Appendix I**). No significant cumulative impacts would occur and no further analysis is needed.

Climate Change

Methodology

Global warming is a global issue that is not being caused by any single development project, but by global cumulative increases in atmospheric greenhouse gas (GHG) concentrations. Thus, global warming is most effectively addressed on a global or regional level. California's global warming policies and legislation (most notably Executive Order [EO] S-3-05 and AB 32) are intended to be regional approaches to ensure that statewide emissions are reduced substantially in the future (to levels much lower than existing levels).

No specific quantitative thresholds have been established by the County, California Air Resource Board (CARB), USEPA, or any other state or federal agency for climate change and GHG emissions. While there is no federal guidance memo related to the consideration of climate change impacts in NEPA documents (the former 2016 CEQ guidance memorandum was withdrawn with issuance of Executive Order (EO) 13783), this EIS includes a quantification of GHG emissions resulting from the project alternatives (in carbon dioxide equivalents [CO₂e]) and discussion of reduction measures to address comments received during scoping and from cooperating agencies.

In addition to quantification of GHG emissions and recommended reduction measures, this EIS considers the impacts of the project alternatives in relation to the GHG reduction targets established by the state of California. The CARB and the Climate Action Team (CAT) have identified approximately 126 strategies and measures that may be utilized by the state to meet its emissions reduction targets in 2010, 2020, and 2050. Most of these measures focus on statewide action meant to curb emissions by changes in statewide planning or policies rather than changes to individual development projects. However, some of the measures may be directly applicable to specific industries or individual commercial developments. Should a development alternative comply with all directly applicable measures, the alternative would support the State's efforts to significantly reduce its cumulative contribution to global climate change (to levels recommended by the Intergovernmental Panel on Climate Change [IPCC] and CARB's 2014 and 2017 Updated Climate Change Scoping Reports and the associated impacts).

Due to the inherent nature of climate change, GHG impacts are considered to be exclusively cumulative impacts. Therefore, assessment of significance is based on a determination of whether the GHG emissions from a project represent a cumulatively considerable contribution to the global atmosphere and conforms to the applicable CARB and CAT measures.

Carbon Dioxide Equivalent (CO₂e)

Carbon dioxide equivalent (CO₂e) is a method by which GHGs other than CO₂ are converted to a CO₂-like emission value based on a heat-capturing ratio. As shown in **Table 4.15-3**, CO₂ is used as the base and is given a value of one. Methane (CH₄) has the ability to capture 21 times more heat than CO₂; therefore, CH₄ is given a CO₂e value of 21. Emissions are multiplied by the CO₂e value to achieve one GHG emission value. By providing a common measurement, CO₂e provides a means for presenting the relative overall effectiveness of emission reduction measures for various GHGs. Development of Alternative A would result in an increase in GHG emissions related to mobile sources (trips generated), area sources (components of Alternative A that directly emit GHGs), and indirect sources related to electricity, solid waste, wastewater processing, and water transport.

Impact Assessment

Climate change is expected to result in global impacts, such as more erratic weather patterns, more frequent droughts, and rising sea levels. Climate change is also expected to cause regional and local

impacts, such as a change in agricultural growing seasons, loss of forest species, increased drought periods, and reduced water tables.

TABLE 4.15-3
GREENHOUSE GAS CO₂ EQUIVALENT

Gas	CO ₂ e Value
CO ₂	1
CH ₄	21
N ₂ O	310
Note: N ₂ O = nitrous oxide; CO ₂ e = Carbon dioxide equivalent Source: CARB, 2017.	

Development of Alternative A would result in an increase in GHG emissions related to construction, mobile sources (trips generated by the project), stationary sources (components of Alternative A that directly emit GHGs) from the combustion of natural gas or diesel in boilers, emergency generators, and heating, ventilation, and air conditioning (HVAC) units, and indirect sources related to electricity (combustion of fuels use to produce electricity), solid waste (solid waste decomposition at the landfill and haul trucks), wastewater processing (decomposition of waste and electric and diesel pumps), and water transport (electricity and diesel pumps).

CalEEMod Version 2016.3.1 was used to estimate construction, area, energy, mobile, stationary, water and wastewater, and solid waste project-related GHG emissions. Model input and output files are provided in **Appendix E**. The trip generation rates use to estimate GHG emissions are based on information from the TIS (**Appendix I**). **Table 4.15-4** provides a breakdown of project-related GHG emissions.

TABLE 4.15-4
PROJECT-RELATED GHG EMISSIONS – ALTERNATIVE A

Emission Source	GHG Emissions in MT CO ₂ e
Construction	
Construction ¹	1,273
Operation	
Area	0.05
Mobile (Vehicle Trips)	16,942
Stationary Sources	802
Electricity Usage	10,182
Solid Waste	826
Water/Wastewater	159
<i>Operation Subtotal</i>	<i>28,911</i>
Total Project-Related GHG Emissions	30,184
Notes: 1 – Construction-related GHG emissions were amortized over the construction period to determine annual construction emissions. Source: Appendix E .	

GHG emissions resulting from Alternative A are primarily indirect (either indirect mobile emissions from delivery, patron, and employee vehicles or indirect off-site electricity generation, waste pickup, water and wastewater transport, etc.). The federal government has enacted measures that would reduce GHG emissions from mobile sources, some of which have been accounted for in the air quality model used to estimate mobile emissions. Mitigation measures and BMPs have been provided in **Section 5.4** to reduce project-related GHG emissions. Construction BMPs include reduced idling of heavy equipment, thereby, reducing CO₂ during the construction of the Proposed Project. Operational mitigation measures would reduce indirect GHG emissions from electricity use, water and wastewater transport, and waste transport through the installation of energy efficient lighting, heating and cooling systems, low-flow appliances, drought resistant landscaping, and recycling receptacles. Operational mitigation measures would also reduce indirect mobile GHG emissions by requiring adequate ingress and egress to minimize vehicle idling and preferential parking for vanpools and carpools to reduce project-related trips. Therefore, with the implementation of all feasible mitigation measures and BMPs provided in **Section 5.4**, implementation of the Alternative A would not result in a significant adverse cumulative impact associated with climate change.

As discussed in **Section 3.4**, in California's adopted Climate Change Scoping Plan, CARB identifies the GHG reduction targets of the state and the types of measures that will be used to reach them. Of the approximately 126 strategies and measures identified in the Scoping Plan that would achieve a statewide reduction in GHG emissions, only three would apply to Alternative A (refer to **Table 4.15-5**). The other policies do not apply to Alternative A because they either apply to state entities, such as CARB, are planning-level measures, or apply to particular industries, such as the auto repair industry. As shown in **Table 4.15-5**, Alternative A would comply with California's applicable emission reduction strategies.

The effect of climate change on the Proposed Project is also considered in this EIS. Average temperature in the County could increase, resulting in projected extreme heat days, wildfire risk in forest would increase, and greater chance of extreme weather conditions. The intensity of these effects is uncertain and will depend on future GHG emissions worldwide (CEC, 2012).

No characteristics of Alternative A are unique or especially vulnerable to the impacts from climate change. The effects of increasing temperatures and frequency of extreme heat days or extreme weather conditions will be dampened by the use of on-site heating and air conditioning. The Airpark Site is located near forest and agricultural land at approximately 410 to 430 feet (125 to 131 meters) above mean sea level (amsl) and thus is not susceptible to impacts from sea level rise. The Airpark Site is located on agricultural land surrounded by developed and paved areas, which is adequately served by emergency services and, therefore, is not uniquely sensitive to increased risk from wildfires or extreme weather conditions as a result of climate change.

TABLE 4.15-5
COMPLIANCE WITH STATE EMISSIONS REDUCTION STRATEGIES

EO S-3-05 / AB 32 Strategy	Project Compliance
<p>Diesel Anti-Idling: In July 2004, CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.</p>	<p>Alternative A would be located on trust lands and thus not subject to CARB restrictions on on-site diesel-fueled commercial vehicle idling. Mitigation measures are provided in Section 5.4 would make the project consistent with this strategy.</p>
<p>Achieve 50 percent statewide Recycling Goal: Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.</p>	<p>Solid waste services are expected to be provided by the Mid Valley Disposal, which is subject to the state's recycling requirements. The development would not affect County diversion goals as waste from tribal land is classified as out-of-state waste and is not calculated in local waste diversion statistics. Although the diversion stream will not be affected, the waste stream would increase. Mitigation measures are provided in Section 5.4, which would make the project consistent with this strategy.</p>
<p>Water Use Efficiency: Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions.</p>	<p>With implementation of mitigation measures provided in Section 5.4, water use would be reduced through to installation of low-flow appliances and utilization of recycled water, and the installation of drought-tolerant landscaping, which would make the project consistent with this strategy.</p>
<p>Note: EO = Executive Order; AB = Assembly Bill. Source: CARB, 2014.</p>	

Biological Resources

Cumulative effects to biological resources would occur if Alternative A, in conjunction with buildout of County and City General Plans, including the projects listed in **Section 4.15.2**, would result in a significant effect to special-status species, contribute to a reduction in the number of a special-status species that would affect the species long-term sustainability, cause development that permanently disturbs a wildlife corridor, results in an effect to sensitive habitat that is of regional significance, or results in a conflict with regional conservation goals.

Wildlife and Habitats

As identified in **Section 4.5**, the Airpark Site does not contain United States Fish and Wildlife Service (USFWS) designated critical habitat. Most habitat disturbance as a result of Alternative A would occur in previously disturbed areas, while the remaining disturbance would occur as a result of off-site improvements in either previously disturbed areas or non-native grasslands. Despite the disturbed characteristics of the majority of the Airpark Site, development of Alternative A could potentially impact the habitats of two special-status species (refer to **Section 4.5**). None of the habitats that would be affected by implementation of Alternative A are considered sensitive biological communities; therefore, no significant adverse cumulative effects would occur. Potential cumulative effects to special-status species are discussed below.

Special-Status Species

As discussed in **Section 3.5**, two special-status wildlife species, San Joaquin kit fox (SJKF) and American badger, have the potential to occur on the Airpark Site and Off-site Improvement Areas. Mitigation identified in **Section 5.5** includes measures that would avoid or minimize impacts to these species. Similarly, other projects in the region would be required to comply with the federal Endangered Species Act (FESA) and California Endangered Species Act (CESA) by avoiding or minimizing effects to protected species. Therefore, after mitigation, implementation of Alternative A would not contribute to adverse cumulative effects to special-status species.

Migratory Birds

Alternative A would not result in significant cumulative effects to nesting migratory birds. However, disturbance to migratory bird habitats and increases in human activity from other proposed projects in the area could incrementally contribute to past, present, and future effects to migratory birds. The development of other projects considered in the cumulative analysis are required to comply with the Migratory Bird Treaty Act (MBTA), which will reduce the overall impact to migratory birds. Mitigation measures provided in **Section 5.5** would minimize significant effects to migratory birds. Therefore, implementation of Alternative A would not result in significant cumulative effects to nesting migratory birds.

Increased lighting has been shown to increase collisions of birds and structures, as well as causing a disorientation effect on species. Thus, nighttime lighting from the operation of the Alternative A in combination with cumulative growth could have a potentially significant impact on both migrating and local bird populations. Mitigation measures to reduce potentially significant nighttime lighting impacts are identified in **Section 5.13**, which would minimize significant effects to migratory bird collisions. Therefore, implementation of Alternative A would not contribute to adverse cumulative effects associated with nighttime lighting.

Wetlands and Waters of the U.S.

As discussed in **Section 4.5**, implementation of Alternative A would not result in adverse effects to wetlands or Waters of the U.S. Indirect effects to wetlands and waterways would be avoided by the implementation of project features designed to minimize impacts and provide buffers to wetlands, control stormwater and wastewater discharges, and protect the quality of runoff water through conditions of the NPDES permit. Other cumulative projects would likewise avoid or mitigate for impacts to wetlands and Waters of the U.S. in compliance with Section 404 of the Clean Water Act (CWA). Therefore, Alternative A would not contribute to adverse cumulative effects to wetlands or Waters of the U.S.

Cultural Resources

As described in **Section 3.6**, archaeological investigations of the Airpark Site and Off-site Improvement Areas (**Appendix H**) failed to discover any historic properties within the area of potential effects. Given

the absence of archaeological sites or built resources, there would be no adverse effects to known National Register-eligible or listed properties as a result of Alternative A. However, Alternative A may affect previously unknown buried archaeological resources. As discussed in **Section 4.6**, direct effects to unknown cultural resources associated with Alternative A would be reduced to a minimal level through the implementation of mitigation measures specified in **Section 5.6**. Approved projects would be required to follow federal, State, and local regulations regarding cultural resources and inadvertent discoveries of cultural resources. All other cumulative projects would be required to avoid or mitigate for impacts to cultural resources in compliance with local, State, and federal law. Therefore, with the implementation of the mitigation measures outlined in **Section 5.6**, Alternative A would not result in adverse cumulative effects to cultural resources.

Socioeconomic Conditions

Cumulative socioeconomic effects could occur in the future in the project area as the result of Alternative A that may affect the lifestyle and economic wellbeing of residents. Alternative A 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, Alternative A may contribute towards cumulative socioeconomic effects including impacts to the local labor market, housing availability, increased costs due to problem gambling, 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. Therefore, Alternative A would have a less-than-significant cumulative effect with mitigation on socioeconomic conditions.

Transportation

In the year 2040, Alternative A would result in the addition of vehicle traffic to local intersections. The TIS prepared for Alternative A is provided in **Appendix I**. This section summarizes the results of this study and describes potential adverse effects that would occur to intersections, roadways, or freeway facilities within the study area.

2040 Cumulative Background Traffic Conditions

To assess project-related impacts, baseline traffic conditions were estimated for the year 2040 by adding cumulative traffic volumes to the existing conditions described in **Section 3.8**. **Table 4.15-6** displays the projected delay and LOS for study intersections during weekday AM and PM, as well as weekend, peak hour traffic.

TABLE 4.15-6
2040 INTERSECTION LOS WITHOUT PROJECT

No.	Intersection	Control Type	Weekday				Weekend	
			AM Peak Hour		PM Peak Hour		Peak Hour	
			LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
1	SR-137/SR-63	Signal	F	94.1	F	100.4	F	103.0
2	SR-137/SR-65	Signal	F	93.1	F	130.8	E	76.4
3	SR-137/Road 204 (Spruce Road)	Signal	F	164.8	F	OVR	F	177.2
4	Hermosa Street/SR-65	Signal	E	55.1	D	41.0	C	24.2
5	Avenue 196/SR-65	Signal	D	36.2	D	39.1	C	23.8
6	SR-99 SB Off Ramp/Burnett Road	TWSC	B	11.0	B	11.7	B	11.3
7	Avenue 144/SR-99 NB On/Off Ramps	TWSC	B	10.3	B	11.8	A	8.3
8	SR-190/Road 152	TWSC	D	29.5	F	OVR	C	24.5
9	SR-190/Road 192	AWSC	C	21.4	F	53.8	E	46.9
10	SR-190/Rockford Road (Road 208)	TWSC	F	109.8	F	OVR	E	35.8
11	SR-190/Road 216	TWSC	D	31.8	F	98.3	E	47.1
12	SR-190/Westwood Street	AWSC	F	69.5	F	72.9	F	74.0
13	SR-190/Newcomb Street	TWSC	F	OVR	F	OVR	F	146.0
14	SR-190/Jaye Street	Signal	D	51.9	E	63.0	D	47.2
15	SR-190/Plano Street	Signal	F	107.3	F	93.8	D	40.0
16	SR-190/Road 284	TWSC	D	30.3	F	102.4	F	154.7
17	Avenue 136/Road 208	TWSC	B	10.5	B	10.2	B	10.6
18	Scranton Avenue/Road 216	TWSC	A	9.5	A	9.3	A	9.7
19	Scranton Avenue/West Street	TWSC	B	11.2	A	9.5	A	9.1
20	Scranton Avenue/Westwood Street	TWSC	B	10.2	B	12.3	B	13.3
21	Scranton Avenue/Newcomb Street	AWSC	A	8.7	A	8.6	A	8.1
22	Scranton Avenue/SR-65	Signal	F	93.1	F	172.1	C	29.7
23	Teapot Dome Avenue/Road 216	TWSC	A	9.7	A	9.3	A	9.3
24	Teapot Dome Avenue/West Street	TWSC	A	9.3	A	9.5	A	8.5
25	Teapot Dome Avenue/Road 224	TWSC	A	9.3	A	9.2	A	10.0
26	Teapot Dome Avenue/Newcomb Street	TWSC	B	10.9	B	10.9	B	10.1
27	Teapot Dome Avenue/SR-65	Signal	C	21.4	D	45.2	D	36.3
28	Teapot Dome Avenue/S Main Street	AWSC	B	11.3	C	18.7	B	11.7
29	Avenue 95/SR-65	Signal	B	16.3	C	32.4	D	40.9
30	BIA-211/Casino Entrance	TWSC	B	10.8	B	10.9	B	10.3
31	Success Valley Dr/Reservation Road	TWSC	B	10.9	B	11.0	B	10.4
32	SR-137/Road 168	TWSC	F	OVR	F	OVR	F	OVR
33	SR-198/Spruce Road (Road 204)	Signal	F	143.0	F	OVR	B	15.5
34	Avenue 256/Spruce Road (Road 204)	AWSC	F	57.7	F	55.1	E	46.0

Notes: AWSC = All-Way Stop Control; TWSC = Two-Way Stop Control; OVR = overflow conditions (>180 seconds)
 Target LOS for all intersections is LOS D or better.
Bolded text indicates failure to meet current LOS target.
 Source: **Appendix I** – TIS.

As shown in **Table 4.15-6**, the following study intersections would operate at unacceptable LOS during under cumulative conditions without project-related traffic:

- SR-137/SR-63 (weekday AM and PM peak hours, weekend peak hour);
- SR-137/SR-65 (weekday AM and PM peak hours, weekend peak hour);
- SR-137/Road 204 (Spruce Road) (weekday AM and PM peak hours, weekend peak hour);
- Hermosa Street/SR-65 (weekday AM peak hour);
- SR-190/Road 152 (weekday PM peak hour);
- SR-190/Road 192 (weekday PM peak hour, weekend peak hour);
- SR-190/Rockford Road (Road 208) (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Road 216 (weekday PM peak hour, weekend peak hour);
- SR-190/Westwood Street (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Newcomb Street (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Jaye Street (weekday PM peak hour);
- SR-190/Plano Street (weekday AM and PM peak hours);
- SR-190/Road 284 (weekday PM peak hour, weekend peak hour);
- Scranton Avenue/SR-65 (weekday AM and PM peak hours);
- SR-137/Road 168 (weekday AM and PM peak hours, weekend peak hour);
- SR-198/Spruce Road (Road 204) (weekday AM and PM peak hours); and
- Avenue 256/Spruce Road (Road 204) (weekday AM and PM peak hours, weekend peak hour).

However, the SR-190/Road 284 intersection has been improved by the installation of a roundabout. With this roundabout, the intersection would operate acceptably in the cumulative year. Additionally, the intersection of SR-190 and Road 152 has already been constructed with a roundabout, which would result in acceptable operation of the intersection in the cumulative year.

Table 4.15-7 displays the projected delay and LOS for study roadway segments under cumulative conditions without the project. As shown in the table, the following roadways would operate at an unacceptable LOS under cumulative conditions without the project:

- SR-65 from Hermosa Street to Pioneer Avenue;
- SR-65 from Pioneer Avenue to SR-190; and
- SR-190 from Blue Heron Parkway to Road 284.

Table 4.15-8 summarizes the conditions of the freeway mainlines and ramps in the cumulative year without the addition of any alternative. As shown in the table, all study freeway mainlines and ramps are projected to operate at acceptable levels of service for cumulative conditions without the proposed project.

TABLE 4.15-7
2040 ROADWAY SEGMENT LOS WITHOUT PROJECT

Segment	Lanes	ADT	LOS
SR-137 from SR-63 to Road 204 (Spruce Road)	4	30,130	D
SR-65 from Road 204 (Spruce Road) to Hermosa Street	4	28,140	C
SR-65 from Hermosa Street to Pioneer Avenue	4	42,660	F
SR-65 from Pioneer Avenue to SR-190	4	34,270	E
SR-65 from SR-190 to Avenue 95	4	18,900	A
SR-190 from SR-99 to Road 192	2	8,870	A
SR-190 from Road 192 to SR-65	4	17,920	A
SR-190 from SR-65 to Plano Street	4	32,200	D
SR-190 from Plano Street to Blue Heron Parkway	4	18,920	A
SR-190 from Blue Heron Parkway to Road 284	2	18,460	F
Scranton Avenue from Rockford Road (Road 208) to SR-65	2	6,270	B
Teapot Dome Avenue from Rockford Road (Road 208) to SR-65	2	2,810	A
Rockford Road (Road 208) from Teapot Dome Avenue to SR-190	2	4,940	A
Road 216 from Teapot Dome Avenue to SR-190	2	440	A
West Street from Teapot Dome Avenue to SR-190	2	1,810	A
Westwood Street from Scranton Avenue to SR-190	2	2,330	A
Newcomb Street from Teapot Dome Avenue to SR-190	2	6,140	B
Reservation Road between SR-190 and Reservation Entrance	2	3,720	A
Notes: ADT = Average Daily Traffic 1 - Traffic associated with the existing Eagle Mountain Casino was reduced to account for its closure upon project completion. Bolded text indicates failure to meet current LOS target. Source: Appendix I – TIS.			

2040 Cumulative Traffic Conditions with Alternative A

Tables 25 and 26 in **Appendix I** provide intersection LOS in 2040 under Alternative A during weekday AM and PM peak hours as well as weekend peak hours, respectively. As indicated in Tables 25 and 26, the following study intersections are projected to operate at unacceptable LOS under Alternative A cumulative conditions:

- SR-137/SR-63 (weekday AM and PM peak hours, weekend peak hour);
- SR-137/SR-65 (weekday AM and PM peak hours, weekend peak hour);
- SR-137/Road 204 (Spruce Road) (weekday AM and PM peak hours, weekend peak hour);
- Hermosa Street/SR-65 (weekday AM peak hour);
- SR-190/Road 152 (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Road 192 (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Rockford Road (Road 208) (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Road 216 (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Westwood Street (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Newcomb Street (weekday AM and PM peak hours, weekend peak hour);

- SR-190/Jaye Street (weekday PM peak hour);
- SR-190/Plano Street (weekday AM and PM peak hours);
- SR-190/Road 284 (weekday PM peak hour, weekend peak hour);
- Scranton Avenue/West Street (weekday PM peak hour, weekend peak hour);
- Scranton Avenue/Westwood Street (weekend peak hour);
- Scranton Avenue/SR-65 (weekday AM and PM peak hours, weekend peak hour);
- SR-137/Road 168 (weekday AM and PM peak hours, weekend peak hour.);
- SR-198/Spruce Road (Road 204) (weekday AM and PM peak hours); and
- Avenue 256/Spruce Road (Road 204) (weekday AM and PM peak hours, weekend peak hour).

TABLE 4.15-8
2040 FREEWAY CONDITIONS WITHOUT PROJECT

Interchange Movements	Junction Type	Density (cars/mi/lane)	LOS
SR-190 Ramps at SR-65			
EB SR-190 to NB SR-65	Merge	9.3	A
EB SR-190 to NB SR-65	Diverge	4.0	A
EB SR-190 to SB SR-65	Merge	6.8	A
EB SR-190 to SB SR-65	Diverge	7.6	A
WB SR-190 to NB SR-65	Merge	21.9	B
WB SR-190 to NB SR-65	Diverge	18.0	B
WB SR-190 to SB SR-65	Merge	20.0	C
WB SR-190 to SB SR-65	Diverge	14.4	B
SR-65 Ramps at SR-190			
NB SR-65 to EB SR-190	Merge	7.2	A
NB SR-65 to EB SR-190	Diverge	7.0	A
NB SR-65 to WB SR-190	Merge	7.0	A
NB SR-65 to WB SR-190	Diverge	5.2	A
SB SR-65 to EB SR-190	Merge	28.4	D
SB SR-65 to EB SR-190	Diverge	17.3	B
SB SR-65 to WB SR-190	Merge	23.0	C
SB SR-65 to WB SR-190	Diverge	18.2	B
Notes: EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound. Bolded text indicates failure to meet current LOS target. Source: Appendix I – TIS.			

However, the SR-190/Road 284 intersection has been improved by the installation of a roundabout. With this roundabout, the intersection would operate acceptably in the cumulative year under Alternative A. Additionally, the intersection of SR-190 and Road 152 has already been constructed with a roundabout, which would result in acceptable operation of the intersection in the cumulative year. Additionally, although the intersection of Hermosa Avenue/SR-65 would operate at unacceptable LOS conditions, the delay under Alternative A cumulative conditions at this intersection increases by less than 5 seconds over

the cumulative baseline; therefore, it is not considered a significant impact. Therefore, mitigation measures are not recommended for this intersection.

Table 34 in **Appendix I** provides roadway segment LOS in 2040 under Alternative A. As shown in the table, the following study roadway segments are projected to operate at unacceptable LOS under Alternative A cumulative conditions:

- SR-65 from Hermosa Street to Pioneer Avenue (volume to capacity [V/C] ratio: 0.015);
- SR-65 from Pioneer Avenue to SR-190 (V/C ratio: 0.057);
- SR-190 from SR-65 to Plano Street (V/C ratio: 0.046); and
- SR-190 from Blue Heron Parkway to Road 284 (V/C ratio: 0.017).

Under Alternative A, only one roadway segment (SR-65 from Pioneer Avenue to SR-190) has a V/C ratio above the significance threshold of 0.05. Mitigation is recommended in **Section 5.8.3** to reduce this impact to a less-than-significant level.

Table 36 in **Appendix I** provides freeway ramp merge/diverge LOS for Alternative A under cumulative conditions. As shown in the table, all freeway ramps would operate at acceptable LOS with the addition of traffic from Alternative A. Impacts to freeway ramps would be less than significant.

As shown in the referenced tables, Alternative A traffic would add to traffic volumes at study intersections and roadway segments, causing some of these locations to operate at unacceptable LOS. Significant congestion is expected with and without the project in 2040. Mitigation measures, including pro rata shares, are included in **Section 5.8** to reduce these impacts. With implementation of these measures, all study locations would operate at acceptable LOS with the addition of traffic from Alternative A; therefore, impacts would be less than significant.

Transit, Bicycle, and Pedestrian Facilities

The Porterville General Plan includes a map of future planned bicycle routes in the vicinity of the Airpark Site, including Class II bike paths along West Street, Teapot Dome Avenue, and Scranton Avenue. These projects are not yet funded, but it is possible that they could be completed by the cumulative year. Alternative A would not disrupt or impede upon any of the planned bicycle paths.

Alternative A would include the addition of limited pedestrian-oriented walkways for internal circulation between different land uses. There would be sufficient parking available for patrons and employees, and existing transit services would continue to operate regardless of the proposed project. Therefore, Alternative A would have a less-than-significant impact on transit, bicycle, and pedestrian facilities in the vicinity of the Airpark Site.

Land Use

Development in the City is guided in part by the City General Plan and Development Ordinance. Planned development projects within the City are consistent with these documents and policies, which prevent disorderly growth or incompatible land uses. While Alternative A would not be subject to local land use policies, as discussed in **Section 4.9.1**, Alternative A would be developed in a way that is generally consistent with the City municipal code. Alternative A would not disrupt neighboring land uses, prohibit access to neighboring parcels, or otherwise conflict with neighboring land uses, including the Porterville Municipal Airport. Therefore, Alternative A would not result in adverse cumulative effects to land use planning.

Agriculture

The Farmland Protection Policy Act is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. There is no active agriculture occurring on the Airpark Site. A Farmland Conversion Impact Rating (FCIR) Form was completed for the Airpark Site; the site received a combined land evaluation and site assessment score of 69, which is under the 160-point threshold for evaluation of alternative sites. Therefore, implementation of Alternative A would not contribute to significant cumulative adverse effects to agricultural lands.

Public Services

Water Supply

The aquifer from which the City water system receives the majority of its water is currently overdrafted. Groundwater levels have declined significantly in and around the City over the past decade, and average well yields have also decreased, in some cases by over 50 percent (**Appendix C**). However, the design of Alternative A incorporates a groundwater use offset strategy, described in detail in **Section 4.3**, which would result in a net surplus within the municipal water supply relative to the existing baseline following the completion of Alternative A. Thus, implementation of Alternative A would effectively expand the potable water supply available to existing and potential future municipal water users relative to a no-action scenario (Alternative F). Projects approved for connection to the City's water system would pay the appropriate water capital connection charges and monthly service fees. The corresponding fee structure would allow the City to expand and maintain its water supply infrastructure to serve Alternative A and other proposed projects. Therefore, with the implementation of the groundwater offset strategy incorporated as a project component under Alternative A, there would be a less-than-significant cumulative impact on the City's water supply system. **Section 5.3** contains water conservation mitigation measures that would further reduce potential impacts. The decrease in use of the Tribe's water supply system following the conversion of the Eagle Mountain Casino Site to tribal government uses under Alternative A would constitute a beneficial impact.

Wastewater

The City will begin planning for expansion of its WWTP's capacity when average flows reach 80 percent of capacity, or 6.4 million gallons per day (MGD). This expansion and 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. Municipal wastewater service in the City is funded by an adjustable fee on residential, commercial, and industrial users. For commercial users, the monthly fee per 100 cubic feet of water used is dependent on business type. The minimum monthly fee for commercial users is currently \$26.87 (City of Porterville, 2016c). With the off-site sewer improvements described in **Section 4.10**, the additional wastewater generated by Alternative A would not result in a cumulatively significant effect to the City wastewater system. The decrease in use of the Tribe's wastewater treatment system following the conversion of the existing Casino site to tribal government uses under Alternative A would constitute a beneficial impact.

Solid Waste

Growth resulting from buildout of the County and City General Plans, including the projects listed in **Section 4.15.2**, would increase disposal of solid waste at Visalia Landfill, which is described in detail **Section 3.10.3**. Projected solid waste generation for Alternative A is a small addition to the waste stream and would not significantly decrease the life expectancy of Visalia Landfill. Since capacity is available for cumulative growth including Alternative A, no significant cumulative effects to solid waste services would occur.

Law Enforcement

New development, including the cumulative projects listed above, would fund in part County and the City services including law enforcement through development fees and property tax. As discussed in **Section 2.3.3**, under Alternative A, law enforcement services would be provided by the Porterville Police Department (PPD) and/or the Tulare County Sheriff's Department (TCSD). A Tribal security force would provide security patrol and monitoring needs of the casino as needed. Due to existing staffing levels, PPD and/or TCSD may need additional facilities and equipment to meet the increased need for services due to cumulative growth in the region, including Alternative A. While development of the Airpark Site under Alternative A has the potential for an increase in calls for service during operation of Alternative A and extended hours of operation at the Airpark Site, the Tribe would enter into a service agreement with either PPD or TCSD to fully reimburse the affected department for quantifiable direct and indirect costs incurred in conjunction with the provision of law enforcement services. Additionally, an increase in service demands to the California Highway Patrol (CHP) may result from development of the project. However, payments to the State under the Tribal-State Compact would offset any impacts to the CHP.

With the implementation of on-site security measures and through the conditions of a service agreement between the Tribe, the City, and County, included as **Mitigation Measure 5.10(G)**, payments by the

Tribe would fully compensate the City and/or County for costs associated with increased law enforcement services at the Airpark Site. Therefore, with implementation of the mitigation described in **Section 5.10.3**, Alternative A would result in a less-than-significant cumulative effect to public law enforcement services.

Fire Protection and Emergency Medical Services

New development, including cumulative projects listed in **Section 4.15.2**, would be required to fund City and/or County services including fire protection and emergency medical response services through development fees and property taxes. Emergency medical costs are paid primarily by the individual requiring service. The Tule River Fire Department (TRFD) would provide primary fire protection and emergency medical services to the Airpark Site under Alternative A via the proposed on-site fire station. It is anticipated that the Tribe will enter into mutual aid agreements with the Porterville Fire Department (PFD) and/or Tulare County Fire Department (TCFD) for the provision of supplementary fire and emergency response services to the site and vicinity as needed. Due to the presence of the TRFD-staffed fire station on-site, it is not anticipated that the development of Alternative A would significantly increase service call volumes for PFD or TCFD. Pending the finalization of a mutual aid agreement with PFD and/or TCFD, implementation of Alternative A could reduce service call volumes for both of those agencies by expanding fire protection and emergency medical services in the region. As described in **Section 4.10.1**, Sierra View Medical Center is in the process of doubling its emergency room capacity from 22 to 44 beds, which would be adequate to accommodate projected cumulative growth in the region. Therefore, Alternative A would result in a less-than-significant cumulative impact to public fire protection and emergency medical services.

Energy and Natural Gas

Individual projects, including the cumulative projects listed in **Section 4.15.2**, would be responsible for paying development or user fees to receive electrical and natural gas services. As such, the Tribe would pay a fair share of the upgrades needed to avoid affecting the service of existing customers and any infrastructure necessary to provide service to Alternative A. Southern California Edison (SCE) would require distribution system upgrades in order to have sufficient capacity to provide service to the Airpark Site (**Section 4.10**; Garcia, 2017). It is also anticipated that Southern California Gas Company (SoCalGas) would require pipeline improvements to supply natural gas to the Airpark Site (**Section 4.10**; Hendrick, 2017). The mitigation measure provided in **Section 5.10.4** would ensure that Alternative A would not cause significant cumulative effects to energy or natural gas providers.

Noise

The following identifies possible impacts from project related noise sources in the cumulative year 2040 for Alternative A, such as traffic, HVAC systems, parking structure and lots, and deliveries.

Traffic Noise

Noise level measurements were collected along representative off-site roadways that would experience an increase in traffic as result of the project. Increases in noise levels resulting from the increase in project traffic were analyzed using the existing cumulative Average Daily Traffic (ADT) volumes and cumulative existing plus project ADT volumes from the traffic impact analysis included in **Appendix I**. **Table 4.15-9** shows the change in cumulative change in traffic volumes and the change in the cumulative year noise levels compared to operational traffic noise levels in terms of equivalent noise level (Leq) at the closest sensitive receptors along roadways that would experience the largest increase in traffic as a result of the project. With the exception of Teapot Dome Avenue, Scranton Avenue, and Road 216, none of the roadways would experience an increase in project related traffic that would exceed the Federal Highway Administration (FHWA) Noise Abatement Criteria (NAC) of 67 A-weighted decibels (dBA) Leq with the addition of project traffic. Therefore, the impacts to sensitive receptors along these roadways from Alternative A traffic noise would be less than significant. Impacts to sensitive receptors along Teapot Dome Avenue and Road 216 are discussed below:

TABLE 4.15-9
ALTERNATIVE A AND B 2040 TRAFFIC VOLUMES AND AMBIENT NOISE LEVELS

Roadway Segment	Existing		2040 No Project		2040 + Project		Change ¹ (dBA Leq)	Discernible Increase?
	ADT	dBA Leq	ADT	dBA Leq	ADT	dBA Leq		
SR-65 from Pioneer Avenue to SR-190	24,500	55.1	34,270	56.6	36,120	56.8	0.2	No
SR-190 from SR-65 to Plano Street	23,700	59.7	32,200	61.0	33,690	61.2	0.2	No
SR-65 from SR-190 to Avenue 95	11,100	55.1	18,900	57.4	19,080	57.4	0.0	No
Teapot Dome Avenue from Road 208 to SR-65	1,270	67.8	2,810	71.3	3,450	72.2	0.9	No
Scranton Avenue from Rockford Road to SR-65	560	59.7 ²	6,270	70.2	6,340	70.3	0.1	No
SR-190 from Road 192 to SR-65	5,500	55.1	17,920	60.2	21,880	61.1	0.9	No
Road 216 from Teapot Dome to SR-190	300	59.7	440	61.4	3,020	69.8	8.4	Yes
Westwood Street from Scranton Avenue to SR-190	1,750	59.7	2,330	60.9	3,860	63.1	2.2	No
Newcomb Street from Teapot Dome to SR-190	1,190	55.1	6,140	62.2	7,170	62.9	0.7	No

Notes: ADT = Average Daily Traffic; dBA Leq for Peak Hour Average Level
Bold means the ambient noise level is above the NAC threshold of 67 dBA Leq, or that the change in noise level is above the discernible threshold of 3 dBA
 1 - The change between 2040 No Project and 2040 + Project
 2 - Conservatively based on SR-190 noise levels
 Source: **Appendix I, Appendix J.**

Teapot Dome Avenue, Scranton Avenue, and Road 216

There are several residential sensitive receptors located along the affected segments of Teapot Dome Avenue, Scranton Avenue, and Road 216. As shown within **Table 4.15-9**, Teapot Dome Avenue currently exceeds the FHWA NAC of 67 dBA Leq for traffic noise levels. However, the increase in

traffic resulting from Alternative A would not cause a discernible increase in noise levels along this segment (greater than 3 dBA Leq). While Scranton Avenue between Rockford Road and SR-65 does not currently experience an ambient noise level in excess of the FHWA NAC of 67 dBA Leq, it is projected to exceed that threshold under 2040 No Project Conditions, as shown in **Table 4.15-9**. However, as with Teapot Dome Avenue, the increase in traffic resulting from Alternative A would not cause a discernible increase in noise levels along this segment of Scranton Avenue. Road 216 would exceed the FHWA NAC of 67 dBA Leq threshold in the cumulative year; however, with the implementation of mitigation provided in **Section 5.11**, the noise level along Road 216 near the Airpark Site would be less than the FHWA NAC of 67 dBA Leq. Therefore, the impacts to sensitive receptors along Road 216 from Alternative A traffic noise would be less than significant with mitigation.

Vibration and Other Noise Sources

Cumulative projects would be required to comply with state and local noise provisions. These provisions include mitigation requirements when noise levels exceed compatible use standards. The potential for cumulative impacts associated with vibration and other noise sources from Alternative A would be the same as the direct effects of the project described in **Section 4.11**. Therefore, Alternative A would not result in adverse cumulative effects to the ambient noise environment.

Hazardous Materials

As discussed in **Section 4.12**, with the incorporation of the BMPs and mitigation outlined in **Section 5.12**, implementation of Alternative A would not result in direct effects associated with hazardous materials management. Approved projects, including those listed within **Section 4.15.2**, would be required to follow applicable federal and state regulations concerning hazardous materials management, including the implementation of construction BMPs dealing with hazardous materials management through the NPDES permitting process. With the implementation of mitigation measures outlined in **Section 5.12**, Alternative A, in combination with other projects, would not result in significant cumulative effects associated with hazardous materials.

Aesthetics

New development, including cumulative projects listed in **Section 4.15.2**, would be consistent with local land use regulations, including associated design guidelines. Cumulative effects would include a shift from open, undeveloped lots to views of developed areas, as well as an increase in the density of urban uses within the City and County. However, the development of Alternative A would be generally consistent with the visual goals of County and City land use regulations. As discussed in **Section 4.13.1**, the Airpark Site is located with the Airport Industrial (IA) land use designation, which allows land uses with the potential to create adverse visual, noise, or other impacts to surrounding properties. Alternative A would be visually compatible with urban land uses in the project vicinity and would be generally consistent with local policies related to design, landscaping, and signage. Additionally, with the

implementation of mitigation measures outlined in **Section 5.13**, Alternative A would not result in adverse cumulative impacts to aesthetic resources.

4.15.4 ALTERNATIVE B – PROPOSED PROJECT WITH ON-SITE WATER AND WASTEWATER SYSTEMS

Alternative B would be constructed on the same parcel of land as Alternative A; therefore, potentially cumulative actions and projects would be the same for Alternative B as that of Alternative A. Refer to **Section 4.15.2**.

Cumulative Effects Previously Addressed

Cumulative effects to geology and soils, biological resources, cultural resources, socioeconomic conditions, transportation, land use, noise, air quality and GHGs, hazardous materials, and aesthetics as a result of Alternative B would be similar to those of Alternative A. Cumulative effects to public services would be similar to those of Alternative A with the exception of effects related to water supply and wastewater services. Refer to **Section 4.15.3** for a detailed discussion on potential cumulative effects that could occur as a result of Alternative A. Therefore, implementation of Alternative B would also result in minimal adverse cumulative effects to these resource areas. Other resource areas are addressed in detail below.

Water Resources

Surface Water and Flooding

As described in **Section 4.3.2**, Alternative B involves the same stormwater infrastructure development and renovations as Alternative A. Therefore, Alternative B would have a less-than-significant cumulative effect related to stormwater runoff, and no mitigation is required. Cumulative effects to surface water quality would be similar to those of Alternative A.

Groundwater Supply

As noted in **Section 4.15.3**, the aquifer upon which the City relies for the vast majority of its water supply is significantly overdrafted. Unlike in Alternative A, under Alternative B the Airpark Site would not be connected to the municipal water supply, and instead two groundwater wells would be drilled on site to satisfy the entirety of Alternative B's potable water demand. As described in detail in **Section 4.3**, wastewater treated at the on-site WWTP would be applied to the leach field complex located either beneath the proposed parking lot or at another suitable location on-site, which would promote groundwater recharge and offset a portion of the potable water extracted via the on-site wells. Measures to reduce potable water consumption under Alternative B are provided in **Section 5.3**. Despite the groundwater recharge incorporated within the project design and the implementation of these measures, development of Alternative B would result in a significant adverse impact to groundwater levels within

the Tule Groundwater Sub-basin, and would therefore contribute to adverse cumulative impacts to groundwater supply.

Groundwater Quality

Under Alternative B, all waste generated at the Airpark Site would be treated at an on-site WWTP. Effluent treated at the WWTP to disinfected tertiary recycled water standards will be used for landscape irrigation and indoor plumbing, and any surplus secondary effluent will be disposed of in a leach field complex beneath the proposed parking lot. As stated in **Section 4.3**, while the predominant soil at the Airpark Site is generally considered poor for septic system uses, the extensive size of the proposed leach field complex (approximately 2.3 acres) would mitigate these deficiencies, and the discharge of secondary effluent to the leach field complex would not significantly impact groundwater quality. The proposed placement of the leach field complex on site has the potential to adversely impact groundwater quality; however, the implementation of the mitigation provided in **Section 5.3** would reduce this impact to less-than-significant levels. As stated in **Section 4.15.3**, both Alternative B and other approved developments would be required to implement erosion control measures and construction BMPs via site-specific SWPPPs in order to mitigate potential adverse effects to surface and groundwater quality. Therefore, Alternative B would yield no significant cumulative effects to groundwater quality.

Public Services

Water Supply

Because 100 percent of Alternative B's potable water demand would be supplied via the two on-site groundwater wells, Alternative B involves no connections to the City's water supply system. Additionally, as described in **Appendix C** and **Section 4.3**, the two on-site wells would be located a sufficient distance from the nearest domestic and municipal wells to avoid any impacts associated with well level drawdown or reduced pumping capacity. Therefore, Alternative B would not contribute to any significant cumulative effects to the City's water supply system. The decrease in use of the Tribe's water supply system following the conversion of the existing Casino site to tribal government uses under Alternative B would constitute a beneficial impact.

Wastewater

Under Alternative B, all effluent generated at the Airpark Site would be treated at the on-site WWTP; no connections would be made to the City's wastewater system and none of the improvements to the City's existing wastewater infrastructure that would be necessary under Alternative A would be required under Alternative B. Therefore, Alternative B would not contribute to any significant cumulative effects to the City's wastewater system. The decrease in use of the Tribe's wastewater treatment system following the conversion of the existing Casino to tribal government uses under Alternative A would constitute a beneficial impact.

4.15.5 ALTERNATIVE C – REDUCED INTENSITY HOTEL AND CASINO

Alternative C would be constructed on the same parcel of land as Alternative A; therefore, potentially cumulative actions and projects would be the same for Alternative C as that of Alternative A. Refer to Section 4.15.2.

Cumulative Effects Previously Addressed

Cumulative effects to geology and soils, water resources, biological resources, cultural resources, socioeconomic conditions, land use, public services, hazardous materials, and aesthetics as a result of Alternative C would be similar to those of either Alternative A or Alternative B, contingent on the water and wastewater treatment option selected, because Alternative C is a scaled down version of those alternatives. Refer to Section 4.15.3 and Section 4.15.4 for a detailed discussion on potential cumulative effects that could occur as a result of Alternatives A and B. Cumulative effects under Alternative C would be similar to, but less severe than, those under Alternatives A and B.

Air Quality

The cumulative year 2040 operational emissions for Alternative C are provided in Table 4.15-10. CalEEMod output files are included in Appendix E. Similar to Alternative A, Alternative C does not warrant a Hot Spot Analysis. No significant cumulative impacts would occur and no further analysis is needed. With the implementation of mitigation provided in Section 5.4, Alternative C would not exceed *de minimis* levels and would not result in a cumulatively adversely impact to the region's air quality.

TABLE 4.15-10
ALTERNATIVE C UNMITIGATED 2040 OPERATIONAL EMISSIONS

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Area	1.54	0.00	0.02	0.00	0.00	0.00
Energy	0.59	5.35	4.49	0.03	0.41	0.41
Mobile	0.66	6.96	10.21	0.08	8.34	2.25
Stationary	0.25	1.12	1.18	0.00	0.08	0.08
Total Emissions	3.04	13.43	15.91	0.12	8.83	2.74
<i>De minimis</i> Levels	10	10	N/A	N/A	N/A	50
Exceed Levels	No	Yes	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (refer to Section 3.4). Source: Appendix E, CalEEMod, 2016.						

Climate Change

The climate change analysis methodology for Alternative C is the same as Alternative A. Alternative C GHG emissions are provided in Table 4.15-11. Alternative C-related GHG emissions have the potential

to result in a significant cumulative effect to climate change. To reduce potential GHG emissions, GHG reduction measures are recommended in **Section 5.4** and therefore similar to Alternative A would result in a less-than-significant impact to climate change. The California strategies discussed under Alternative A are the same for Alternative C.

TABLE 4.15-11
ALTERNATIVE C CONSTRUCTION AND OPERATIONAL GHG EMISSIONS

Emission Source	GHG Emissions in MT CO ₂ e
Construction	
Construction ¹	812
Operation	
Area	0.03
Mobile (Vehicle Trips)	11,211
Stationary Sources	802
Electricity Usage	6,128
Solid Waste	472
Water/Wastewater	125
<i>Operation Subtotal</i>	<i>18,737</i>
Total Project-Related GHG Emissions	19,549
Notes: 1 – Construction-related GHG emissions were amortized over the construction period to determine annual construction emissions. Source: Appendix E.	

Transportation

Tables 27 and 28 in **Appendix I** provide intersection LOS in 2040 under Alternative C during weekday AM and PM peak hours as well as weekend peak hours, respectively. As indicated in Tables 27 and 28, the same study intersections as identified for Alternative A are projected to operate at unacceptable LOS under cumulative peak hour conditions. The only difference is the Scranton Avenue/West Street intersection, which is identified as operating at unacceptable LOS for Alternative A but not Alternative C.

As described in Alternative A, the SR 190/Road 284 and the SR 190/Road 152 roundabouts will result in acceptable operation of the intersections in the cumulative year. Additionally, although the intersection of Hermosa Avenue/SR-65 would operate at unacceptable LOS conditions, the delay under Alternative C cumulative conditions at this intersection increases by less than 5 seconds over the cumulative baseline; therefore, it is not considered a significant impact. Therefore, mitigation measures are not recommended for this intersection.

Table 34 in **Appendix I** provides roadway segment LOS in 2040 under Alternative C. As shown in the table, the following study roadway segments are projected to operate at unacceptable LOS under Alternative C cumulative conditions:

- SR-65 from Hermosa Street to Pioneer Avenue;
- SR-65 from Pioneer Avenue to SR-190;
- SR-190 from SR-65 to Plano Street; and
- SR-190 from Blue Heron Parkway to Road 284.

However, the V/C capacity ratio does not exceed the significance threshold of 0.05 for any of these roadway segments. Thus, cumulative roadway impacts are less than significant, and no mitigation is required.

Table 36 in **Appendix I** provides freeway ramp merge/diverge LOS for Alternative C under cumulative conditions. As shown in the table, all freeway ramps would operate at acceptable LOS with the addition of traffic from Alternative C. Impacts to freeway ramps would be less than significant.

As with Alternative A, Alternative C traffic would add to traffic volumes at study intersections, roadway segments, and freeway ramps, causing some of these locations to operate at unacceptable LOS. Significant congestion is expected with and without the project in 2040. Mitigation measures, including pro rata shares, are included in **Section 5.8** to reduce these impacts. With implementation of these measures, all study locations would operate at acceptable LOS with the addition of traffic from Alternative C; therefore, impacts would be less than significant.

Transit, Bicycle, and Pedestrian Facilities

Cumulative impacts to transit, bicycle, or pedestrian facilities would be the same or less than those associated with Alternative A. Refer to **Section 4.15.3**. No cumulative impacts are anticipated.

Noise

The following identifies possible impacts from project related noise sources in the cumulative year 2040 for Alternative C.

Traffic Noise

Table 4.15-12 shows the change in cumulative traffic volumes and the change in the cumulative year noise levels compared to operational traffic noise levels in terms of Leq at the closest sensitive receptors along roadways that would experience the largest increase in traffic as a result of the project. The impacts to sensitive receptors along roadways that would not exceed the FHWA NAC of 67 dBA Leq with the addition of project traffic from Alternative C traffic noise would be less than significant. Impacts to sensitive receptors along Teapot Dome Avenue, Scranton Avenue, and Road 216 are discussed below:

TABLE 4.15-12
ALTERNATIVE C 2040 TRAFFIC VOLUMES AND AMBIENT NOISE LEVELS

Roadway Segment	Existing		2040 No Project		2040 + Project		Change ¹ (dBA Leq)	Discernible Increase?
	ADT	dBA Leq	ADT	dBA Leq	ADT	dBA Leq		
SR-65 from Pioneer Avenue to SR-190	24,500	55.1	34,270	56.6	35,720	56.8	0.2	No
SR-190 from SR-65 to Plano Street	23,700	59.7	32,200	61.0	33,370	61.2	0.2	No
SR-65 from SR-190 to Avenue 95	11,100	55.1	18,900	57.4	19,040	57.4	0.0	No
Teapot Dome Avenue from Road 208 to SR-65	1,270	67.8	2,810	71.3	3,310	72.0	0.7	No
Scranton Avenue from Rockford Road to SR-65	560	59.7 ²	6,270	70.2	6,320	70.2	0.03	No
SR-190 from Road 192 to SR-65	5,500	55.1	17,920	60.2	21,020	60.9	0.7	No
Road 216 from Teapot Dome to SR-190	300	59.7	440	61.4	2,460	68.9	7.5	Yes
Westwood Street from Scranton Avenue to SR-190	1,750	59.7	2,330	60.9	3,530	62.7	1.8	No
Newcomb Street from Teapot Dome to SR-190	1,190	55.1	6,140	62.2	6,950	62.7	0.5	No

Notes: ADT = Average Daily Traffic; dBA Leq for Peak Hour Average Level
Bold means the ambient noise level is above the NAC threshold of 67 dBA Leq, or that the change in noise level is above the discernible threshold of 3 dBA
 1 - The change between 2040 No Project and 2040 + Project
 2 - Conservatively based on SR-190 noise levels
 Source: **Appendix I, Appendix J.**

Teapot Dome Avenue, Scranton Avenue, and Road 216

Similarly to Alternative A, segments of Teapot Dome Avenue and Scranton Avenue would exceed the FHWA NAC of 67 dBA Leq in the 2040 project scenario but would not cause a discernible increase from the 2040 no project scenario (greater than 3 dBA Leq). The increase in traffic on Road 216 segment would cause a discernible increase in noise and exceed the FHWA threshold in the cumulative year. However, with the same mitigation as identified for Alternative A, the impacts to sensitive receptors along Road 216 from Alternative C traffic noise would be less than significant.

Vibration and Other Noise Sources

Cumulative projects would be required to comply with state and local noise provisions. These provisions include mitigation requirements when noise levels exceed compatible use standards. The potential for cumulative impacts associated with vibration and other noise sources from Alternative C would be the same as the direct effects of the project described in **Section 4.11**. Therefore, Alternative C would not result in adverse cumulative effects to the ambient noise environment.

4.15.6 ALTERNATIVE D – NON-GAMING HOTEL AND CONFERENCE CENTER

Alternative D would be constructed on the same parcel of land as Alternative A; therefore, potentially cumulative actions and projects would be the same for Alternative D as that of Alternative A. Refer to **Section 4.15.2**.

Cumulative Effects Previously Addressed

Cumulative effects to geology and soils, water resources, biological resources, cultural resources, land use, noise, hazardous materials, and aesthetics as a result of Alternative D would be similar to, but in most cases significantly less severe than, those of either Alternative A or Alternative B, contingent on the wastewater treatment option selected, because Alternative D is a scaled down version of those alternatives. Cumulative effects to agriculture and public services would also be similar to but less severe than those identified for Alternatives A and B, with the exception of effects to fire protection and emergency medical services, and the beneficial impacts to the Tribe's water and wastewater systems, which would not occur under Alternative D. Refer to **Section 4.15.3** and **Section 4.15.4** for a detailed discussion on potential cumulative effects that could occur as a result of Alternatives A and B.

Air Quality

The cumulative year 2040 operational emissions for Alternative D are provided in **Table 4.15-13**. CalEEMod output files are included in **Appendix E**. Similar to Alternative A, Alternative D does not warrant a Hot Spot Analysis. No significant cumulative impacts would occur and no further analysis is needed. With the implementation of mitigation provided in **Section 5.4**, Alternative D would not exceed *de minimis* levels and would not result in a cumulatively adversely impact to the region's air quality.

TABLE 4.15-13
ALTERNATIVE D UNMITIGATED 2040 OPERATIONAL EMISSIONS

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Area	0.75	0.00	0.01	0.00	0.00	0.00
Energy	0.03	0.30	0.25	0.00	0.02	0.02
Mobile	0.80	8.71	12.08	0.09	9.76	2.64
Stationary	0.10	0.43	0.60	0.00	0.04	0.04
Total Emissions	1.68	9.43	12.94	0.10	9.82	2.71
<i>De minimis</i> Levels	10	10	N/A	N/A	N/A	50
Exceed Levels	No	No	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (refer to Section 3.4). Source: CalEEMod, 2016.						

Climate Change

The climate change analysis methodology for Alternative D is the same as Alternative A. Alternative D GHG emissions are provided in **Table 4.15-14**. Alternative D related GHG emissions have the potential to result in a significant cumulative effect to climate change. To reduce potential GHG emissions, GHG reduction measures are recommended in **Section 5.4** and therefore similar to Alternative A would result in a less than significant impact to climate change. The California strategies discussed under Alternative A are the same for Alternative D.

Socioeconomic Conditions

Similar to Alternative A, Alternative D would introduce new economic activity to the County. Alternative D's specific cumulative effects would be similar to those of Alternative A, but to a lesser degree. See **Section 4.7** and **Section 4.15.3** for additional information. Alternative D would not contribute to significant cumulative socioeconomic effects.

TABLE 4.15-14
ALTERNATIVE D CONSTRUCTION AND OPERATIONAL GHG EMISSIONS

Emission Source	GHG Emissions in MT CO ₂ e
Construction	
Construction ¹	346
Operation	
Area	0.01
Mobile (Vehicle Trips)	12,382
Stationary Sources	501
Electricity Usage	1,059
Solid Waste	107
Water/Wastewater	65
<i>Operation Subtotal</i>	<i>14,114</i>
Total Project-Related GHG Emissions	14,460
Notes: 1 – Construction-related GHG emissions were amortized over the construction period to determine annual construction emissions.	
Source: Appendix E.	

Transportation

Tables 29 and 30 in **Appendix I** provide intersection LOS in 2040 under Alternative D during weekday AM and PM peak hours as well as weekend peak hours, respectively. As indicated in Tables 29 and 30, the same study intersections as identified for Alternative A are projected to operate at unacceptable LOS under cumulative peak hour conditions; however there are two fewer intersections identified for Alternative C (Scranton Avenue/West Street and Scranton Avenue/SR-65).

As described in Alternative A, the SR 190/Road 284 and the SR 190/Road 152 roundabouts will result in acceptable operation of the intersections in the cumulative year. Additionally although the intersection of Hermosa Avenue/SR-65 would operate at unacceptable LOS conditions, the delay under Alternative D cumulative conditions at this intersection increases by less than 5 seconds over the cumulative baseline; therefore, it is not considered a significant impact. Therefore, mitigation measures are not recommended for this intersection.

Table 34 in **Appendix I** provides roadway segment LOS in 2040 under Alternative D. As shown in the table, the following study roadway segments are projected to operate at unacceptable LOS under Alternative D cumulative conditions:

- SR-65 from Hermosa Street to Pioneer Avenue;
- SR-65 from Pioneer Avenue to SR-190;
- SR-190 from SR-65 to Plano Street; and
- SR-190 from Blue Heron Parkway to Road 284.

However, the V/C capacity ratio does not exceed the significance threshold of 0.05 for any of these roadway segments. Thus, cumulative roadway impacts are less than significant, and no mitigation is required.

Table 36 in **Appendix I** provides freeway ramp merge/diverge LOS for Alternative D under cumulative conditions. As shown in the table, all freeway ramps would operate at acceptable LOS with the addition of traffic from Alternative D. Impacts to freeway ramps would be less than significant.

As with Alternative A, Alternative D traffic would add to traffic volumes at study intersections, roadway segments, and freeway ramps, causing some of these locations to operate at unacceptable LOS. Significant congestion is expected with and without the project in 2040. Mitigation measures, including pro rata shares, are included in **Section 5.8** to reduce these impacts. With implementation of these measures, all study locations would operate at acceptable LOS with the addition of traffic from Alternative D; therefore, impacts would be less than significant.

Transit, Bicycle, and Pedestrian Facilities

Cumulative impacts to transit, bicycle, or pedestrian facilities would be the same or less than those associated with Alternative A. Refer to **Section 4.15.3**. No cumulative impacts are anticipated.

Public Services

Fire Protection and Emergency Medical Services

No Tribally-staffed fire station would be constructed and operated at the Airpark Site under Alternative D. Therefore, PFD would continue to provide primary fire protection and emergency medical services to the Airpark Site, with TCFD providing secondary response services as needed. However, given the reduction or absence of facilities relative to Alternatives A and B, Alternative D's impacts to public fire protection and emergency medical services are likely to be similar to and no greater than those identified for Alternatives A and B. Alternative D would not contribute to a significant cumulative effect to fire protection and emergency medical services.

Noise

The following identifies possible impacts from project related noise sources in the cumulative year 2040 for Alternative D.

Traffic Noise

Table 4.15-15 shows the change in cumulative traffic volumes and the change in the cumulative year noise levels compared to operational traffic noise levels in terms of Leq at the closest sensitive receptors along roadways that would experience the largest increase in traffic as a result of the project. The impacts to sensitive receptors along roadways that would exceed the FHWA NAC of 67 dBA Leq with the addition of project traffic from Alternative D traffic noise would be less than significant. Impacts to sensitive receptors along Teapot Dome Avenue, Scranton Avenue, and Road 216 are discussed below:

Teapot Dome Avenue, Scranton Avenue, and Road 216

Similarly to Alternative A, segments of Teapot Dome Avenue and Scranton Avenue would exceed the FHWA NAC of 67 dBA Leq in the 2040 project scenario but would not cause a discernible increase from the 2040 no project scenario (greater than 3 dBA Leq). The increase in traffic on the Road 216 segment would cause a discernible increase in noise and exceed the FHWA threshold in the cumulative year. However, with the same mitigation as identified for Alternative A, the impacts to sensitive receptors along Road 216 from Alternative C traffic noise would be less than significant.

TABLE 4.15-15
ALTERNATIVE D 2040 TRAFFIC VOLUMES AND AMBIENT NOISE LEVELS

Roadway Segment	Existing		2040 No Project		2040 + Project		Change ¹ (dBA Leq)	Discernible Increase?
	ADT	dBA Leq	ADT	dBA Leq	ADT	dBA Leq		
SR-65 from Pioneer Avenue to SR-190	24,500	55.1	34,270	56.6	35,250	56.7	0.1	No
SR-190 from SR-65 to Plano Street	23,700	59.7	32,200	61.0	32,990	61.1	0.1	No
SR-65 from SR-190 to Avenue 95	11,100	55.1	18,900	57.4	18,990	57.4	0.02	No
Teapot Dome Avenue from Road 208 to SR-65	1,270	67.8	2,810	71.3	3,150	71.8	0.5	No
Scranton Avenue from Rockford Road to SR-65	560	59.7 ²	6,270	70.2	6,300	70.2	0.02	No
SR-190 from Road 192 to SR-65	5,500	55.1	17,920	60.2	20,020	60.7	0.5	No
Road 216 from Teapot Dome to SR-190	300	59.7	440	61.4	1,810	67.5	6.14	Yes
Westwood Street from Scranton Avenue to SR-190	1,750	59.7	2,330	60.9	3,140	62.2	1.3	No
Newcomb Street from Teapot Dome to SR-190	1,190	55.1	6,140	62.2	6,690	62.6	0.4	No

Notes: ADT = Average Daily Traffic; dBA Leq for Peak Hour Average Level
Bold means the ambient noise level is above the NAC threshold of 67 dBA Leq, or that the change in noise level is above the discernible threshold of 3 dBA
 1 - The change between 2040 No Project and 2040 + Project
 2 - Conservatively based on SR-190 noise levels
 Source: **Appendix I, Appendix J.**

Vibration and Other Noise Sources

Cumulative projects would be required to comply with state and local noise provisions. These provisions include mitigation requirements when noise levels exceed compatible use standards. The potential for cumulative impacts associated with vibration and other noise sources from Alternative D would be the same as the direct effects of the project described in **Section 4.11**. Therefore, Alternative D would not result in adverse cumulative effects to the ambient noise environment.

4.15.7 ALTERNATIVE E – EXPANSION OF EXISTING EAGLE MOUNTAIN CASINO

Potentially cumulative actions and projects are identified in **Section 4.15.2**. The effects of the Alternative E in conjunction with the cumulative setting are presented below. Effects are described for each of the subject areas of the environment described in other portions of this EIS.

Geology and Soils

Major changes to topography are not proposed under Alternative E, as the Eagle Mountain Casino Site is currently paved. No significant cumulative impacts in this area are anticipated. The project alone would not result in significant loss of topsoil, but taken together with all other developments may result in significant depletion of available soils. The project and all other developments that disturb one acre or more must comply with the requirements of the NPDES Construction General Permit, which requires that BMPs be implemented to address water quality degradation by preventing erosion, as outlined in **Section 5.2**. Therefore, implementation of Alternative E would not result in significant cumulative effects to geology or soils.

Water Resources

Surface Water and Flooding

As described in **Section 4.3** and detailed in **Appendix D**, the Eagle Mountain Casino Site is fully developed, and expansion of the existing facilities under Alternative E would involve the addition of a negligible amount of impervious surfaces. Current stormwater drainage at the Eagle Mountain Casino Site consists entirely of westerly overland drainage to the adjacent South Fork of the Tule River (South Fork); development under Alternative E would not require significant adjustments to this existing drainage pattern. As described in **Section 4.3** and **Appendix C**, because the surface water-dependent Reservation water supply is frequently unable to meet the Tribe's existing potable water demand, the Tribe would truck in water from an off-Reservation source to meet the increased water demand under Alternative E. Therefore, implementation of Alternative E would not result in significant cumulative effects to surface water resources and flooding.

Water Quality

Concurrent construction of Alternative E and other cumulative projects identified above could result in cumulative effects to water quality similar to those identified above for Alternatives A through D.

Because the Eagle Mountain Casino Site is already developed, water quality impacts related to erosion and earth-disturbing activities are likely to be significantly reduced under Alternative E relative to previous alternatives. With the implementation of the measures identified in **Section 5.2**, Alternative E would not contribute to a significant cumulative impact to water quality.

Groundwater Supply

As stated in **Section 3.3**, the Eagle Mountain Casino Site is not located within a designated groundwater basin or sub-basin. Alternative E would not involve the drilling of any new groundwater wells, nor would groundwater from a regional aquifer be used to supply the potable water demand of the expanded facilities. The implementation of the mitigation measure described in **Section 5.3** would ensure that no off-Reservation groundwater resources are impacted by the Tribe's purchase of water. Because the development of Alternative E would not add a significant amount of impervious surfaces to the Eagle Mountain Casino Site, no significant impacts to groundwater recharge would occur. Therefore, implementation of Alternative E would not result in significant cumulative effects to groundwater supply.

Groundwater Quality

As described in **Section 4.3**, development of Alternative E would occur almost exclusively on surfaces that area already graded and paved, and would therefore not add a significant amount of new impervious surfaces to the Eagle Mountain Casino Site. Additionally, the impacts of fertilizer application on groundwater quality would be insignificant due to the minimal landscaped area of the Eagle Mountain Casino Site under Alternative E. Therefore, with the implementation of the measures provided in **Section 5.2**, Alternative E would not result in a significant cumulative effect to groundwater quality.

Air Quality

Operational Emissions

The cumulative year 2040 operational emissions for Alternative E are provided in **Table 4.15-16**. CalEEMod output files are included in **Appendix E**. Similar to Alternative A, Alternative E does not warrant a Hot Spot Analysis. No significant cumulative impacts would occur and no further analysis is needed. With the implementation of mitigation provided in **Section 5.4**, Alternative E would not exceed *de minimis* levels and would not result in a cumulatively adversely impact to the region's air quality.

TABLE 4.15-16
ALTERNATIVE E UNMITIGATED 2040 OPERATIONAL EMISSIONS

Sources	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Area	0.26	0.00	0.00	0.00	0.00	0.00
Energy	0.01	0.09	0.08	0.00	0.00	0.00
Mobile	0.12	1.28	1.72	0.01	1.38	0.38
Stationary	0.07	0.32	0.18	0.00	0.01	0.01
Total Emissions	0.47	1.69	1.99	0.01	1.39	0.39
<i>De minimis</i> Levels	10	10	N/A	N/A	N/A	50
Exceed Levels	No	No	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; levels are not applicable due to attainment status (refer to Section 3.4). Source: CalEEMod, 2016.						

Climate Change

The climate change analysis methodology for Alternative E is the same as Alternative A. Alternative E GHG emissions are provided in **Table 4.15-17**. Alternative E related GHG emissions have the potential to result in a significant cumulative effect to climate change, although to a lesser extent than Alternative A. To reduce potential GHG emissions, GHG reduction measures are recommended in **Section 5.4**; after mitigation, Alternative E would result in a less than significant impact to climate change. The California strategies discussed under Alternative A are the same for Alternative E.

TABLE 4.15-17
ALTERNATIVE E CONSTRUCTION AND OPERATIONAL GHG EMISSIONS

Emission Source	GHG Emissions in MT CO ₂ e
Construction	
Construction ¹	257
Operation	
Area	0.00
Mobile (Vehicle Trips)	1,804
Stationary Sources	34
Electricity Usage	716
Solid Waste	50
Water/Wastewater	44
<i>Operation Subtotal</i>	<i>2,648</i>
Total Project-Related GHG Emissions	2,905
Notes: 1 – Construction-related GHG emissions were amortized over the construction period to determine annual construction emissions. Source: Appendix E .	

Biological Resources

Wildlife and Habitats

As identified in **Section 4.5**, there are no high-value habitats on the Eagle Mountain Casino Site. On-site ruderal/disturbed habitats provide limited resources for wildlife, are primarily inhabited by animal species accustomed to human disturbances, and are not considered sensitive habitats. Alternative E would not result in a significant effect to biological resources. Other projects in the region would comply with local, state, and federal laws that protect biological habitat and species. No significant cumulative adverse effects to wildlife and habitat would occur.

Federally-Listed Species

As discussed in **Section 3.5**, no federally-listed wildlife species have the potential to occur on the Eagle Mountain Casino Site. All other projects in the region are required to comply with the FESA and avoid or minimize effects to protected species. Therefore, implementation of Alternative E would not contribute to adverse cumulative effects to federally-listed species.

Migratory Birds

Cumulative effects of Alternative E on migratory birds will be similar to those described under Alternative A in **Section 4.15.3**. Other projects in the region would comply with local, State, and federal laws that protect migratory bird species. Therefore, with implementation of mitigation measures provided in **Section 5.5**, Alternative E would not result in significant cumulative effects to migratory birds.

Wetlands and Waters of the U.S.

As discussed in **Section 4.5**, Alternative E would not result in adverse effects to Waters of the U.S., as no Waters of the U.S. have been identified within the Eagle Mountain Casino Site. Other cumulative projects would avoid or mitigate for impacts to wetlands and Waters of the U.S. in compliance with Section 404 of the CWA. Therefore, Alternative E would not contribute to adverse cumulative effects to wetlands and Waters of the U.S.

Cultural Resources

As described in **Section 3.6**, Alternative E would be constructed on previously disturbed surfaces, and impacts to cultural resources are unlikely. However, Alternative E may affect previously unknown buried archaeological resources. Mitigation measures specified in **Section 5.6** would ensure impacts to unanticipated cultural resources. Other projects in the region would be required to follow federal, state, and local regulations regarding cultural resources and inadvertent discoveries of cultural resources. Therefore, with the implementation of the mitigation measures outlined in **Section 5.6** for Alternative E, in addition to other projects in the region, would not result in adverse cumulative effects to cultural resources.

Socioeconomic Conditions

Alternative E would introduce a relatively modest amount of new economic activity into the County (**Section 4.7**). Alternative E's specific potential cumulative effects would be similar in nature, though much lesser in scale, to those described under Alternatives A and B. Refer to **Section 4.7** and **Section 4.15.3** for more information. Alternative E would have a less-than-significant cumulative effect on socioeconomic conditions.

Transportation

Tables 31 and 32 in **Appendix I** provide intersection LOS in 2040 under Alternative E during weekday AM and PM peak hours as well as weekend peak hours, respectively. As indicated in Tables 31 and 32, the following study intersections are projected to operate at unacceptable LOS under cumulative peak hour conditions:

- SR-137/SR-63 (weekday AM and PM peak hours, weekend peak hour);
- SR-137/SR-65 (weekday AM and PM peak hours, weekend peak hour);
- SR-137/Road 204 (Spruce Road) (weekday AM and PM peak hours, weekend peak hour);
- Hermosa Street/SR-65 (weekday AM peak hour);
- SR-190/Road 152 (weekday PM peak hour);
- SR-190/Road 192 (weekday PM peak hour, weekend peak hour);
- SR-190/Rockford Road (Road 208) (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Road 216 (weekday PM peak hour, weekend peak hour);
- SR-190/Westwood Street (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Newcomb Street (weekday AM and PM peak hours, weekend peak hour);
- SR-190/Jaye Street (weekday PM peak hour);
- SR-190/Plano Street (weekday AM and PM peak hours);
- SR-190/Road 284 (weekday PM peak hour, weekend peak hour);
- Scranton Avenue/SR-65 (weekday AM and PM peak hours);
- SR-137/Road 168 (weekday AM and PM peak hours, weekend peak hour);
- SR-198/Spruce Road (Road 204) (weekday AM and PM peak hours); and
- Avenue 256/Spruce Road (Road 204) (weekday AM and PM peak hours, weekend peak hour).

However, the SR-190/Road 284 intersection has been improved by the installation of a roundabout. With this roundabout, the intersection would operate acceptably in the cumulative year under Alternative E. Additionally, the intersection of SR-190 and Road 152 has already been constructed with a roundabout, which would result in acceptable operation of the intersection in the cumulative year. Although the intersection of Hermosa Avenue/SR-65 would operate at unacceptable LOS conditions, the delay under Alternative E cumulative conditions at this intersection increases by less than 5 seconds over the cumulative baseline; therefore, it is not considered a significant impact. Therefore, mitigation measures are not recommended for this intersection.

Table 34 in **Appendix I** provides roadway segment LOS in 2040 under Alternative E. As shown in the table, the following study roadway segments are projected to operate at unacceptable LOS under cumulative conditions:

- SR-65 from Hermosa Street to Pioneer Avenue;
- SR-65 from Pioneer Avenue to SR-190; and
- SR-190 from Blue Heron Parkway to Road 284.

However, the V/C capacity ratio does not exceed the significance threshold of 0.05 for any of these roadway segments. Thus, cumulative roadway impacts are less than significant, and no mitigation is required.

Table 36 in **Appendix I** provides freeway ramp merge/diverge LOS for Alternative E under cumulative conditions. As shown in the table, all freeway ramps would operate at acceptable LOS with the addition of traffic from Alternative E. Impacts to freeway ramps would be less than significant.

As with Alternative A, Alternative E traffic would add to traffic volumes at study intersections, roadway segments, and freeway ramps, causing some of these locations to operate at unacceptable LOS. Significant congestion is expected with and without the project in 2040. Mitigation measures, including pro rata shares, are included in **Section 5.8** to reduce these impacts. With implementation of these measures, all study locations would operate at acceptable LOS with the addition of traffic from Alternative E; therefore, impacts would be less than significant.

Transit, Bicycle, and Pedestrian Facilities

Because sufficient parking would be available on-site and sidewalk and bicycle facilities do not provide direct access to the Eagle Mountain Casino Site, no significant cumulative effects would occur to pedestrian or bicycle facilities as a result of Alternative E. Existing public transit services would continue to transport patrons and employees to the Eagle Mountain Casino Site. No cumulative impacts to transit are anticipated.

Land Use

Alternative E would be constructed on developed land held in trust for the Tribe. This land is not subject to local planning documents. Additionally, the use of the Eagle Mountain Casino Site would not be modified under Alternative E. No agricultural operations exist on site, and Alternative E would not disrupt neighboring land uses. Therefore, implementation of Alternative E would not contribute to significant cumulative adverse effects associated with land use conflicts or agriculture.

Public Services

Water Supply

As described in detail in **Section 4.3** and **Appendix C**, the Tribe would truck in water from an off-Reservation source to meet the additional water demand resulting from implementation of Alternative E. Because no additional water would be drawn from the Reservation's water supply system, Alternative E would not result in a cumulatively significant impact to the Reservation water supply.

Wastewater

As discussed in **Section 4.10.5**, the existing sequencing batch reactor (SBR) WWTP and leach field complex serving the Eagle Mountain Casino Site have sufficient capacity to handle the increased flows generated by the expanded Eagle Mountain Casino, and would continue to be used under Alternative E. However, this system is approximately 20 years old, and the Tribe ultimately intends to phase out the SBR and leach field complex and connect the Eagle Mountain Casino Site to the Reservation-wide wastewater treatment and disposal system. As described in **Appendix C**, a single membrane bioreactor (MBR) with a capacity of 80,000 gallons per day (gpd) currently serves the Reservation. A second MBR with an 80,000-gpd capacity would be constructed at the site of the existing MBR prior to the connection of the Eagle Mountain Casino Site to the Reservation's wastewater treatment system, effectively doubling the system's treatment capacity. Because the current average wastewater flow to the existing MBR is 25,000 to 30,000 gpd, and because the average wastewater flows generated at the expanded Eagle Mountain Casino Site are estimated to be 35,249 gpd, the existing MBR system would have more than adequate capacity to accommodate wastewater flows from existing users, the Eagle Mountain Casino Site, and other potential future development projects on the Reservation. Thus, implementation of Alternative E would not result in a cumulatively significant effect to wastewater services.

Solid Waste

The Eagle Mountain Casino Site is served by the same landfill as the Airpark Site. Thus, the cumulative effects to solid waste services under Alternative E are similar to those described for Alternative A in **Section 4.15.3**. Since there is adequate capacity at Teapot Dome and Visalia Landfills to accommodate cumulative growth including Alternative E, no significant cumulative effects to solid waste services would occur.

Law Enforcement

As described in **Section 4.10.5**, law enforcement services would continue to be provided to the Eagle Mountain Casino Site by the Tribal Police Department (TPD) and TCSD. New development, including projects listed within **Section 4.15.2**, would fund County public services, including law enforcement services, through development fees and property taxes. Alternative E would not result in a significantly increased number of calls for service and no additional facilities or equipment would be needed to provide service to Alternative E. Therefore, Alternative E would result in a less-than-significant cumulative effect to law enforcement services.

Fire Protection and Emergency Medical Services

Fire protection and emergency medical services would continue to be provided to the Eagle Mountain Casino Site by the TRFD and TCFD. Emergency medical services would also continue to be provided by emergency medical technicians on the Tribe's Gaming Security staff. New development, including projects listed within **Section 4.15.2**, would be required to fund County services including fire protection and emergency medical response through development fees and property taxes. Emergency medical costs are paid primarily by the individual requiring service. Alternative E is not anticipated to result in a significant increase in calls for service. Thus, implementation of Alternative E would result in a less-than-significant cumulative impact to fire protection and emergency medical services.

Energy and Natural Gas

Individual projects, including all of the projects listed within **Section 4.15.2**, would be responsible for paying development or user fees to receive electrical and natural gas services. Due to the relatively small increase in electricity demand associated with the expansion of the Eagle Mountain Casino and the fact that SCE already provides electrical services to the Eagle Mountain Casino Site, it is anticipated that SCE would have sufficient infrastructure and capacity to accommodate Alternative E (**Section 4.10**). However, the Tribe would pay a fair share of the upgrades needed to avoid affecting the service of existing customers and to provide adequate distribution infrastructure in the event that improvements are required. Under Alternative E the Tribe would continue to use liquid propane supplied by Delta Liquid Energy (DLE), and would not contract with a natural gas distributor. With mitigation provided in **Section 5.10.5**, implementation of Alternative E would not cause significant cumulative effects to electricity or natural gas providers.

Noise

The following identifies possible impacts from project related noise sources in the cumulative year 2040 for Alternative E.

Traffic

Table 4.15-18 shows the existing traffic noise levels compared to operation traffic noise levels in terms of Leq at closest sensitive receptors along each roadway. As shown in the table, none of the roadways would exceed the FHWA NAC of 67 dBA Leq with the addition of project traffic. Therefore, increases in traffic related noise under Alternative E would be less than significant and no mitigation is required.

TABLE 4.15-18
ALTERNATIVE E 2040 TRAFFIC VOLUMES AND AMBIENT NOISE LEVELS

Roadway Segment	Existing		2040 No Project		2040 + Project		Change ¹ (dBA Leq)	Discernible Increase?
	ADT	dBA Leq	ADT	dBA Leq	ADT	dBA Leq		
SR-190 from SR-65 to Plano Street	23,700	59.7	32,200	61.0	32,330	61.1	0.1	No
SR-65 from SR-190 to Avenue 95	11,100	55.1	18,900	57.4	18,920	57.4	0.02	No
Reservation Road from SR-190 to Reservation Entrance	3,210	55.0 ²	3,720	55.6	4,250	56.2	0.6	No

Note: ADT = Average Daily Traffic; dBA Leq for Peak Hour Average Level

1 - The change between 2040 No Project and 2040 + Project.

2 - Refer to **Section 4.11.5**, Construction Noise.

Source: **Appendix I, Appendix J.**

Vibration and Other Noise Sources

Cumulative projects would be required to comply with state and local noise provisions. These provisions include mitigation requirements when noise levels exceed compatible use standards. The potential for cumulative impacts associated with vibration and other noise sources from Alternative E would be the same as the direct effects of the project described in **Section 4.11**. Therefore, Alternative E would not result in adverse cumulative effects to the ambient noise environment.

Hazardous Materials

As discussed in **Section 4.12**, with the incorporation of the BMPs and mitigation outlined in **Section 5.12**, implementation of Alternative E would not result in direct effects associated with hazardous materials management. Approved projects, including those previously listed, would be required to follow all applicable federal and state regulations concerning hazardous materials management, including the implementation of construction BMPs dealing with hazardous materials management through the NPDES permitting process. With the implementation of mitigation measures outlined in **Section 5.12**, Alternative E, in combination with other projects, would not result in significant cumulative effects associated with hazardous materials.

Aesthetics

New development, including the cumulative projects listed above, would be consistent with local applicable policies and regulations, including associated design guidelines. Cumulative effects would include the alteration of the colors, lines, and texture of the landscape vegetation currently on site. The site-specific visual effects would not be significant, as the resulting product would look very similar to the existing setting. Additionally, with the implementation of mitigation measures outlined in **Section 5.13**, Alternative E would not result in adverse cumulative impacts to aesthetic resources.

4.15.8 ALTERNATIVE F – NO ACTION ALTERNATIVE

Under Alternative F, the no action alternative, development of the Airpark Site and the Eagle Mountain Casino Site are not reasonably foreseeable and current land uses would continue. None of the adverse or beneficial effects identified for Alternatives A through E are anticipated to occur. Therefore, Alternative F would not result in significant cumulative effects.

SECTION 5.0

MITIGATION MEASURES

SECTION 5.0

MITIGATION MEASURES

5.1 INTRODUCTION

The Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) regulations require that mitigation measures be developed for all of a proposed action's effects on the environment where it is feasible to do so (40 Code of Federal Regulations [CFR] §1502.14[f] and 1502.16[h]; CEQ 40 Most Asked Questions, 19a). The NEPA regulations define mitigation as

“...avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; compensating for the impact by replacing or providing substitute resources or environments” (40 CFR §1508.20).

These principles have been applied to guide the design and siting criteria for the project alternatives. Additionally, the Tribal-State Gaming Compact (Compact) requires that a TEIR include a discussion of feasible measures that could minimize significant adverse environmental effects, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy, and that the Tribe offer to enter into enforceable intergovernmental agreements related to such mitigation (refer to **Section 1.5.1**). As described more fully in **Section 2.0**, alternatives integrate regulatory requirements, anticipated conditions of the Compact and Best Management Practices (BMPs) into the overall project design in an effort to minimize the potentially adverse environmental effects identified in **Section 4.0**, including indirect and cumulatively adverse effects. When appropriate, mitigation measures have been recommended. Relevant regulatory requirements, anticipated conditions of the Compact, and recommended mitigation measures are summarized below. All mitigation is enforceable because it is 1) inherent to the project design, 2) would be required under terms of the Compact, and/or 3) is required through provisions of federal State, or local statute, where applicable.

Necessary permits, described below, have not yet been acquired for any of the project alternatives. As required, permits will be obtained before or during implementation of the chosen alternative. It should be noted that these mitigation measures only apply to alternatives analyzed in this Environmental Impact Statement (EIS), and would not apply to on-going operations of the Tribe's existing casino or other tribal facilities.

5.2 GEOLOGY AND SOILS

The following mitigation measures shall be implemented in accordance with federal regulatory requirements. These measures are recommended for Alternatives A through E.

- A. The project shall comply with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (USEPA) for all 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. 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. 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. To the maximum extent feasible, no disturbed surfaces shall be left without erosion control measures in place.
 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.
 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.
 6. Disturbed areas shall be re-vegetated following construction activities.
 7. Construction area entrances and exits shall be stabilized with large-diameter rock.
 8. Sediment shall be retained on site by a system of sediment basins, traps, or other appropriate measures.
 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.
 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).

11. Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater.
 12. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff.
 13. Sanitary facilities shall be provided for construction workers.
 14. Disposal facilities shall be provided for soil wastes, including excess asphalt during construction and demolition.
 15. Other potential BMPs include use of wheel wash or rumble strips and sweeping of paved surfaces to remove any and all tracked soil.
- 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.

The following mitigation measures shall be implemented in accordance with applicable federal, state and local regulatory requirements for Alternatives A through D as they apply to off-site improvements on non-tribal lands.

- C. A SWPPP specific to the 40-acre site shall be prepared, implemented, and maintained throughout the construction phase of the development, consistent with Construction General Permit requirements. A SWPPP specific to the 8-acre site shall also be prepared, implemented, and maintained if the water reclamation facility (WRF) is constructed on the 8-acre site. The SWPPP(s) 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, sub-measures 1 through 15 listed above under **Mitigation Measure 5.2(A)**.
- D. Materials that are excavated during the construction of the regional retention basin and stockpiled on the 40-acre site shall be covered by tarps or other appropriate materials and stabilized to prevent erosion until these materials are removed.

5.3 WATER RESOURCES

The following BMPs shall be implemented to prevent off-Reservation environmental effects to water supply resources in accordance with the Compact requirements for Alternatives A through C, and are recommended for Alternative D:

- A. The Tribe shall adjust landscape irrigation based on weather conditions—reducing irrigation during wet weather—to prevent excessive runoff.

- B. Fertilizer use shall be limited to the minimum amount necessary and shall be adjusted for the nutrient levels in the water used for irrigation. Fertilizer shall not be applied within 24 hours of a rain event predicted by the National Oceanic and Atmospheric Administration.
- C. The Tribe shall implement water conservation measures, including but not limited to use of low flow faucets and showerheads, recycled water for toilets, and voluntary towel re-use by guests in the hotel; use of low-flow faucets, recycled water for toilets, and pressure washers and brooms instead of hoses for cleaning, in public areas and the proposed casino; use of garbage disposal on-demand, re-circulating cooling loop for water cooled refrigeration and ice machines where possible, and service of water to customers on request, in restaurants; and use of recycled and/or gray water for cooling.

The following measures shall be implemented in accordance with federal regulatory requirements for Alternative B and on-site water and wastewater options under Alternatives C and D:

- D. During the final design phase, the Tribe shall perform additional infiltration tests of the soil at the Airpark Site to identify locations with soil profiles suitable for wastewater injection wells. The design of the leach field complex will be refined to provide adequate stormwater and wastewater treatment consistent with all applicable USEPA regulations.
- E. If on-site groundwater is used as a water supply, groundwater sampling and analysis shall be performed to determine if treatment is necessary. If treatment is necessary, an on-site water treatment plant shall be constructed to treat drinking water to USEPA standards.

The following mitigation measure is recommended for Alternative E:

- F. The Tribe shall be required to ensure that the potable water purchased from an off-Reservation source to supply the additional demand of the expanded Eagle Mountain Casino does not originate from an aquifer that, at the time of the water's purchase, is classified as overdrafted by the Department of Water Resources (DWR). Appropriate sources could include municipal supply from surface water or other existing permitted municipal and/or commercial sources.

5.4 AIR QUALITY

5.4.1 CONSTRUCTION

To prevent violation of federal, state and local policies related to air quality imposed for the protection of the environment (40 CFR 1508.27[b][10]) the following BMPs shall be implemented for Alternatives A through D.

- A. A Dust Control Plan shall be prepared prior to construction which meets the general requirements of SJVAPCD Rule 8021 6.3. The following dust suppression measures shall be included in the plan and implemented during construction to control the production of fugitive dust (PM₁₀) and prevent wind erosion of bare and stockpiled soils:
1. Provide a CARB approved Visible Emissions Evaluation (VEE) person to evaluate fugitive dust emissions once per week.
 2. Spray exposed soil with water or other suppressant twice a day or as needed to suppress dust to 20 percent opacity.
 3. Use non-toxic chemical or organic dust suppressants on unpaved roads and traffic areas to suppress dust to 20 percent opacity.
 4. Construct and maintain wind barriers sufficient to limit windblown dust emissions to 20 percent opacity.
 5. Minimize dust emissions during transport of fill material or soil by wetting down loads, ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks, cleaning the interior of cargo compartments on emptied haul trucks before leaving a site, and/or covering loads.
 6. Promptly clean up spills of transported material on public roads.
 7. Restrict traffic speeds on site to 15 miles per hour to reduce soil disturbance.
 8. Provide wheel washers to remove soil that would otherwise be carried off site by vehicles to decrease deposition of soil on area roadways.
 9. Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris to less than 20 percent opacity.
 10. Provide education for construction workers regarding incidence, risks, symptoms, treatment, and prevention of Valley Fever in accordance with California Department of Public Health guidelines.
- B. The following measures shall be implemented to reduce emissions of criteria pollutants, greenhouse gases (GHGs), and diesel particulate matter (DPM) from construction.
1. The Tribe shall control criteria pollutants and GHG emissions from the facility by requiring all diesel-powered equipment be properly maintained and minimize idling time to five minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions. The Tribe shall employ periodic and unscheduled inspections to accomplish the above mitigation.

2. Require all construction equipment with a horsepower rating of greater than 50 be equipped with diesel particulate filters, which would reduce approximately 85 percent of DPM.
3. Require all construction equipment with a horsepower rating of greater than 50 be equipped with California Air Resources Board (CARB) rated Tier 3 engines, with the exception of scrapers.
4. Require the use of low reactive organic gases (ROG; 150 grams per liter or less) for architectural coatings to the extent practicable.
5. Environmentally preferable materials, including recycled materials, shall be used to the extent readily available and economically practicable for construction of facilities.

Table 5-1 shows the emission levels for each alternative after the implementation of the BMPs recommended above. Mitigated construction emissions would continue to be less than the *de minimis* levels after mitigation.

TABLE 5-1
MITIGATED CONSTRUCTION EMISSIONS¹

Alternatives	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Alternatives A and B	3.83	6.58	7.43	0.02	0.87	0.27
Alternative C	1.72	4.87	5.73	0.01	0.51	0.19
Alternative D	0.79	1.67	1.76	0.00	0.27	0.11
Alternative E	0.55	1.57	1.64	0.00	0.17	0.07
<i>De Minimis</i> Level	10	10	N/A	N/A	N/A	50
Exceed Level	No	No	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; <i>de minimis</i> levels are not applicable due to attainment status (Refer to Section 3.4).						
1 – Shows years with the greatest quantity of emissions.						
Source: CalEEMod, 2016.						

5.4.2 OPERATION AND CLIMATE CHANGE

The following mitigation measures shall be implemented in accordance with federal regulatory requirements (Clean Air Act [CAA]) and the anticipated requirements of the Compact for Alternatives A through E.

- C. The Tribe shall reduce emissions of criteria air pollutants and GHGs during operation of the project through the following actions:
 1. The Tribe shall use clean fuel vehicles in the vehicle fleet where practicable, which would reduce criteria pollutants and GHG emissions.

2. The Tribe shall provide preferential parking for employee vanpools and carpools, which would reduce criteria pollutants and GHGs.
3. The Tribe shall use low-flow appliances at the proposed facility. The Tribe shall use drought-tolerant landscaping and provide “Save Water” signs near water faucets.
4. The Tribe shall control criteria pollutants, GHG, and DPM emissions during operation of the project by requiring all diesel-powered vehicles and equipment be properly maintained and minimizing idling time to five minutes at loading docks when loading or unloading food, merchandise, etc. or when diesel-powered vehicles or equipment are not in use; unless per engine manufacturer’s specifications or for safety reasons more time is required. The Tribe shall employ periodic and unscheduled inspections to accomplish the above mitigation.
5. The Tribe shall use energy-efficient lighting at the facility, which would reduce indirect criteria pollutants and GHG emissions.
6. The Tribe shall install recycling bins throughout the hotel and casino for glass, cans and paper products. Trash and recycling receptacles shall be placed strategically outside to encourage people to recycle. The Tribe will reduce solid waste stream of the facility by 50 percent.
7. The Tribe shall plant trees and vegetation on site or fund such plantings off site. The addition of photosynthesizing plants would reduce atmospheric carbon dioxide (CO₂), because plants use CO₂ for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the building; thus reducing heat absorption, reducing air conditioning needs and saving energy.
8. The Tribe shall use energy-efficient appliances in the hotel and casino.
9. The Tribe shall provide a bus driver lounge at the facility and adopt and enforce an anti-idling ordinance for buses, which will discourage bus idling during operation of the project.

Table 5-2 shows the operational emission levels for each alternative after the implementation of the mitigation measures recommended above.

TABLE 5-2
OPERATIONAL NON-EXEMPT EMISSIONS AFTER MITIGATION MEASURE 5.4(C) (PRIOR TO PURCHASE OF EMISSIONS REDUCTION CREDITS)

Alternatives	Criteria Pollutants					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	tons per year (tpy)					
Alternatives A and B	3.71	35.60	50.30	0.23	14.30	4.45
Alternative C	4.66	27.92	41.07	0.15	9.02	2.91
Alternative D	2.96	20.84	32.43	0.14	9.94	2.80
Alternative E	0.69	3.62	5.22	0.02	1.42	0.4
<i>De Minimis</i> Level	10	10	N/A	N/A	N/A	50
Exceed Level	No	Yes	N/A	N/A	N/A	No
Notes: N/A = Not Applicable; <i>de minimis</i> levels are not applicable due to attainment status (Refer to Section 3.4). Source: CalEEMod, 2016.						

As shown in **Table 5-2** mitigated operational emissions would continue to exceed *de minimis* levels for NO_x. Therefore, the following mitigation shall be implemented for Alternatives A through D in accordance with the federal regulatory requirements of the General Conformity Rule of the CAA.

- The Tribe shall purchase 35.60 tons of nitrogen oxides (NO_x) emission reduction credits (ERCs) for Alternatives A and B as specified in the Conformity Determination included in **Appendix F**. Alternative C would require the purchase of 27.92 of NO_x ERCs. If Alternative D is implemented, the Tribe shall purchase 20.84 tons of NO_x ERCs. Because the air quality effects are associated with operation of the facility and not with construction of the facility, real, surplus, permanent, quantifiable, and enforceable ERCs will be purchased prior to the opening day of the facility. ERCs shall be purchased in accordance with the 40 CFR 93 Subpart B, conformity regulations. With the purchase of the ERCs the project would conform to the applicable SIP and result in a less than adverse effect to regional air quality. As an alternative to or in combination with purchasing the above ERCs, the Tribe has the option to enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD. The VERA would allow the Tribe to fund air quality projects that quantifiably and permanently offset project operational emissions.

5.5 BIOLOGICAL RESOURCES

The following mitigation measures shall be implemented in accordance with federal regulatory requirements (federal Endangered Species Act [FESA]) to avoid potential adverse effects to the San Joaquin kit fox (SJKF) under Alternatives A, B, C, and D.

- A. Preconstruction surveys 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 SJKF. These surveys will be conducted in all potential SJKF habitat on and within 200 feet of the Airpark Site and Off-site Improvement Areas. The primary objective is to identify SJKF habitat features (e.g., potential dens and refugia) within the project area and evaluate their use by SJKF. These surveys will include the maintenance of photo stations and track plates at burrows falling within the dimensional range of a SJKF burrow. If an active SJKF den is detected within or immediately adjacent to the Airpark Site or Off-site Improvement Areas, the United States Fish and Wildlife Service (USFWS) shall be contacted immediately to determine the best course of action.
- B. Should SJKF be found during preconstruction surveys, the Sacramento Field Office of the USFWS will be notified. A disturbance-free buffer will be established around the burrows in consultation with the USFWS, and shall be maintained until a qualified biologist has determined that the burrows have been abandoned.
- C. Permanent and temporary construction activities and other types of project-related activities should be carried out in a manner that minimizes disturbance to SJKF. Minimization measures shall include: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of SJKF; and proper disposal of food items and trash.
- D. Prior to the start of construction, the applicant will retain a qualified biologist to conduct an informational meeting to educate all construction staff on the SJKF. This training will include a description of the SJKF and its habitat needs; a report of the occurrence of SJKF in the project area; an explanation of the status of the species and its protection under the federal Endangered Species Act (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.

The following optional mitigation measure is recommended to reduce potential impacts to the American Badger under Alternatives A, B, C, and D:

- E. Prior to construction activities within the Airpark Site and Off-site Improvement Areas, a qualified biologist shall conduct a preconstruction survey for American Badger concurrent with the preconstruction survey for SJKF recommended under **Mitigation Measure 5.5(A)** to identify any active dens. If occupied dens are found during pre-construction surveys, the biologist would consult with California Department of Fish and Wildlife (CDFW) to determine whether the construction activities would adversely disrupt breeding behaviors of the badger. If it is

determined that construction activities would disrupt breeding behaviors, then a 500-foot avoidance buffer shall be established around occupied burrow from March-August or until a qualified biologist can determine that juvenile badgers are self-sufficient enough to move from their natal burrow.

- F. A habitat sensitivity training shall be conducted for American badger. The same information would be provided to crew members for this species as was identified in the habitat sensitivity training for SJKF.

The following measures shall be implemented in accordance with federal regulatory requirements (Migratory Bird Treaty Act [MBTA]) for all Alternatives to avoid and/or reduce impacts to any potentially nesting migratory, raptor, and/or special-status bird species:

- G. If any construction activities (e.g., building, grading, ground disturbance, removal of vegetation) are scheduled to occur within the Airpark Site and Off-site Improvement Areas during the nesting season (February 15 to September 15), preconstruction nesting bird surveys shall be conducted. Preconstruction surveys for any nesting bird species shall be conducted by a qualified wildlife biologist throughout all areas of suitable habitat that are within 500 feet of any proposed construction activity. The surveys shall occur no more than 14 days prior to the scheduled onset of construction. If construction is delayed or halted for more than 14 days, another preconstruction survey for nesting bird species shall be conducted. If no nesting birds are detected during the preconstruction surveys, no additional surveys or mitigation measures are required.
- H. If nesting bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within 500 feet of construction areas during the surveys, appropriate “disturbance-free” buffers shall be established. The size and scale of nesting bird buffers shall be determined by a qualified wildlife biologist and shall be dependent upon the species observed and the location of the nest. Buffers shall be established around all active nest locations. The nesting bird buffers shall be completely avoided during construction activities. The qualified wildlife biologist shall also determine an appropriate monitoring plan and decide if 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.
- I. If impacts (i.e., take) to migratory nesting bird species are unavoidable, consultation with USFWS shall be initiated. Through consultation, an appropriate and acceptable course of action shall be established.

The following mitigation measure shall be implemented in accordance with applicable federal, state and local regulatory requirements for Alternatives A through E as they apply to off-site traffic mitigation and utility improvements on non-tribal lands:

- J. Prior to the construction of any off-site traffic mitigation and utility infrastructure, a qualified biologist shall perform detailed, and if necessary, focused biological surveys of any undisturbed areas that would be affected by infrastructure development. If it is determined that off-site improvements have the potential to cause adverse effects to sensitive habitats, wetlands and/or Waters of the U.S., special-status species, and/or nesting birds, then project-specific mitigation requirements will be developed and implemented and any necessary regulatory permits shall be obtained and adhered to.

Section 5.13 will reduce the potential impacts of lighting to migratory birds. These mitigation measures include: shielding and downcast illumination of lighting, reduction of glare from lights and glass, and the inclusion of natural elements, such as earth paint tones and native building materials.

5.6 CULTURAL AND PALEONTOLOGICAL RESOURCES

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

- A. In the event of inadvertent discovery of prehistoric or historic archaeological or paleontological resources during construction-related earth-moving activities, the appropriate agency shall be notified. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR §61) can assess the significance of the find in consultation with the appropriate agency and the Tribe. If the find is determined to be significant by the archaeologist, then the archaeologist, in consultation with the appropriate agency and the Tribe, shall determine the appropriate course of action, including the development and implementation of a Treatment Plan, if necessary. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the archaeologist according to current professional standards.
- B. If human remains are discovered during ground-disturbing activities, all construction activities shall halt within 100 feet of the find. The Tribe, appropriate agency, and County Coroner shall be contacted immediately, and the County Coroner shall determine whether the remains are the result of criminal activity; if possible, a human osteologist shall be contacted as well. If Native American, the provisions of appropriate federal or state laws is required. Construction shall not resume in the vicinity until final disposition of the remains has been determined.
- C. Prior to undertaking construction of off-site infrastructure, a qualified archaeologist shall conduct a survey for any areas to be disturbed during construction. If significant resources or significant

archaeological sites are present, they shall be avoided, as feasible. If avoidance of such resources is not feasible, recordation of the sites shall be required, along with treatment as is recommended by the archaeologist after consultation with the State Historic Preservation Officer (SHPO) and, if the find is prehistoric, the Native American Heritage Commission (NAHC). If unknown resources are encountered during construction, recommendations, including the management recommendations listed in **Mitigation Measures 5.6(A)** and **5.6(B)**, shall be implemented to ensure that the resources are avoided, protected, and/or recorded. If off-site traffic mitigation occurs at the intersection of State Route (SR) 137 and SR-65, consistent with **Mitigation Measure 5.8(N)**, **5.8(U)**, **5.8(CC)**, and/or **5.8(LL)**, identified resources shall be avoided by all project construction.

5.7 SOCIOECONOMICS

The following mitigation measure shall be implemented in accordance with the anticipated requirements of Section 9.2 of the Compact for Alternatives A, B, and C:

- A. The Tribe shall implement policies at the new facility similar to or more effective than those in effect at the existing Eagle Mountain Casino, which include employee training, self-help brochures available on site, signage near automatic teller machines (ATMs) and cashiers, and self-banning procedures to help those who may be affected by problem gaming. The signage and brochures will include advertising the problem gambler hotline and website.

The following mitigation measure is recommended for Alternative D:

- B. The Tribe shall make in-lieu payments adequate to replace revenues lost by Tulare County and the City of Porterville due to reduced property, sales, and occupancy taxes received by the County and City.

5.8 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 pro rata share). The pro rata share is calculated using the methodology presented in the California Department of Transportation (Caltrans) Guide for the Preparation of Traffic Impact Studies (2002; **Appendix I**). Weekday PM peak hour was chosen for pro

rata share calculations because it generally represents the worst-case scenario; calculations are included in the traffic impact study (TIS; **Appendix I**).

In accordance with the Compact and 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 traffic mitigation measures shall be implemented as identified within the TIS.

5.8.1 CONSTRUCTION

The following mitigation measures are recommended under Alternatives A, B, C, D, and E to minimize transportation impacts associated with construction:

- A. A traffic management plan shall be prepared in accordance with standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways (FHWA, 2003). 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.

5.8.2 OPERATION (OPENING YEAR 2021)

The Tribe shall make fair share contributions to the traffic mitigation measures identified below 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. While the timing for the off-site roadway improvements is not within the Tribe's jurisdiction or ability to control, the Tribe shall make good faith efforts to assist the County and City with implementation of the improvements prior to opening day.

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

- B. The Tribe shall notify the City of Porterville of special events scheduled at the events center, and the Tribe shall meet with local agencies charged with traffic enforcement (including but not limited to the California Highway Patrol [CHP], City of Porterville, and Tulare County) to obtain

necessary permits and identify any necessary traffic control measures to be implemented. If determined to be necessary, a Traffic Management Plan (TMP) shall be prepared.

The following mitigation measures are recommended under Alternatives A and B:

- C. **SR-190/Rockford Road (Road 208)**. Conduct an Intersection Control Evaluation (ICE), and install a traffic signal or roundabout, pending the outcome of the ICE. Pro-rata share: 28.2 percent.
- D. **Scranton Avenue/West Street**. Install a traffic signal and widen northbound approach to accommodate left-turn lane or install a roundabout. Pro rata share: 85.6 percent.
- E. **Scranton Avenue/Westwood Street**. Install a traffic signal or a roundabout. Pro-rata share: 55.8 percent.
- F. **Scranton Avenue/SR-65**. Widen eastbound approach to accommodate left-turn lane. Pro rata share: 18.0 percent.

The following mitigation measures are recommended under Alternative C:

- G. **Scranton Avenue/West Street**. Install a traffic signal or a roundabout. Pro rata share: 81.9 percent.
- H. **Scranton Avenue/SR-65**. Widen eastbound approach to accommodate dedicated left-turn, thru, and right-turn lanes. Pro rata share: 14.3 percent.

The following mitigation measures are recommended under Alternative D:

- I. **Scranton Avenue/SR-65**. Widen eastbound approach to accommodate dedicated left-turn, thru, and right-turn lanes. Pro rata share: 7.7 percent.

The following mitigation measures are recommended under Alternative E:

- J. **Scranton Avenue/SR-65**. Widen eastbound approach to accommodate left-turn lane. Pro rata share: 0.8 percent.

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

- K. The Tribe shall offer to enter into an agreement with the appropriate jurisdiction(s) regarding financial responsibility for improving the current conditions of West Street between Scranton Avenue and Yowlumne Avenue, Teapot Dome Avenue between Westwood Street (Road 224) and Newcomb Street, and Westwood Street between Scranton Avenue and approximately one

half mile north of Scranton Avenue. . The Tribe's one-time fair share towards these improvements would take into consideration other regional projects that contribute to traffic on these roadways, including the County's jail project. Based on the pro-rata fair share calculations provided in the TIS (**Appendix I**), for Alternatives A and B, the Tribe would be responsible for: 1) 100 percent of the cost of 1/3 mile of road reconstruction on West Street between Scranton Avenue and Yowlumne Avenue, 2) 59.5 percent of the cost of one mile of road reconstruction on Teapot Dome Avenue between Westwood Street (Road 224) and Newcomb Street, and 3) 65.2 percent of the cost of 1/2 mile of road reconstruction immediately north of Scranton Avenue on Westwood Street.

5.8.3 OPERATION (CUMULATIVE YEAR 2040)

The Tribe shall make fair share contributions available for mitigation recommended for cumulative impacts prior to construction of the improvement. The timing for construction of each improvement will be at the discretion of the applicable jurisdictional agency. 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. While the timing for the off-site roadway improvements is not within the Tribe's jurisdiction or ability to control, the Tribe shall make good faith efforts to assist the County and City with implementation of improvements prior to 2040.

The following mitigation measures are recommended under Alternatives A and B in the cumulative year 2040:

- L. **SR-65 from Pioneer Avenue to SR-190:** Upgrade facility to include auxiliary lanes between interchanges per Caltrans standards. Pro-rata share: 15.9 percent.
- M. **SR-137/SR-63.** Widen northbound approach to accommodate an additional dedicated left turn lane, an additional dedicated thru lane and a dedicated right turn lane. Widen southbound approach to accommodate an additional thru lane. Widen eastbound approach to accommodate an additional dedicated left turn lane. Widen westbound approach to accommodate an additional dedicated thru lane and a dedicated right turn lane. Pro-rata share: 8.6 percent.
- N. **SR-137/SR-65.** Widen eastbound approach to accommodate a dedicated thru lane with a shared thru/right turn lane. Pro rata share: 4.7 percent.
- O. **SR-137/Road 204 (Spruce).** Widen westbound approach to accommodate two thru lanes and one free right turn-lane; widen southbound approach to accommodate dual-left turn lanes and shared thru-right lane; widen eastbound approach to provide a thru and thru-right lane. Pro rata share: 4.6 percent.

- P. **SR-190/Road 192.** Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 31.0 percent.
- Q. **SR-190/Road 216.** Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 14.7 percent.
- R. **SR-198/Spruce Road (Road 204).** Traffic signal modifications to accommodate dual northbound left turn lanes and a shared thru/right lane. Eastbound approach, widen to accommodate dedicated right/thru/left lanes. Eastbound approach channelize right turn lane. Pro-rata share: 4.7 percent.
- S. **Avenue 256/Spruce Road (Road 204).** Install traffic signal or a roundabout. Pro-rata share: 7.0 percent.

The following mitigation measures are recommended under Alternative C in the cumulative year 2040:

- T. **SR-137/SR-63.** Widen northbound approach to accommodate an additional dedicated left turn lane, an additional dedicated thru lane and a dedicated right turn lane. Widen southbound approach to accommodate an additional thru lane. Widen eastbound approach to accommodate an additional dedicated left turn lane. Widen westbound approach to accommodate an additional dedicated thru lane and a dedicated right turn lane. Pro rata share: 6.6 percent.
- U. **SR-137/SR-65.** Widen eastbound approach to accommodate a dedicated thru lane with a shared thru/right turn lane. Pro rata share: 3.7 percent.
- V. **SR-137/Road 204 (Spruce).** Widen westbound approach to accommodate two thru lanes and one free right turn-lane; widen southbound approach to accommodate dual-left turn lanes and shared thru-right lane; widen eastbound approach to provide a thru and thru-right lane. Pro rata share: 3.5 percent.
- W. **SR-190/Road 192.** Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 25.5 percent.
- X. **SR-190/Rockford Road (Road 208).** Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 22.8 percent.
- Y. **SR-190/Road 216.** Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 14.7 percent.
- Z. **SR-198/Spruce Road (Road 204).** Traffic signal modifications to accommodate dual northbound left turn lanes and a shared thru/right lane. Pro-rata share: 3.8 percent.
- AA. **Avenue 256/Spruce Road (Road 204).** Install traffic signal or a roundabout. Pro-rata share: 5.4 percent.

The following mitigation measures are recommended under Alternative D in the cumulative year 2040:

- BB. **SR-137/SR-63.** Widen northbound approach to accommodate an additional dedicated left turn lane, an additional dedicated thru lane and a dedicated right turn lane. Widen eastbound approach to accommodate an additional dedicated left turn lane. Widen westbound approach to accommodate an additional dedicated thru lane and a dedicated right turn lane. Pro rata share: 3.7 percent.
- CC. **SR-137/SR-65.** Widen eastbound approach to accommodate a dedicated thru lane with a shared thru/right turn lane. Pro rata share: 1.9 percent.
- DD. **SR-137/Road 204 (Spruce).** Widen westbound approach to accommodate two thru lanes and one free right turn-lane; widen southbound approach to accommodate dual- left turn lanes and shared thru-right lane; widen eastbound approach to provide a thru and thru-right lane. Pro rata share: 1.8 percent.
- EE. **SR-190/Road 192.** Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 14.8 percent.
- FF. **SR-190/Rockford Road (Road 208).** Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 12.9 percent.
- GG. **SR-190/Road 216.** Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 8.0 percent.
- HH. **SR-190/Jaye Street.** Optimize signal timing.
- II. **SR-198/Spruce Road (Road 204).** Traffic signal modifications to accommodate dual northbound left turn lanes and a shared thru/right lane. Pro-rata share: 2.0 percent.
- JJ. **Avenue 256/Spruce Road (Road 204).** Install traffic signal or a roundabout. Pro-rata share: 2.9 percent.

The following mitigation measures are recommended under Alternative E in the cumulative year 2040:

- KK. **SR-137/SR-63.** Widen eastbound approach to accommodate an additional dedicated left turn lane. Widen westbound approach to accommodate an additional dedicated thru lane and a dedicated right turn lane. Pro rata share: 0.8 percent.
- LL. **SR-137/SR-65.** Widen eastbound approach to accommodate a dedicated thru lane with a shared thru/right turn lane. Pro rata share: 0.6 percent.

- MM.**SR-137/Road 204 (Spruce)**. Widen eastbound approach to accommodate a dedicated thru lane with a thru/right turn lane. Widen westbound approach to accommodate an additional dedicated thru lane. Pro rata share: 0.7 percent.
- NN. **SR-190/Road 192**. Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 2.0 percent.
- OO. **SR-190/Rockford Road (Road 208)**. Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 1.6 percent.
- PP. **SR-190/Road 216**. Conduct an ICE if necessary, and install a traffic signal or roundabout. Pro rata share: 1.6 percent.
- QQ. **SR-198/Spruce Road (Road 204)**. Traffic signal modifications to accommodate dual northbound left turn lanes and a shared thru/right lane. Widen eastbound approach to accommodate dedicated right/thru/left lanes. Pro-rata share: 0.4 percent.
- RR. **Avenue 256/Spruce Road (Road 204)**. Install traffic signal or a roundabout. Pro-rata share: 0.4 percent.

5.9 LAND USE

Mitigation in **Section 5.4**, **Section 5.8**, **Section 5.11**, and **Section 5.13** will reduce incompatibilities with neighboring land uses under Alternatives A, B, C, and D due to air quality, noise, traffic, and aesthetic impacts to less than significant levels.

5.10 PUBLIC SERVICES

5.10.1 WATER AND WASTEWATER SERVICES

The following mitigation measure is recommended for Alternative E:

- A. Subsequent to the finalization of building designs, the Tribe shall perform a hydraulic analysis to determine the nature and magnitude of renovations of the existing storage tank infrastructure at the Eagle Mountain Casino Site that would be necessary to accommodate the expanded Casino, if any. Pursuant to the findings of the hydraulic analysis, the Tribe shall construct additional water storage infrastructure within developed areas of the Eagle Mountain Casino Site to provide the requisite fire flow storage for the expansion.

5.10.2 SOLID WASTE

Implementation of the BMPs below, as well as **Mitigation Measure 5.4(C)(6)**, would reduce the amount of solid waste generated during construction. These measures are recommended in accordance with the

Compact to prevent off-Reservation impacts associated with solid waste for Alternatives A through C and E, and recommended for Alternative D:

- B. Construction waste shall be recycled to the fullest extent practicable by diverting green waste and recyclable building materials (including, but not limited to, metals, steel, wood, etc.) away from the solid waste stream.

The following BMPs are recommended in accordance with the Compact to prevent off-Reservation impacts associated with solid waste for Alternatives A through C and recommended for Alternative D:

- C. A solid waste management plan for the new facility shall be developed and adopted by the Tribe that addresses recycling and solid waste reduction on site. These measures shall include, but not be limited to, the installation of a trash compactor for cardboard and paper products, and periodic waste stream audits.
- D. Security guards shall be trained to discourage littering on site.

5.10.3 LAW ENFORCEMENT, FIRE PROTECTION, AND EMERGENCY MEDICAL SERVICES

The following mitigation measures related to security shall be implemented in accordance with the Compact and the Tribe's Gaming Ordinance for Alternatives A through C:

- E. Areas surrounding the gaming facilities shall have "No Loitering" signs in place, be well lit and be patrolled regularly by roving security guards.
- F. The Tribe shall conduct background checks of all gaming employees and ensure that all employees meet licensure requirements established by the Indian Gaming Regulatory Act (IGRA) and the Tribe's Gaming Ordinance.

The following mitigation measures shall be implemented in accordance with the Compact and the Tribe's Gaming Ordinance for Alternatives A through C, and are also recommended for Alternative D.

- G. Prior to operation the Tribe shall enter into agreements to reimburse the Porterville Police Department (PPD) and/or the Tulare County Sheriff's Department (TCSD) for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services.
- H. Parking areas shall be well lit and monitored by parking staff, and/or roving security guards at all times during operation. This will aid in the prevention of auto theft and other similar criminal activity.

- I. The Tribe shall adopt a Responsible Alcoholic Beverage Policy at the facility that shall include, but not be limited to, checking identification of patrons and refusing service to those who have had enough to drink.
- J. The Tribe shall make annual payments to the City of Porterville and/or Tulare County to offset the cost of increased provision of law enforcement and fire protection/emergency medical services in amounts of at least the following amounts:¹
 - 1. \$275,870 for Alternative A or B;
 - 2. \$141,200 for Alternative C; and
 - 3. \$17,320 for Alternative D.

The following industry standard BMP is recommended for Alternatives A through E:

- K. During construction, any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. The contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.

5.10.4 ELECTRICITY AND NATURAL GAS

Implementation of the following industry standard BMP below shall minimize potential impacts related to electricity and natural gas utilities. This measure is recommended for Alternatives A through E:

- L. The Tribe shall contact USA North 811, which provides a free “Dig Alert” to all excavators (e.g., contractors, homeowners, and others) in central California, including Tulare County. This call shall automatically notify all utility service providers at the excavator’s work site. In response, the utility service providers shall mark or stake the horizontal path of underground facilities, provide information about the facilities, and/or give clearance to dig.

¹ The amounts listed reflect the minimum recommended combined payment to the City and/or County for the provision of law enforcement and fire protection/emergency medical services. As described in a Klas Robinson memo dated September 18, 2017 (**Appendix B**), these amounts were primarily determined based on financial information from the City and County and the anticipated increase in services from the estimated incremental attendance of the respective alternative.

5.11 NOISE

5.11.1 CONSTRUCTION

The following measure shall be implemented in accordance with local statutory requirements for construction of off-site utility improvements under Alternatives A through D:

- A. In accordance with the City's noise ordinance, construction activities shall not take place on the Off-Site Improvement Areas before 6:00 AM or after 9:00 PM on any day except Saturday or Sunday, or before 7:00 AM or after 5:00 PM on Saturday or Sunday.

5.11.2 OPERATION

The following measures shall be implemented for Alternatives A through D during operation to prevent violation of the Federal Noise Abatement Criteria (NAC) standards used by the Federal Highway Administration (FHWA) imposed for the protection of the environment (40 CFR 1508.27[b][10]):

- B. The Tribe shall fund 100 percent of a noise reduction wall at the residence located on Road 216 between SR-190 and Scranton Avenue (Avenue 136), which will reduce the ambient noise level by a minimum of 3 dBA Leq. If requested by the residence, in lieu of a sound wall, the Tribe shall fund acoustic windows or a vegetative wall.
- C. The Tribe shall fund 100 percent of a noise reduction wall at the three residences located adjacent to Scranton Avenue between Rockford Road (Road 208) and SR-65, which will reduce the ambient noise level by a minimum of 3 dBA Leq. If requested by the residence, in lieu of a sound wall, the Tribe shall fund acoustic windows or a vegetative wall.

5.12 HAZARDOUS MATERIALS

The following measures shall be implemented to prevent violation of federal requirements related to hazardous materials for Alternatives A and C:

- A. If the 40-acre site is selected as the location of the WRF, soil sampling shall occur on the site to ensure agricultural chemical contamination is not present. If sampling and testing indicates hazardous materials contamination, the contaminated soils and/or groundwater shall be properly removed and/or remediated by qualified professionals consistent with an approved remediation plan.
- B. If the 8-acre site is selected as the location of the WRF, soil sampling for lead shall be conducted on the site. Contaminated soils that are determined to be hazardous shall be properly removed and/or remediated by qualified professionals consistent with an approved remediation plan.

The following BMP shall be implemented to prevent violation of federal requirements related to hazardous materials for Alternatives A through D:

- C. Prior to accepting fill material, it shall be verified to be clean through evidence such as a Phase I Environmental Site Assessment (ESA), soil sampling, or other appropriate measures.

The following BMPs shall be implemented to prevent violation of federal regulatory requirements related to hazardous materials for Alternatives A through E:

- D. Personnel shall follow BMPs for filling and servicing construction equipment and vehicles. BMPs that are designed to reduce the potential for incidents/spills involving the hazardous materials include the following:
 - 1. To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment.
 - 2. Catch-pans shall be placed under equipment to catch potential spills during servicing.
 - 3. Refueling shall be conducted only with approved pumps, hoses, and nozzles.
 - 4. All disconnected hoses shall be placed in containers to collect residual fuel from the hose.
 - 5. Vehicle engines shall be shut down during refueling.
 - 6. No smoking, open flames, or welding shall be allowed in refueling or service areas.
 - 7. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.
 - 8. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.
 - 9. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.
 - 10. All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure.
- E. In the event that contaminated soil and/or groundwater is encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, the Tribe shall consult with the USEPA to determine the appropriate course of action, including development of a Sampling and Remediation Plan if necessary. Contaminated soils that are determined to be hazardous shall be disposed of in accordance with federal regulations.

5.13 AESTHETICS

The following BMPs are recommended in accordance with the Compact to prevent off-Reservation impacts associated with lighting and glare for Alternatives A, B, C, and E, and recommended for Alternative D:

- A. Lighting shall consist of limiting pole-mounted lights to a maximum of 25 feet tall.
- B. All lighting shall be high pressure sodium or light-emitting diode (LED) with cut-off lenses and downcast illumination, unless an alternative light configuration is needed for security or emergency purposes.
- C. Placement of lights on buildings shall be designed in accordance with Unified Facilities Criteria 3-530-01, Interior, Exterior Lighting, and Controls so as not to cast light or glare off site. No strobe lights, spot lights, or flood lights shall be used.
- D. Shielding, such as with a horizontal shroud, shall be used in accordance with Unified Facilities Criteria 3-350-01 for all outdoor lighting so as to ensure it is downcast.
- E. All exterior glass shall be non-reflective low-glare glass.
- F. Screening features and natural elements shall be integrated into the landscaping design of the project to screen the view of the facilities from directly adjacent existing residences.
- G. Design elements shall be incorporated into the project to minimize the impact of buildings and parking lots on the viewshed. These elements include:
 - 1. Incorporate landscape amenities to complement buildings and parking areas, including setbacks, raised landscaped berms, and plantings of trees and shrubs.
 - 2. Use earth tones in paints and coatings, and use native building materials such as stone.

SECTION 6.0

***CONSULTATION AND COORDINATION/
LIST OF PREPARERS***

SECTION 6.0

CONSULTATION AND COORDINATION / LIST OF PREPARERS

6.1 LEAD AGENCY

Bureau of Indian Affairs Pacific Regional Office

Amy L. Dutschke, Regional Director
Felix Kitto, Chief of the Division of Environmental, Cultural Resources Management & Safety
Chad Broussard, Environmental Protection Specialist

2800 Cottage Way # W2820
Sacramento, CA 95825
www.bia.gov
(916) 978-6000

6.2 COOPERATING AGENCIES

United States Environmental Protection Agency Region 9

Kathleen Martyn Goforth, Manager, Environmental Review Office
Karen Vitulano, Lead Reviewer

Tulare County

Michael C. Spata, County Administrative Officer
Reed Schenke, PE, Interim Director, Resource Management Agency
Guillermo Hermoso, Resource Management Agency – Solid Waste Department

City of Porterville

Milt Stowe, Mayor
Michael Reed, Public Works Director
Jennifer M. Byers, Community Development Director
Glen Hall, Battalion Chief, Porterville Fire Department
Casey Contreras, Secretary to Chief Eric Kroutil, Porterville Police Department

Tule River Indian Tribe

Neil Peyron, Chairman
Kerri Vera, Environmental Director
Ralene Clower, Project Manager

6.3 FEDERAL AGENCIES

**United States Department of Agriculture, Natural Resources Conservation Service,
Visalia Field Office**

Joe Williams, District Conservationist

United States Department of Transportation, Federal Aviation Administration

James W. Lomen, Manager, San Francisco Airports District Office
Douglas Pomeroy, Environmental Protection Specialist

6.4 STATE AND LOCAL AGENCIES AND UTILITIES

California Department of Transportation District 6

Michael Navarro, Chief, Planning Branch North

Sierra View Healthcare District

Mike Cunningham, Environmental Services/Facilities Director

Southern California Edison

Edward Garcia, Distribution Planner
Jeffrey Brown, Distribution Engineer

Southern California Gas Company/Sempra Utilities

Amy Pena, Planning Associate
Matthew Hendrick, Senior Account Executive

6.5 ENVIRONMENTAL CONSULTANTS

Analytical Environmental Services (AES)

Name	Qualifications	Participation
David Zweig, PE	BS; 30 years of experience	Principal-in-Charge
Ryan Lee Sawyer, AICP	BA; 13 years of experience	Project Director, EIS Author
Bibiana Alvarez	BS; 9 years of experience	Project Manager, EIS Author, Water Resources, Public Services
Katherine Green	BS, BA; 4 years of experience	Deputy Project Manager, Executive Summary, Introduction, Alternatives, Socioeconomics, Transportation, Land Use, Growth-Inducing Effects
Laura Zajac	BS; 3 years of experience	Geology and Soils, Hazardous Materials, Aesthetics
Ryan Gallagher	BA; 1 year of experience	Water Resources, Public Services
Kaitlan Alonzo	BS; 4 years of experience	Biological Resources
John C. Fox	BS, MBA; 23 years of experience	Socioeconomics
Charlane Gross, RPA	BA, MA; 29 years of experience	Cultural Resources
Erin Quinn	BS; 13 years of experience	Air Quality, Climate Change, Transportation, Noise
Dana Hirschberg	16 years of experience	Graphics
Glenn Mayfield	BA; 13 years of experience	Graphics

Subconsultants

Name	Qualifications	Participation
KlasRobinson Q.E.D.		
James M. Klas, (Founder & Principal)	BA, MA; 25 years of experience	Socioeconomics
Matthew S. Robinson (Founder & Principal)	BA, MA; 20 years of experience	Socioeconomics
Psomas		
Michael D. Swan (Senior Project Manager)	BS; 51 years of experience	Water/Wastewater, Grading/Drainage
David S Martin (Associate/Senior Project Manager)	BS; 30 years of experience	Water/Wastewater, Grading/Drainage
Robert Brandom (Senior Project Manager)	BS; 30 years of experience	Water/Wastewater, Grading/Drainage
Omni-Means		
Gary A. Mills (Project Manager)	BA; 26 years of experience	Transportation/Circulation
Catrina Ferguson (Engineering Technician)	14 years of experience	Transportation/Circulation

SECTION 7.0

ACRONYMS

SECTION 7.0

ACRONYMS

A

AADT	Annual Average Daily Traffic
AB	Assembly Bill
AC	Agricultural/Conservation
ACS	American Community Survey
ADT	Average Daily Traffic
AES	Analytical Environmental Services
AF	acre-feet
AFY	acre-feet per year
ALP	Airport Layout Plan
ALUC	Airport Land Use Commission
amsl	above mean sea level
APA	American Psychiatric Association
APE	Area of Potential Effects
APN	Assessor's Parcel Number
ARPA	Archaeological Resources Protection Act
ASTM	American Society for Testing and Materials
ATM	automatic teller machine
AWSC	All-Way Stop Control

B

BIA	Bureau of Indian Affairs
BMPs	Best Management Practices
BOH	back-of-house
BP	before present

C

CAA	Clean Air Act (federal)
CAAQS	California ambient air quality standards
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CAPs	Criteria Air Pollutants
CARB	California Air Resources Board
CAT	Climate Action Team

CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFH	cubic feet per hour
CFR	Code of Federal Regulations
CGS	California Geological Service
CH ₄	methane
CHP	California Highway Patrol
CNDDDB	California Natural Diversity Database
CNEL	community noise exposure level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO _{2e}	carbon dioxide equivalent
CPSC	Consumer Product Safety Commission
CVRWQCB	Central Valley Regional Water Quality Control Board
CWA	federal Clean Water Act

D

DAU	Detailed Analysis Unit
dB	decibel
dBA	A-weighted decibel
DLE	Delta Liquid Energy
DO	dissolved oxygen
DOC	California Department of Conservation
DPM	Diesel Particulate Matter
DPS	Department of Public Safety
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources

E

EAP	extended aeration activated sludge plant
EB	eastbound
EDR	Environmental Data Resources, Inc.
EGD	electronic gaming device
EIS	Environmental Impact Statement
EMS	emergency medical services

EO Executive Order
ERC emission reduction credit
ESA Environmental Site Assessment

F

FAA Federal Aviation Administration
FCIR Farmland Conversion Impact Rating
FDA Food and Drug Administration
FEMA Federal Emergency Management Agency
FESA federal Endangered Species Act
FHWA Federal Highway Administration
FIFRA Federal Insecticide, Fungicide, and Rodenticide Act
FIRMs Flood Insurance Rate Maps
FMMP Farmland Mapping and Monitoring Program
FTA Federal Transportation Administration
FTE full time equivalent

G

GC Government Code
GHG greenhouse gas
gpd gallons per day
gpm gallons per minute
GSA Groundwater Sustainability Agency

H

HAPs Hazardous Air Pollutants
HCM Highway Capacity Manual
HFC Hydrofluorocarbons
HVAC heating, ventilation, and air conditioning

I

IA Airport Industrial
IBC International Building Code
IGRA Indian Gaming Regulatory Act
IPCC Intergovernmental Panel on Climate Change
IRA Indian Reorganization Act
ITE Institute of Transportation Engineers

K

Ksat hydrologic conductivity

km kilometer
 kV kilovolt
 kVA kilovolt-ampere

L

Ldn Day-Night Average Sound Level
 LED light-emitting diode
 Leq equivalent noise level
 Lmax maximum noise level
 LOS level of service
 LP liquid propane

M

$\mu\text{g}/\text{m}^3$ micrograms per cubic meter
 MBR membrane bioreactor
 MBTA Migratory Bird Treaty Act
 MCL Maximum Contaminant Level
 MCLG Maximum Contaminant Level Goal
 MG million gallons
 MGD million gallons per day
 MMT million metric tons
 MPN Most Probable Number
 MUTCD Manual on Uniform Traffic Control Devices
 MVA megavolt-ampere
 MW megawatt

N

N₂O nitrous oxide
 NAAQS National Ambient Air Quality Standards
 NAC Noise Abatement Criteria
 NAGPRA Native American Graves Protection and Repatriation Act
 NAHC Native American Heritage Commission
 NAR National Association of Realtors
 NB northbound
 NEPA National Environmental Policy Act
 NESHAP National Emissions Standards for Hazardous Air Pollutants
 NGISC National Gambling Impact Study Commission
 NHPA National Historic Preservation Act
 NMFS National Marine Fisheries Service
 NOA Notice of Availability

NOI	Notice of Intent
NOP	Notice of Preparation
NO ₂	nitrogen dioxide
NO _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NSR	New Source Review
NTNC	Non-Transient Non-Community
NWI	National Wetlands Inventory

O

O ₃	ozone
OHV	off-highway vehicle
OSHA	Occupational Safety and Health Administration

P

Pb	lead
PFCs	perfluorocarbons
PFD	Porterville Fire Department
PK	Parks and Public Recreation Facilities
PL	Public Law
PM	Particulate Matter
PM _{2.5}	particulate matter less than 2.5 micrometers in diameter
PM ₁₀	particulate matter less than 10 micrometers in diameter
PPD	Porterville Police Department
ppm	parts per million
PPV	peak particle velocity
PS	Public/Semi-Public
PSD	Prevention of Significant Deterioration
psi	pounds per square inch
PUSD	Porterville Unified School District
PVC	polyvinyl chloride
PWD	Public Works Department

R

RCP	Reinforced Concrete Pipe
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
RMA	Resource Management Agency

ROD	Record of Decision
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board

S

SB	southbound
SBR	sequencing batch reactor
SCE	Southern California Edison
sf	square feet
SF ₆	sulfur hexafluoride
SGMA	Sustainable Groundwater Management Act
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SJKF	San Joaquin kit fox
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SMARA	Surface Mining and Reclamation Act
SO ₂	sulfur dioxide
SoCalGas	Southern California Gas Company
SPV	solar photovoltaic
SR	State Route
SSJVIC	Southern San Joaquin Information Center
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board

T

TCFD	Tulare County Fire Department
TCSD	Tulare County Sheriff's Department
TEIR	Tribal Environmental Impact Report
TFS	tertiary filtration system
TIP	Tribal Implementation Plan
TIS	traffic impact study
TMDL	Total Maximum Daily Load
TMP	Traffic Management Plan
TPD	Tribal Police Department
tpy	tons per year
TRFD	Tule River Fire Department
TWSC	Two Way Stop Control

U

UCMP	University of California Museum of Paleontology
UIC	Underground Injection Control
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

V

V/C	volume to capacity
VERA	Voluntary Emission Reduction Agreement
VOR	Vehicle Occupancy Rate

W

WDR	Water Discharge Requirement
WRF	water reclamation facility
WTP	water treatment plant
WWTP	wastewater treatment plant

SECTION 8.0

REFERENCES

SECTION 8.0

REFERENCES

- AES, 2018. *Cultural Resources Survey Report – Off-site Traffic Mitigation Areas for the Tule River Indian Tribe Fee-to-Trust and Casino Relocation Project*, Tulare County, CA.
- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, and T.J. Rosatti, Eds., 2012. *The Jepson Manual: Vascular Plants of California*, 2nd edition. University of California Press, Berkeley, CA.
- Barrow, C.W. and Hirschy, M., 2008. The Persistence of Pseudo-Facts in the U.S. Casino Debate: The Case of Massachusetts. *Gaming Law Review and Economics*, Vol. 12, No. 4.
- Bureau of Indians (BIA), 2010. Letter requesting concurrence, Proposed Fee-to-Trust Conveyance of 40 Acres for the Tule River Indian Tribe, Tulare County, California.
- Burton School District, 2017. *Our Schools*. Available online at: <https://www.burtonschools.org/domain/309>. Accessed November 2017.
- Bolt, B. A., 1988. *Earthquakes*. 4th Edition. W. H. Freeman and Company: New York, 1999.
- Brown, Jeffrey, 2017. Email correspondence with Jeffrey Brown of Southern California Edison. May 19, 2017.
- California Air Resources Board (CARB), 2007. *Climate Change Scoping Plan*. Available online at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed April 2017.
- CARB, 2014. *Climate Change Scoping Plan*. Available online at: http://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed May 23, 2017.
- CARB, 2016. *2016 Edition California GHG Emission Inventory*. Available online at: https://www.arb.ca.gov/cc/inventory/pubs/reports/2000_2014/ghg_inventory_trends_00-14_20160617.pdf. Accessed May 23, 2017.
- California Building Standards Commission (CBSC), 2017. *California Green Building Standards Code*. Available online at: <http://www.bsc.ca.gov/Home/CALGreen.aspx>. Accessed February 21, 2017.

- California Code of Regulations (CCR), 2017. *Title 22, Division 4, Chapter 3*. Available online at: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IE8ADB4F0D4B911DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IE8ADB4F0D4B911DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)). Accessed April 10, 2017.
- California Department of Conservation (DOC) Division of Land Resources Protection, 2015. *Tulare County Williamson Act FY 2015/2016*. Accessed February 2017.
- DOC, 2016a. *The Alquist-Priolo Earthquake Fault Zoning Act*. Available online at: <http://www.conservation.ca.gov/cgs/rghm/ap>. Accessed March 13, 2017.
- DOC, 2016b. *Seismic Hazards Mapping Act*. Available online at: http://www.conservation.ca.gov/cgs/shzp/Pages/prc_shmact.aspx. Accessed March 13, 2017.
- DOC, 2016c. *SMARA Statutes and Associated Regulations*. Available online at: <http://www.conservation.ca.gov/dmr/lawsandregulations>. Accessed March 13, 2017.
- California Department of Fish and Wildlife (CDFW), 2002. *General Rare Plant Survey Guidelines*. Available online at: http://www.gsweventcenter.com/Website_Refs/20020700.pdf Accessed on: February 21, 2017.
- CDFW, 2003. *California Wildlife Habitat Relationships-Version 8.1*. California Department of Fish and Wildlife. California Interagency Wildlife Task Group. American Badger. Sacramento, California.
- CDFW, 2017a. *California Natural Diversity Database: RareFind 5 Search on Porterville quad*. Natural Heritage Division, CNDDDB, Sacramento, California. Available online at: <https://map.dfg.ca.gov/rarefind/view/RareFind.aspx>. Accessed February 8, 2017.
- CDFW, 2017b. *California Natural Diversity Database*. Rarefind 5.0. The Resources Agency, Sacramento, CA. Accessed May 17, 2017.
- CDFW, 2017c. *California Natural Diversity Database: RareFind 5 Search on Porterville and Success Dam quad*. Natural Heritage Division, CNDDDB, Sacramento, California. Available online at: <https://map.dfg.ca.gov/rarefind/view/RareFind.aspx>. Accessed February 8, 2017.
- California Department of Resources Recycling and Recovery (CalRecycle), 1997. *History of California Solid Waste Law, 1990-1994*. Available online at: <http://www.calrecycle.ca.gov/Laws/Legislation/calhist/1990to1994.htm>. Accessed February 21, 2017.

- CalRecycle, 2015. *History of California Solid Waste Law, 2010-2014*. Available online at: <http://www.calrecycle.ca.gov/Laws/Legislation/CalHist/2010to2014.htm>. Accessed February 21, 2017.
- CalRecycle, 2017a. *Estimated Solid Waste Generation Rates*. Available online at: <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Accessed March 15, 2017.
- CalRecycle, 2017b. *Facility/Site Summary Details: Teapot Dome Disposal Site (54-AA-0004)*. Available online at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/54-AA-0004/Detail/>. Accessed March 15, 2017.
- CalRecycle, 2017c. *Facility/Site Summary Details: Visalia Disposal Site (54-AA-0009)*. Available online at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/54-AA-0009/Detail/>. Accessed March 15, 2017.
- California Department of Transportation (Caltrans), 2010. *CO Protocol*. Available online at: http://www.dot.ca.gov/hq/env/air/documents/COProtocol_searchable.pdf. Accessed May 22, 2017.
- Caltrans, 2011. *Transportation Concept Report: State Route 137, District 6*. October 2011. Available online at: <http://www.dot.ca.gov/d6/planning/tcrs/sr137tcr/sr137tcr.pdf>. Accessed May 22, 2017.
- Caltrans, 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Available online at: http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf. Accessed May 22, 2017.
- Caltrans, 2014. *Transportation Concept Report: State Route 65, District 6*. Available online at: http://www.dot.ca.gov/d6/planning/tcrs/sr65tcr/sr65_full_document.pdf. Accessed May 22, 2017.
- Caltrans, 2015. *Transportation Concept Report: State Route 190, District 6*. Available online at: http://www.dot.ca.gov/d6/planning/tcrs/sr190tcr/sr190_final_october.pdf. Accessed May 22, 2017.
- Caltrans, 2016. *Officially Designated State Scenic Highways and Historic Parkways*. Available online at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm. Accessed November 23, 2016.
- Caltrans, 2017. *Class I, II, & III Bikeways*. Available online at: http://www.dot.ca.gov/dist1/d1projects/manila-atp/bikeways_explained.pdf. Accessed February 4, 2017.

- Caltrans, 2018. *Noise & Vibration Specialists FAQs: How are noise levels measured?* Available online at: <http://www.dot.ca.gov/dist6/faq/noise.htm>. Accessed April 2018.
- California Department of Water Resources (DWR), 2006. *San Joaquin Valley Groundwater Basin - Tule Subbasin*. January 20, 2006. Available online at: <http://www.dwr.water.ca.gov/groundwater/bulletin118/basindescriptions/5-22.09.pdf>. Accessed May 23, 2017.
- DWR, 2010. *Tule Groundwater Basin – Spring 2010, Lines of Equal Elevation of Water in Wells, Unconfined Aquifer*. Available online at: http://www.water.ca.gov/groundwater/maps_and_reports/south_central_region/images/groundwater/tule_e10.gif. Accessed November 22, 2016.
- DWR, 2013a. *Tulare Lake Hydrologic Region Volume II: Regional Reports*. Available online at: http://www.water.ca.gov/waterplan/docs/cwpu2013/Final/Vol2_TulareLakeRR.pdf. Accessed May 23, 2017.
- DWR, 2013b. *Alluvial Groundwater Basins and Subbasins within the Tulare Lake Hydrogeologic Region*. Available online at: <http://www.water.ca.gov/groundwater/bulletin118/maps/TL.pdf>. Accessed May 10, 2017.
- DWR, 2016a. *Bulletin 118 – Interim Update 2016*. Available online at: http://www.water.ca.gov/groundwater/bulletin118/docs/Bulletin_118_Interim_Update_2016.pdf. Accessed May 10, 2017.
- DWR, 2016b. *Water Data Library Online Database*. Available online at: <http://www.water.ca.gov/waterdatalibrary/>. Accessed November 18, 2016.
- DWR, 2017. *East Porterville Water Supply Project*. Available online at: <http://water.ca.gov/waterconditions/porterville.cfm>. Accessed May 4, 2017.
- California Emissions Estimator Model (CalEEMod), 2016. *California Emissions Estimator Model, Version 2016.3.1*. Available online at: <http://www.caleemod.com/>. Accessed April 2018.
- California Energy Commission (CEC), 2005. *Global Climate Change and California In Support of the 2005 Integrated Energy Policy Report*. Available online at: <http://www.energy.ca.gov/2005publications/CEC-600-2005-007/CEC-600-2005-007-SF.PDF>. Accessed May 2017.
- CEC, 2012. *Our Changing Climate 2012 Vulnerability & Adaptation to the Increasing Risks from Climate Change in California*. Available online at:

- <http://www.energy.ca.gov/2012publications/CEC-500-2012-007/CEC-500-2012-007.pdf>. Accessed May 2017.
- California Environmental Protection Agency (CalEPA), 2011. *History of the Water Boards*. Available online at:
http://www.waterboards.ca.gov/about_us/water_boards_structure/history_water_policy.shtml. Accessed February 21, 2017.
- CalEPA, 2012. *History of the Water Boards*. Available online at:
http://www.waterboards.ca.gov/about_us/water_boards_structure/history.shtml. Accessed February 21, 2017.
- CalEPA, 2016a. *Waste Discharge Requirements*. Available online at:
http://www.waterboards.ca.gov/water_issues/programs/land_disposal/waste_discharge_requirements.shtml. Accessed February 21, 2017.
- CalEPA, 2016b. *Do I need a permit?* Available online at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml. Accessed February 21, 2017.
- CalEPA, 2016c. *Sanitary Sewer Overflow Reduction Program*. Available online at:
http://www.waterboards.ca.gov/water_issues/programs/sso/index.shtml. Accessed February 21, 2017.
- California Geological Survey (CGS), 2002. *California Geomorphic Provinces*. Available online at:
http://www.conservation.ca.gov/cgs/information/publications/cgs_notes/note_36/Documents/note_36.pdf. Accessed February 2017.
- CGS, 2015. *CGS Information Warehouse: Regulatory Maps*. Available online at:
<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>. Accessed March 13, 2017.
- California Highway Patrol (CHP), 2017a. *CHP Find an Office*. Available online at:
<https://www.chp.ca.gov/find-an-office>. Accessed March 2, 2017.
- CHP, 2017b. *CHP Central Division*. Available online at: <https://www.chp.ca.gov/Find-an-Office/Central-Division>. Accessed March 2, 2017.
- California Legislative Information, 2001. *Assembly Bill 901*. Available online at:
http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0901-0950/ab_901_bill_20011009_chaptered.pdf. Accessed October 7, 2015.

- California Native Plant Society (CNPS), 2001. *CNPS Botanical Survey Guidelines*. Available online at: http://www.cnps.org/cnps/rareplants/pdf/cnps_survey_guidelines.pdf. Accessed February 21, 2017.
- CNPS, 2017a. *Online CNPS Inventory of Rare and Endangered Plant Inventory for the Porterville U.S. Geological Survey 7.5 Minute Topographic Quadrangle*. Available online at: <http://www.rareplants.cnps.org/result.html?adv=t&quad=40122E3:1>. Accessed February 8, 2017.
- CNPS, 2017b. *Online CNPS Inventory of Rare and Endangered Plant Inventory for the Success Dam U.S. Geological Survey 7.5 Minute Topographic Quadrangle*. Available online at: <http://www.rareplants.cnps.org/result.html?adv=t&quad=40122E3:1>. Accessed February 8, 2017.
- California Safe Drinking Water Information System (SDWIS), 2017. *Monitoring Schedules for Well 32 – RAW*. Available online at: https://sdwis.waterboards.ca.gov/PDWW/JSP/MonitoringSchedules.jsp?tinwsys_is_number=5940&tinwsys_st_code=CA&counter=0. Accessed May 22, 2017.
- California Water Code, 2010. *Division 6, Part 2.6 Urban Water Management Planning Act*. Available online at: http://www.water.ca.gov/urbanwatermanagement/docs/water_code-10610-10656.pdf. Accessed February 21, 2017.
- Camarena, Robert, 2017. Personal communication between Katherine Green (AES) and Robert Camarena, Tule River Tribe Housing Department representative, March 14, 2017.
- Center for Policy Analysis, 2013. *New England Casino Gaming Update, 2013*. Available online at: http://www.umassd.edu/media/umassdartmouth/seppce/centerforpolicyanalysis/negu_2013.pdf. Accessed May 2017.
- Central Valley Regional Water Quality Control Board (CVRWQCB), 2008. *Waste Discharge Requirement for City of Porterville Wastewater Treatment Facility*. Available online at: http://www.swrcb.ca.gov/rwqcb5/board_decisions/tentative_orders/0803/cityofporterville/porterville_wdr.pdf. Accessed March 7, 2017.
- CVRWQCB, 2010a. *Final California 2010 Integrated Report (303(d) List/305(b) Report)*. Available online at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/02386.shtml#16969. Accessed November 18, 2016.
- CVRWQCB, 2010b. *Impaired Water Bodies*. Available online at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml. Accessed November 18, 2016.

- CVRWQCB, 2015. *Central Valley Regional Water Quality Control Board (5) Waste Acceptance List*. Available online at: http://www.waterboards.ca.gov/water_issues/programs/land_disposal/docs/wal_r5.pdf. Accessed May 19, 2017.
- CVRWQCB, 2016. *Water Quality Control Plan for the Tulare Lake Basin: Second Edition*. July 2016. Available online at: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/newpages200401.pdf. Accessed December 1, 2016.
- City of Porterville, 1998. *Sewer System Evaluation and Proposed Facilities Improvements*. Available online at: <http://www.ci.porterville.ca.us/depts/PublicWorks/documents/CityofPortervilleSewerSystemMasterPlan-Chapter5.pdf>. Accessed March 10, 2017.
- City of Porterville, 2003. *Exhibit C; Notice of Land Acquisition Application*. Accessed February 2017.
- City of Porterville, 2008. *Porterville General Plan*. Available online at: <http://www.ci.porterville.ca.us/depts/CommunityDevelopment/generalplan.cfm>. Accessed November 2016.
- City of Porterville, 2010. *Porterville Development Ordinance*. Available online at: <http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/DevelopmentOrdinancePublicReviewDraft.pdf>. Accessed May 16, 2017.
- City of Porterville, 2012. *City of Porterville Final Zoning Map*. Available online at: <http://www.ci.porterville.ca.us/depts/CommunityDevelopment/generalplan.cfm>. Accessed February 2017.
- City of Porterville, 2013. *Zoning Ordinance, Article 300: General Site Regulations*. Available online at: http://www.sterlingcodifiers.com/codebook/index.php?book_id=679. Accessed November 23, 2016.
- City of Porterville, 2014. *City of Porterville Urban Water Management Plan 2010 Update*. Available online at <http://www.water.ca.gov/urbanwatermanagement/2010uwmps/Porterville,%20City%20of/Porterville%202010%20Urban%20Water%20Management%20Plan.pdf>. Accessed March 2017.
- City of Porterville, 2015. *City of Porterville Urban Water Management Plan, March 2015 Amendment*. Available online at: <http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/Porterville2010UWMPRequestedChangesFromtheState.pdf>. Accessed May 22, 2017.
- City of Porterville, 2016a. *Parks and Leisure: OHV Park*. Available online at: <http://www.ci.porterville.ca.us/depts/ParksandLeisure/ohvpark.cfm>. Accessed November 8, 2016.

- City of Porterville, 2016b. *Zoning Ordinance, Article 204: Employment Districts*. Available online at: http://www.sterlingcodifiers.com/codebook/index.php?book_id=679. Accessed November 21, 2016.
- City of Porterville, 2016c. *City of Porterville Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016*. Available online at: <http://www.ci.porterville.ca.us/depts/Finance/documents/PortervilleCAFR2016.pdf>. Accessed March 8, 2017.
- City of Porterville, 2016d. *Public Works: Water Conservation*. Available online at: <http://www.ci.porterville.ca.us/depts/PublicWorks/waterconservation.cfm>. Accessed May 3, 2017.
- City of Porterville, 2017a. *History of Porterville*. Available at: <http://www.ci.porterville.ca.us/mods/LivingHere/historyofporterville.cfm>. Accessed March 2017.
- City of Porterville, 2017b. *Public Works – Water Conservation*. Available online at: <http://www.ci.porterville.ca.us/depts/PublicWorks/waterconservation.cfm>. Accessed May 19, 2017.
- City of Porterville, 2017c. *Organizational Structure*. Available online at: http://www.ci.porterville.ca.us/depts/Fire/images/OrgChart2015_000.jpg. Accessed May 22, 2017.
- City of Porterville, 2017d. *Police – Divisions*. Available online at: <http://www.ci.porterville.ca.us/depts/Police/divisions.cfm>. Accessed May 22, 2017.
- City of Porterville, 2017e. *General Information Webmap*. Available online at: <http://www.ci.porterville.ca.us/depts/CommunityDevelopment/webmaps/PublicWebmapPortal/webmap.html#14.4/36.0309/-119.0787>. Accessed March 2017.
- Climate Action Team (CAT), 2007. *Proposed Early Action to Mitigate Climate Change in California*. Available online at: http://www.climatechange.ca.gov/climate_action_team/reports/2007-04-20_CAT_REPORT.PDF. Accessed May 2, 2017.
- Clower, Ralene, 2017. Personal communication between Ralene Clower, Tule River Gaming Commission Executive Director and Lori Davis, Eagle Mountain Casino Facilities Secretary. March 28, 2017.
- Cook, S.F., 1960. *Colonial Expeditions to the Interior of California Central Valley, 1800-1820*. Anthropological Records 16:6. University of California Press, Berkeley and Los Angeles.
- Cook, S. F., 1978. Historical Demography. In *Handbook of North American Indians*, Vol. 8, California. Smithsonian Institute, Washington, D.C.

- Contreras, 2017. Personal communication with Casey Contreras, Administrative Assistant to the Chief at the Porterville Police Department. May 22, 2017.
- Council on Environmental Quality (CEQ), 1997. *Considering Cumulative Effects Under the National Environmental Policy Act*. Available online at: http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-ConsidCumulEffects.pdf. Accessed May 18, 2017.
- CEQ, 2016. *Memorandum for Heads of Federal Departments and Agencies*. August 1, 2016. Available online at: https://www.energy.gov/sites/prod/files/2016/08/f33/nepa_final_ghg_guidance.pdf. Accessed May 22, 2017.
- Crawford & Bowen Planning, Inc. (Crawford), 2017. Available online at: <http://www.ci.porterville.ca.us/govt/CityManager/documents/MitigatedNegDec.pdf>. Accessed May 30, 2017.
- Cunningham, Michael, 2017. Phone correspondence with Michael Cunningham of Sierra View Medical Center. May 22, 2017.
- Delta Liquid Energy (DLE), 2017. Contact Delta Liquid Energy. Available online at: <http://www.deltaliquidenergy.com/contact-us/>. Accessed April 6, 2017.
- Easton, Krey N., 2008. *Results of a Class III pedestrian archaeological survey of the Tule River Airpark project area in Tulare County, California*. Report prepared for W & H Pacific.
- Engineering Toolbox, 2017. *Sound Pressure Sensed by the Human Ear*. Available online at: http://www.engineeringtoolbox.com/decibel-d_59.html. Accessed May 1, 2017.
- Environmental Data Resources, 2016. *EDR Radius Map Report with Geocheck*. Accessed November 2016.
- Federal Aviation Administration (FAA), 2017a. *Notice Criteria Tool*. Available online at: <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>. Accessed March 2017.
- FAA, 2017b. *Determination of No Hazard to Air Navigation*. Issued February 27, 2017.
- FAA, 2017c. *KPTV – Porterville Municipal Airport*. Available online at: <http://www.airnav.com/airport/KPTV>. Accessed April 6, 2017.
- Federal Emergency Management Agency (FEMA), 2004. *Earthquake Hazards Reduction Act of 1977, As Amended*. Available online at <https://www.fema.gov/media-library/assets/documents/12521>. Accessed March 13, 2017.

- FEMA, 2012. *Flood Insurance Rate Map: Map Index*. December 18, 2012. Available online at: <http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=80131633&IFIT=1>. Accessed May 3, 2017.
- FEMA, 2016. *Federal Flood Risk Management Standard (FFRMS)*. August 23, 2016. Available online at: <https://www.fema.gov/federal-flood-risk-management-standard-ffrms>. Accessed May 23, 2017.
- FEMA, 2017. *FEMA Flood Map Service Center*. Maps 06107C1637E and 06107C1640E. Available online at: <https://msc.fema.gov/portal>. Accessed May 23, 2017.
- Federal Highway Administration (FHWA), 2006a. *Construction Noise Handbook*. Available online at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/index.cfm. Accessed May 3, 2017.
- FHWA, 2006b. *Highway Traffic Noise in the United States*. Available online at: https://www.fhwa.dot.gov/Environment/noise/regulations_and_guidance/usprbrsp.pdf. Accessed May 3, 2017.
- FHWA, 2011. *Measurement of Highway-Related Noise, Terminology*. Available online at: <https://www.fhwa.dot.gov/environment/noise/measurement/mhrn02.cfm>. Accessed May 3, 2017.
- Farmland Mapping and Monitoring Program (FMMP), 2014. *Tulare County Important Farmland 2014*. Available online at: <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx>. Accessed November 2016.
- Federal Transportation Administration (FTA), 2006a. *Transit Noise and Vibration Impact Assessment, May 2006*. Available online at: http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf. Accessed February 2, 2014.
- FTA, 2006b. *Construction Noise Handbook*. Final Report: August 2006. Available online at: https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook08.cfm. Accessed April 2018.
- Foothills Sun-Gazette, 2017. “County responds to casino relocation.” Available online at: <http://www.thesungazette.com/article/news/2017/01/25/county-responds-to-casino-relocation/>. Accessed March 9, 2017.
- Garcia, Edward, 2017. Email correspondence with Edward Garcia of Southern California Edison. May 18, 2017.

- Garfield, Ryan, 2009. *Senate Energy Committee testimony*. Available online at: https://www.energy.senate.gov/public/index.cfm/files/serve?File_id=a9462a18-e167-a284-6990-4a52625d8702. Accessed February 2017.
- Gayton, A. H., 1948. Yokuts and Western Mono Ethnography II: Northern Foothill Yokuts and Western Mono. *University of California Anthropological Records* 10(2). Berkeley, CA.
- Government Printing Office, 1927. *Indian Affairs: Laws and Treaties*. Treaty with the Chu-Nuts, Wo-Woz, etc., 1851. Treaty Made and Concluded at Camp Burton, on Paint Creek, State of California, June 3, 1851, Between George W. Barbour, United States Commissioner, and the Chiefs, Captains and Head Men of the Chu-Nute, Wo-Wol, &c., Tribes of Indians.
- Governor's Office of Planning and Research (OPR), 2016. *Westwood Plaza Commercial Development*. Available online at: <http://www.ceqanet.ca.gov/DocDescription.asp?DocPK=702274>. Accessed May 31, 2017.
- OPR, 2017a. *South County Detention Facility*. Available online at: <http://www.ceqanet.ca.gov/ProjDocList.asp?ProjectPK=620311>. Accessed May 31, 2017.
- OPR, 2017b. *Riverwalk Marketplace Phase II*. Available online at <http://www.ceqanet.ca.gov/ProjDocList.asp?ProjectPK=592963>. Accessed May 31, 2017.
- OPR, 2017c. *Exeter to Lindsay Expressway*. Available online at: <http://www.ceqanet.ca.gov/ProjDocList.asp?ProjectPK=545108>. Accessed May 30, 2017.
- Hall, Glen, 2017. Phone Correspondence with Battalion Chief Glen Hall of Porterville Fire Department. May 22, 2017.
- HBG, 2016. *Eagle Mountain Casino Master Plan*.
- Hendrick, 2017. Phone correspondence with Matthew Hendrick, Planner at Southern California Gas/Sempra Utilities. May 23, 2017.
- Hermoso, Guillermo, 2017. Phone correspondence with Guillermo Hermoso of the Tulare County Resource Management Agency's Solid Waste Department. May 24, 2017.
- Intergovernmental Panel on Climate Change (IPCC), 2014. *Intergovernmental Panel on Climate (IPCC) Change Fifth Assessment Report*. Available online at: <http://www.ipcc.ch/report/ar5/wg1/>. Accessed May 2017.
- International Dark-Sky Association (IDA), 2011. *Model Lighting Ordinance*. Available online at: <http://darksky.org/outdoorlighting/mlo>. Accessed March 9, 2017.

- JBA Consulting Engineers, 2017. *Eagle Mountain Casino Resort Master Plan – Estimated Utility Loads*. Accessed April 2017.
- KlasRobinson, 2016. *Planned New Eagle Mountain Casino Complex Feasibility Study*.
- Kroeber, A.L., 1925. *Handbook of the Indians of California*. Bureau of American Ethnology Bulletin 78. Smithsonian Institution, Washington, District of Columbia.
- Lollis, John, 2018. Email correspondence with John Lollis, City Manager for the City of Porterville. December 3, 2018.
- McDermott, Kenneth, 2015. *Congressional Natural Resources Committee testimony*. Available online at: http://democrats-naturalresources.house.gov/imo/media/doc/testimony_mcdarment1.pdf. Accessed February 2017.
- Miller Environmental Consultants (MEC), 2008. *Noise Report: Valley View Casino Outdoor Concert Venue Sound Level Measurements*. April 2008.
- Moratto, M.J., 1984. *California Archaeology*. Academic Press, New York.
- National Association of Realtors (NAR), 2013. *Economic Impact of Casinos on Home Prices: Literature Survey and Issue Analysis – NAR Research*. Available online at: <http://uss-mass.org/documents/NationlAssocationRealtors-Casino-Research.pdf>. Accessed May 2017.
- National Gambling Impact Study Commission (NGISC), 1999. Final Report. Available online at: <http://govinfo.library.unt.edu/ngisc/reports/fullrpt.html>. Accessed May 2017.
- National Opinion Research Center (NORC), 1999. *Gambling Impact and Behavior Study*. Report to the National Gambling Impact Study Commission. Available online at: <http://www.norc.org/pdfs/publications/gibsfinalreportapril1999.pdf>. Accessed May 2017.
- National Resources Conservation Service (NRCS), 2014. *National Soil Survey Handbook*. Last Updated February 2014. Available online at: http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_054226. Accessed March 13, 2017.
- NRCS, 2017a. *Web Soil Survey, Airpark site*. Available online at <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. April 21, 2017.
- NRCS, 2017b. *Web Soil Survey, Eagle Mountain site*. Available online at <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. April 24, 2017.

- Nichols, M. W., & Tosun, M. S. 2017. *The Impact of Legalized Casino Gambling on Crime*. Regional Science and Urban Economics, 66, 1-15.
- Occupational Safety and Health Administration (OSHA), 2015. *OSHA Technical Noise Manual*. Available online at: https://www.osha.gov/dts/osta/otm/new_noise/. Accessed April 2018.
- Off-Highway Motor Vehicle Recreation Program (OHMVR), 2018. *State of California*. Noise Limits Law – AB 2274. Available online at: http://ohv.parks.ca.gov/?page_id=24891. Accessed April 10, 2018.
- Park, M., & Stokowski, P. A. 2011. *Casino Gaming and Crime: Comparisons Among Gaming Counties and Other Tourism Places*. Journal of Travel Research, 50(3), 289-302.
- Porterville Fire Department, 2016. *City of Porterville Fire Department 2015 Annual Report*. Available online at: http://www.ci.porterville.ca.us/depts/Fire/documents/Publication1.pubCE_000.pdf. Accessed March 3, 2017.
- Porterville Police Department (PPD), 2017. *About Porterville Police*. Available online at: <http://www.ci.porterville.ca.us/depts/Police/about-us.cfm>. Accessed March 2, 2017.
- Porterville Recorder, 2014a. *Work Begins on New Fire, Police Facility*. Available online at: http://www.recorderonline.com/news/work-begins-on-new-fire-police-facility/article_add61866-2dfd-11e4-bb03-0017a43b2370.html. Accessed March 3, 2017.
- Porterville Recorder, 2016. *11 Charged in Sting Operation*. Available online at: http://www.recorderonline.com/news/charged-in-sting-operation/article_24ffe198-bb7c-11e6-8101-fbc49064e4a0.html. Accessed March 9, 2017.
- Porterville Recorder, 2017. *Editorial: Groundwater management is serious for city*. Available online at: http://www.recorderonline.com/opinion/editorial-groundwater-management-is-serious-for-city/article_06c5e998-3084-11e7-9e45-631a0dbc0ed7.html. Accessed May 4, 2017.
- Porterville Unified School District (PUSD), 2017. *Porterville Unified School District*. Available online at: http://www.portervilleschools.org/apps/pages/index.jsp?uREC_ID=239706&type=d&pREC_ID=561366. Accessed May 2017.
- Psomas, 2017. Email correspondence with Mike Swan of Psomas. April 19, 2017.
- Psomas, 2018a. *Water and Wastewater Study*. Tule River Tribe Casino and Resort Water and Wastewater Study. Included as **Appendix C**.
- Psomas, 2018b. *Drainage Report*. Tule River Tribe Drainage Report. Included as **Appendix D**.

- Santos, Stan, 2017. Personal correspondence with Stan Santos of Tule River Gaming Security. March 14, 2017.
- San Joaquin Valley Air Pollution Control District (SJVAPCD), 2012. *Ambient Air Quality Standards & Valley Attainment Status*. Available online at: <http://www.valleyair.org/aqinfo/attainment.htm>. Accessed April 2018.
- Shasta Regional Transportation Agency (SRTA), 2014. *Activity Based Travel Demand Model Development Report*. Available online at: <http://www.srta.ca.gov/DocumentCenter/Home/View/1403>. Accessed July 17, 2017.
- Sierra View Medical Center, 2017. *Porterville Emergency Medical Services*. Available online at: <http://www.sierra-view.com/Hospital-Services/Emergency-Services.aspx>. Accessed March 8, 2017.
- Smith, D.A., Ralls, K., Cypher, B.L., Clark Jr., H.O., Kelly, P.A., Williams, D.F. and Maldonado, J.E., 2006. *Relative Abundance of Endangered San Joaquin Kit Foxes (Vulpes macrotis mutica) Based on Scat-Detection Dog Surveys*. *Southwestern Naturalist* 51:210-219.
- Southern California Edison (SCE), 2010. “*Southern California Edison Connects 32-Acre, 5 Million Watt Solar Array to its Grid.*” Available online at: <http://newsroom.edison.com/releases/southern-california-edison-connects-32-acre-5-million-watt-solar-array-to-its-grid>. Accessed April 5, 2017.
- SCE, 2013. *2015 General Rate Case Application Workpapers*. Available online at: [http://www3.sce.com/sscc/law/dis/dbattach5e.nsf/0/4211FE938F68D16D88257C220075ADE4/\\$FILE/APP%20SCE-05%20Vol.%2001%20C.%20I-II%20Pt.%2002.pdf](http://www3.sce.com/sscc/law/dis/dbattach5e.nsf/0/4211FE938F68D16D88257C220075ADE4/$FILE/APP%20SCE-05%20Vol.%2001%20C.%20I-II%20Pt.%2002.pdf). Accessed April 20, 017.
- SCE, 2017a. *About Us*. Available online at: <https://www.sce.com/wps/portal/home/about-us/>. Accessed April 5, 2017.
- SCE, 2017b. *Distributed Energy Resource Interconnection Map (DERiM)*. Available online at: <http://www.arcgis.com/home/webmap/viewer.html?webmap=e62dfa24128b4329bfc8b27c4526f6b7>. Accessed May 17, 2017.
- Southern California Gas Company (SoCalGas), 2013. *Pipeline Basics*. Available online at: <https://beea.socalgas.com/documents/news-room/fact-sheets/PipelineBasics.pdf>. Accessed April 5, 2017.
- SoCalGas, 2017. *Gas Asset Maps 10230-130880 and 10260-130880*. Accessed May 2017.

- Spier, R. F.G., 1978. *Foothill Yokuts*. In: Handbook of North American Indians, Vol. 8, California. Smithsonian Institute, Washington, D.C.
- State Historic Preservation Officer (SHPO), 2010. *Letter of concurrence, Proposed Fee-to-Trust Conveyance of 40 Acres for the Tule River Indian Tribe*, Tulare County, California.
- Transportation Research Board (TRB), 2010. *Federal Highway Administration, Highway Capacity Manual*. Washington D.C.
- Tulare Basin Wildlife Partners (TBWP), 2015a. *Hydrology of the Tulare Basin*. Available online at: <http://www.tularebasinwildlifepartners.org/hydrology.html>. Accessed May 10, 2017.
- TBWP, 2015b. *Hydrologic History of the Tulare Basin*. Available online at: <http://www.tularebasinwildlifepartners.org/history.html>. Accessed November 18, 2016.
- Tulare County, 2012a. *Tulare County General Plan, 2030 Update*. Available online at: <http://generalplan.co.tulare.ca.us/>. Accessed November 16, 2016.
- Tulare County, 2012b. *Tulare County Comprehensive Airport Land Use Plan*. Available online at: <http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/countywide-planning/comprehensive-airport-land-use-plan/tc-calup-adopted-dec-2012/>. Accessed April 14, 2017.
- Tulare County, 2013a. *Mineral Resources*. Available online at: <http://www.tularecounty.ca.gov/rma/?LinkServID=D61AC91D-0FF9-D334-54DED0366D5B0F81>. Accessed November 17, 2016.
- Tulare County, 2013b. *DEIR South County Detention Facility*. Available online at: <http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/deir-south-county-detention-facility-project/chapters/20-project-description-settings-and-objectives/>. Accessed May 30, 2017.
- Tulare County, 2013c. *Harvest Power Project*. Available online at: <http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/harvest-power/>. Accessed May 30, 2017.
- Tulare County, 2014a. *City of Porterville Draft Municipal Services Review*. September 2014. Available online at: <http://lafco.co.tulare.ca.us/lafco/index.cfm/msr/city-of-porterville-msr-update/>. Accessed March 2017.
- Tulare County, 2014b. *Deer Creek Rock SMARA Permit Amendment*. Available online at: <http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/deer-creek-mine-pmr-14-002-deir/deer-creek-mine-pmr-14-002-deir/>. Accessed May 30, 2017.

- Tulare County, 2015a. Chapter 13. *Airport Zoning Regulations*. Available online at: <http://www.codepublishing.com/CA/TulareCounty/html/TulareCounty07/TulareCounty0713.htm>. Accessed April 6, 2017.
- Tulare County, 2015b. *Hyde Ranch Sports Park*. Available online at: <http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/hyder-ranch-sports-park-14-063-mnd/>. Accessed May 30, 2017.
- Tulare County, 2016a. *Culver Mine Project*. Available online at: <http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/culver-mine-project-permit-mining-and-reclamation-plan-pmr-15-001/deir-culver-pdf/>. Accessed May 30, 2017.
- Tulare County, 2016b. *Initial Study Checklist for Special Use Permit No. PSP 14-052*. Available online at: <http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/negative-declarations/mike-clark-trucking-initial-study-negative-declaration-solid-waste-recycling-facility-inert-debris/mike-clark-trucking-special-use-permit-14-052-pdf/>. Accessed May 30, 2017.
- Tulare County, 2017a. *Landfill Locations and Fees*. Available online at: <http://tularecounty.ca.gov/rma/index.cfm/fiscal-services/solid-waste/landfill-locations-and-fees/>. Accessed May 19, 2017.
- Tulare County, 2017b. *Tulare County Fire Stations Maps*. Available online at: <http://tularecounty.ca.gov/fire/index.cfm/tulare-county-fire-stations-map/>. Accessed May 19, 2017.
- Tulare County Fire Department (TCFD), 2017. *Emergency Services*. Available online at: <http://tularecounty.ca.gov/fire/index.cfm/emergency-services/>. Accessed March 3, 2017.
- Tulare County Indian Gaming Local Community Benefit Committee (TCIGLCBC), 2014. *May 21, 2014 Meeting Packet*. Available online at: [http://tularecounty.ca.gov/cao/assets/File/MeetingPacket5-21-14\(1\).pdf](http://tularecounty.ca.gov/cao/assets/File/MeetingPacket5-21-14(1).pdf). Accessed March 2017.
- Tulare County Sheriff's Department (TCSO), 2015. *Tulare County Sheriff's Department 2014-15 Annual Report*. Available online at: <http://www.tularecounty.ca.gov/sheriff/index.cfm/community/2014-2015-annual-report/>. Accessed March 2017.
- Tulare County Treasurer-Tax Collector, 2017. *Property Tax Bill Search: Tax Values*. Available online at: <http://mytaxes.co.tulare.ca.us/Search.aspx>. Accessed March 1, 2017.

- Tule River Education Department, 2017. *Education Center Home*. Available online at: http://www.portervilleschools.org/apps/pages/index.jsp?uREC_ID=239706&type=d&pREC_ID=561366. Accessed May 2017.
- Tule River Fire Department (TRFD), 2017. *Tule River Fire Department – About Us*. Available online at: <http://fire.tulerivertribe-nsn.gov/about-us/>. Accessed March 8, 2017.
- Tule River Tribe, 2013. *Water Settlement Technical Report*. June 2013.
- Tule River Tribe, 2015. *Tule River Indian Reservation Planning Program for the Master Plan – Administrative Draft*. Available online at: <http://www.tulerivertribe-nsn.gov/wp-content/uploads/2016/09/Tule-Master-Plan-Administrative-Draft.pdf>. Accessed May 8, 2017.
- Tule River Tribe, 2016. *Fee-to-Trust Application for Gaming Purposes*. Accessed February 2017.
- Tule River Tribe, 2017a. Personal Communication between Katherine Green (AES) and Teri Dobson, Director, Tule River Tribe WIOA Program, October 25, 2017.
- Tule River Tribe, 2017b. *Tule River Tribe Unmet Needs Report*. Accessed February 2017.
- Tule River Tribe Gaming Commission, 2018. *TCSO and DPS Calls for Service*. December 2017 through April 2018.
- U.S. Census Bureau, 2015a. *2011-2015 American Community Survey 5-Year Estimates*. Table B25002 – Occupancy Status. Available online at: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>. Accessed February 24, 2017.
- U.S. Census Bureau, 2015b. *2011-2015 American Community Survey 5-Year Estimates*. Table S2301 Employment Status. Available online at: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>. Accessed February 24, 2017.
- U.S. Census Bureau, 2015c. *2011-2015 American Community Survey 5-Year Estimates*. Table B19013: Median Household Income in the Past 12 Months (in 2015 Inflation-Adjusted Dollars). Available online at: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>. Accessed February 24, 2017.
- U.S. Census Bureau, 2015d. *American Fact Finder – Tulare County, CA – Median Age*. Available online at: https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk. Accessed August 2017.
- U.S. Census Bureau, 2015e. *Community Facts – Table Viewer – Age and Sex*. Available online at: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>. Accessed August 2017.

- U.S. Census Bureau, 2015f. *2011-2015 American Community Survey 5-Year Estimates*. Table DP05: ACS Demographic and Housing Estimates. Available online at: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>. Accessed February 24, 2017.
- U.S. Census Bureau, 2016. *Census Quickfacts: Tulare County and Porterville City*. Available online at: https://www.census.gov/quickfacts/table/PST045216/06107_0658240. Accessed April 2017.
- United States Department of Agriculture (USDA), 2007. *Hydrologic Soil Groups*. Available online at: <https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17757.wba>. Accessed March 13, 2017.
- USDA, 2012. *Census of Agriculture County Profile – Tulare County, California*. Available online at: https://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/California/cp06107.pdf. Accessed May 19, 2017.
- United States Department of Health and Human Services (HHS), 2015. *2015 Poverty Guidelines for the 48 Contiguous States and the District of Columbia*. Office of the Assistant Secretary for Planning and Evaluation. Available online at: <https://aspe.hhs.gov/2015-poverty-guidelines>. Accessed February 2017.
- United States Department of Transportation (USDOT), 2014. *Corporate Average Fuel Economy (CAFE) Standards*. Available online at: <https://www.transportation.gov/mission/sustainability/corporate-average-fuel-economy-cafe-standards>. Accessed August 10, 2016
- USDOT, 2016. *Average Fuel Efficiency of U.S. Light Duty Vehicles*. Available online at: http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/publications/national_transportation_statistics/html/table_04_23.html. Accessed August 10, 2016.
- United States Environmental Protection Agency (USEPA), 1998. *Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis*. Available online at: <https://www.epa.gov/sites/production/files/2015-04/documents/ej-guidance-nepa-compliance-analyses.pdf>. Accessed May 2017.
- USEPA, 2011. *Class I Areas in EPA Region 9*. Available online at: <https://www3.epa.gov/region9/air/maps/pdfs/air1100018-9.pdf>. Accessed April 2017.
- USEPA, 2012. *Waterbody Quality Assessment Report*. 2012 Waterbody Report for Success Lake. Available online at: https://iaspub.epa.gov/...1_waters10/attains_waterbody_control?p_list_id=CAL5551205820020520110057&p_cycle=2012&p_state=CA&p_report_type=T. Accessed November 2016.
- USEPA, 2016. *Information about Public Water Systems*. Available online at: <https://www.epa.gov/dwreginfo/information-about-public-water-systems>. Accessed November 2016.

- USEPA, 2017a. *Upper Deer-Upper White Watershed*. Available online at: https://cfpub.epa.gov/surf/huc.cfm?huc_code=18030005. Accessed May 10, 2017.
- USEPA, 2017b. *Safe Drinking Water Act*. Available online at: <https://www.epa.gov/dwstandards/regulations/background-drinking-water-standards-safe-drinking-water-act-sdwa>. Accessed February 21, 2017.
- USEPA, 2017c. *History of the Clean Water Act*. Available online at: <https://www.epa.gov/laws-regulations/summary-clean-water-act>. Accessed February 21, 2017.
- USEPA, 2017d. *State Program Authority*. Available online at: <https://www.epa.gov/npdes/npdes-state-program-information>. Accessed February 21, 2017.
- USEPA, 2017e. *MWELO Implementation Reporting Agencies*. Available online at: http://www.water.ca.gov/wateruseefficiency/landscapeordinance/mwelo_reports.cfm. Accessed February 21, 2017.
- USEPA, 2017f. *Upper Tule Watershed*. Available online at: https://cfpub.epa.gov/surf/huc.cfm?huc_code=18030006. Accessed May 23, 2017.
- United States Fish and Wildlife Services (USFWS), 1998. *Recovery Plan for Upland Species of the San Joaquin Valley, California*. Available online at: https://ecos.fws.gov/docs/recovery_plan/980930a.pdf. Accessed on February 21, 2017.
- USFWS, 2010. *San Joaquin Kit Fox 5-Year Review: Summary and Evaluation*. Available online at: https://www.fws.gov/ecos/ajax/docs/five_year_review/doc3222.pdf. Accessed on February 21, 2017.
- USFWS, 2017a. *USFWS Information for Planning and Conservation for the Porterville Quad*. Available online at: <https://ecos.fws.gov/ipac/>. Accessed February 8, 2017.
- USFWS, 2017b. *National Wetlands Inventory Online Mapper of the Airpark Site and vicinity*. U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation. Available at: <http://www.fws.gov/wetlands/Data/Mapper.html>. Accessed February 21, 2017.
- USFWS, 2017c. *Critical Habitat for Threatened and Endangered Species*. Available online at: <http://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed February 21, 2017.
- USFWS, 2017d. *USFWS Information for Planning and Conservation for the Porterville and Success Dam Quad*. Available online at: <https://ecos.fws.gov/ipac/>. Accessed February 8, 2017.

- USFWS, 2017e. *National Wetlands Inventory Online Mapper of the Eagle Mountain Casino Site*. U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation. Available at: <http://www.fws.gov/wetlands/Data/Mapper.html>. Accessed February 21, 2017.
- United States Geological Survey (USGS), 1999. *San Joaquin Valley, California: Largest human alteration of the Earth's surface*. Available online at: <http://pubs.usgs.gov/circ/1999/circ1182/pdf/06SanJoaquinValley.pdf>. Accessed March 13, 2017.
- USGS, 2014. *The Richter Magnitude Scale*. Available online at: <http://earthquake.usgs.gov/learn/topics/measure.php>. Last updated February 24, 2014. Accessed November 2016.
- USGS, 2016. *Earthquake Glossary – Active Fault*. Available online at: <http://earthquake.usgs.gov/learn/glossary/?term=active%20fault>. Accessed November 17, 2016.
- Viscano, Paul, 2017. Personal communication between Bibiana Alvarez (AES) and Paul Viscano, Chief of Police, Tule River Department of Public Safety. March 14, 2017.
- Wallace, W.J., 1978. *Southern Valley Yokuts*. In *Handbook of North American Indians*, Vol. 8, California. Smithsonian Institute, Washington, D.C.
- Water Education Foundation, 2016. *Friant-Kern Canal*. Available online at: <http://www.watereducation.org/aquapedia/friant-kern-canal>. Accessed November 18, 2016.
- Whitley, D. S., P. A. Carey, and J. Gorman, 2016. *Class II Inventory, Proposed Eagle Mountain Resort/Casino, Tulare County, California*.

APPENDICES

APPENDIX N

Executive Summary Table

TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
SECTION 4.2. Geology and Soils	SECTION 5.2. Geology and Soils Mitigation						
Site Topography – The project alternatives could result in changes to site topography from grading activities	No mitigation required.	LS	LS	LS	LS	LS	NI
Soils and Geology – Construction and grading activities could cause soil erosion and alterations of site topography	<p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements. These measures are recommended for Alternatives A through E.</p> <p>Measure 5.2(A): The project shall comply with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (USEPA) for all 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"> 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. 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. To the maximum extent feasible, no disturbed surfaces shall be left without erosion control measures in place. 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. 	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

(Legend: NI = No Impact; BI = Beneficial Impact; LS = Less than Significant; PS = Potentially Significant; S = Significant)

TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	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. 6. Disturbed areas shall be re-vegetated following construction activities. 7. Construction area entrances and exits shall be stabilized with large-diameter rock. 8. Sediment shall be retained on site by a system of sediment basins, traps, or other appropriate measures. 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. 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). 11. Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater. 12. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff. 13. Sanitary facilities shall be provided for construction workers. 14. Disposal facilities shall be provided for soil wastes, including excess asphalt during construction and demolition. 15. Other potential BMPs include use of wheel wash or rumble strips and sweeping of paved surfaces to remove any and all tracked soil. Measure 5.2(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.						

(Legend: NI = No Impact; BI = Beneficial Impact; LS = Less than Significant; PS = Potentially Significant; S = Significant)

TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	<p>Construction bid packages, contracts, plans, and specifications shall contain language that requires adherence to the SWPPP.</p> <p>The following mitigation measures shall be implemented in accordance with applicable federal, state and local regulatory requirements for Alternatives A through D as they apply to off-site improvements on non-tribal lands.</p> <p>Measure 5.2(C): A SWPPP specific to the 40-acre site shall be prepared, implemented, and maintained throughout the construction phase of the development, consistent with Construction General Permit requirements. A SWPPP specific to the 8-acre site shall also be prepared, implemented, and maintained if the water reclamation facility (WRF) is constructed on the 8-acre site. The SWPPP(s) 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, sub-measures 1 through 15 listed above under Measure 5.2 (A).</p> <p>Measure 5.2(D): Materials that are excavated during the construction of the regional retention basin and stockpiled on the 40-acre site shall be covered by tarps or other appropriate materials and stabilized to prevent erosion until these materials are removed from the 40-acre site.</p>						
Seismicity – Construction near an active fault zone could yield adverse effects associated with seismic activity	No mitigation required	LS	LS	LS	LS	LS	NI
Mineral Resources – Development and operation of the alternatives could disturb mineral resources	No mitigation required	LS	LS	LS	LS	LS	NI
SECTION 4.3. Water Resources	SECTION 5.3. Water Resources Mitigation						
Surface Water – Impacts related to surface water could include:							
1) Flooding – Development within a floodplain could generate	No mitigation required	LS	LS	LS	LS	LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
adverse effects related to inundation							
2) Construction Impacts – Construction activities could increase the discharge of sediment and pollutants to surface waters	See Measures 5.2(A) through 5.2(D) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
3) Stormwater Runoff – Project alternatives could alter stormwater quantity, quality, and/or drainage patterns	No mitigation required	BI	BI	BI	BI	LS	NI
Groundwater – The following characteristics of groundwater resources could be impacted by the project alternatives:							
1) Groundwater Supply – The project alternatives could result in the drawdown of groundwater aquifers	<p>The following BMP shall be implemented to prevent off-Reservation environmental effects to water supply resources in accordance with the Compact requirements for Alternatives A through C, and are recommended for Alternative D:</p> <p>Measure 5.3(C): The Tribe shall implement water conservation measures, including but not limited to use of low flow faucets and showerheads, recycled water for toilets, and voluntary towel re-use by guests in the hotel; use of low-flow faucets, recycled water for toilets, and pressure washers and brooms instead of hoses for cleaning, in public areas and the proposed casino; use of garbage disposal on-demand, re-circulating cooling loop for water cooled refrigeration and ice machines where possible, and service of water to customers on request, in restaurants; and use of recycled and/or gray water for cooling.</p> <p>The following mitigation measure is recommended for Alternative E:</p> <p>Mitigation Measure 5.3(F): The Tribe shall be required to ensure that the potable water purchased from an off-</p>	BI/BI	S/S	Option 1: BI/BI Option 2: S/S	S/S	PS/LS	NI

(Legend: NI = No Impact; BI = Beneficial Impact; LS = Less than Significant; PS = Potentially Significant; S = Significant)

TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	Reservation source to supply the additional demand of the expanded Eagle Mountain Casino does not originate from an aquifer that, at the time of the water's purchase, is classified as overdrafted by the Department of Water Resources (DWR). Appropriate sources could include municipal supply from surface water or other existing permitted municipal and/or commercial sources.						
2) Groundwater Recharge – The project alternatives could impact groundwater recharge through the development of impervious surfaces	No mitigation required	LS	LS	LS	LS	LS	NI
3) Groundwater Quality – Impacts to groundwater quality could occur as a result of:							
a) Polluted Stormwater Runoff	<p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements. These measures are recommended for Alternatives A through E. See Measure 5.2(A) and Measure 5.2(B).</p> <p>The following BMPs are recommended for Alternatives A through D: See Measure 5.2(C) and Measure 5.2(D).</p> <p>The following mitigation measures shall be implemented in accordance with applicable federal, state and local regulatory requirements for Alternatives A through D as they apply to off-site improvements on non-tribal lands.</p> <p>Mitigation Measure 5.3(A): The Tribe shall adjust landscape irrigation based on weather conditions—reducing irrigation during wet weather—to prevent excessive runoff.</p> <p>Mitigation Measure 5.3(B): Fertilizer use shall be limited to the minimum amount necessary and shall be adjusted for the nutrient levels in the water used for irrigation. Fertilizers shall not be applied immediately within 24 hours of a rain event</p>	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

(Legend: NI = No Impact; BI = Beneficial Impact; LS = Less than Significant; PS = Potentially Significant; S = Significant)

TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	predicted by the National Oceanic and Atmospheric Administration.						
b) Irrigation with Tertiary Treated Water	No mitigation required	LS	LS	LS	Option 1: NI Option 2: LS	NI	NI
c) Application of Secondary Effluent to the Leach Field Complex	The following measures shall be implemented in accordance with federal regulatory requirements for Alternative B and on-site water and wastewater options under Alternatives C and D. Mitigation Measure 5.3(D): During the final design phase, the Tribe shall perform additional infiltration tests of the soil at the Airpark Site to identify locations with soil profiles suitable for wastewater injection wells. The design of the leach field complex will be refined to provide adequate stormwater and wastewater treatment consistent with all applicable USEPA standards. Mitigation Measure 5.3(E): If on-site groundwater is used as a water supply, groundwater sampling and analysis shall be performed to determine if treatment is necessary. If treatment is necessary, an on-site water treatment plant shall be constructed to treat drinking water to USEPA standards.	NI	PS/LS	Option 1: NI Option 2: PS/LS	Option 1: NI Option 2: PS/LS	NI	NI
SECTION 4.4. Air Quality	SECTION 5.4. Air Quality Mitigation						
Construction Emissions – Construction activities could adversely affect air quality through the emission of PM ₁₀ , NO _x , SO ₂ , CO, ROG, HAPs, and DPM	To prevent violation of federal, state and local policies related to air quality imposed for the protection of the environment (40 CFR 1508.27[b][10]) the following BMPs shall be implemented for Alternatives A through D. Measure 5.4(A): A Dust Control Plan shall be prepared prior to construction which meets the general requirements of SJVAPCD Rule 8021 6.3. The following dust suppression measures shall be included in the plan and implemented during construction to control the production of fugitive dust (PM ₁₀) and prevent wind erosion of bare and stockpiled soils: 1. Provide a CARB approved Visible Emissions Evaluation (VEE) person to evaluate fugitive dust emissions once per week.	PS/LS	PS/LS	LS/LS	LS/LS	LS/LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	<ol style="list-style-type: none"> 2. Spray exposed soil with water or other suppressant twice a day or as needed to suppress dust to 20 percent opacity. 3. Use non-toxic chemical or organic dust suppressants on unpaved roads and traffic areas to suppress dust to 20 percent opacity 4. Construct and maintain wind barriers sufficient to limit windblown dust emissions to 20 percent opacity. 5. Minimize dust emissions during transport of fill material or soil by wetting down loads, ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks, cleaning the interior of cargo compartments on emptied haul trucks before leaving a site, and/or covering loads. 6. Promptly clean up spills of transported material on public roads. 7. Restrict traffic speeds on site to 15 miles per hour to reduce soil disturbance. 8. Provide wheel washers to remove soil that would otherwise be carried off site by vehicles to decrease deposition of soil on area roadways. 9. Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris to less than 20 percent opacity. 10. Provide education for construction workers regarding incidence, risks, symptoms, treatment, and prevention of Valley Fever in accordance with California Department of Public Health (CDPH) guidelines. <p>Measure 5.4(B): The following measures shall be implemented to reduce emissions of criteria pollutants, greenhouse gases (GHGs), and diesel particulate matter (DPM) from construction:</p> <ol style="list-style-type: none"> 1. The Tribe shall control criteria pollutants and GHG emissions from the facility by requiring all diesel-powered equipment be properly maintained and minimize idling time to five minutes when construction equipment is not in use, unless per the manufacturer’s specifications or for safety reasons more time is required. Since these emissions would be generated primarily by construction equipment, machinery engines shall be kept in good mechanical 						

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	<p>condition to minimize exhaust emissions. The Tribe shall employ periodic and unscheduled inspections to accomplish the above mitigation.</p> <ol style="list-style-type: none"> Require all construction equipment with a horsepower rating of greater than 50 be equipped with diesel particulate filters, which would reduce approximately 85 percent of DPM. Require all construction equipment with a horsepower rating of greater than 50 be equipped with California Air Resources Board (CARB) rated Tier 3 engines, with the exception of scrapers. Require the use of low reactive organic gases (ROG; 150 grams per liter or less) for architectural coatings to the extent practicable. Environmentally preferable materials, including recycled water materials, shall be used to the extent readily available and economically practicable for construction of facilities. 						
<p>Operational Vehicle and Area Emissions – Project alternatives could adversely affect air quality through the emission of criteria pollutants from vehicles and project facilities</p>	<p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements (Clean Air Act [CAA]) and the anticipated requirements of the Compact for Alternatives A through E.</p> <p>Mitigation Measure 5.4(C): The Tribe shall reduce emissions of criteria air pollutants and GHGs during operation of the project through the following actions:</p> <ol style="list-style-type: none"> The Tribe shall use clean fuel vehicles in the vehicle fleet where practicable, which would reduce criteria pollutants and GHG emissions. The Tribe shall provide preferential parking for employee vanpools and carpools, which would reduce criteria pollutants and GHGs. The Tribe shall use low-flow appliances and utilize recycled water at the project to the extent practicable. The Tribe shall use drought-tolerant landscaping and provide “Save Water” signs near water faucets. The Tribe shall control criteria pollutants, GHG, and DPM emission during operation of the project by requiring all 	S/LS	S/LS	S/LS	S/LS	LS/LS	NI

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	<p>diesel-powered vehicles and equipment be properly maintained and minimizing idling time to five minutes at loading docks when loading or unloading food, merchandise, etc. or when diesel-powered vehicles or equipment are not in use; unless per engine manufacturer's specifications or for safety reasons more time is required. The Tribe shall employ periodic and unscheduled inspections to accomplish the above mitigation.</p> <p>5. The Tribe shall use energy-efficient lighting at the facility, which would reduce indirect criteria pollutants and GHG emissions.</p> <p>6. The Tribe shall install recycling bins throughout the hotel and casino for glass, cans and paper products. Trash and recycling receptacles shall be placed strategically outside to encourage people to recycle. The Tribe will reduce the solid waste stream of the facility by 50 percent.</p> <p>7. The Tribe shall plant trees and vegetation on site or fund such plantings off site. The addition of photosynthesizing plants would reduce atmospheric carbon dioxide (CO₂), because plants use CO₂ for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the building; thus reducing heat absorption, reducing air conditioning needs and saving energy.</p> <p>8. The Tribe shall use energy-efficient appliances in the hotel and casino.</p> <p>9. The Tribe shall provide a bus driver lounge at the facility and adopt and enforce an anti-idling ordinance for buses, which will discourage bus idling during operation of the project.</p> <p>The following component of Mitigation Measure 5.4 (C) shall be implemented for Alternatives A through D in accordance with the federal regulatory requirements of the General Conformity Rule of the CAA.</p>						

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Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
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	<p>10. The Tribe shall purchase 35.60 tons of nitrogen oxides (NO_x) emission reduction credits (ERCs) for Alternatives A and B. Alternative C would require the purchase of 27.92 of NO_x ERCs. If Alternative D is implemented, the Tribe shall purchase 20.84 tons of NO_x ERCs. Because the air quality effects are associated with operation of the facility and not with construction of the facility, real, surplus, permanent, quantifiable, and enforceable ERCs will be purchased prior to the opening day of the facility. ERCs shall be purchased in accordance with the 40 Code of Federal Regulations (CFR) 93 Subpart B, conformity regulations. With the purchase of the ERCs the project would conform to the applicable SIP and result in a less than adverse effect to regional air quality. As an alternative to or in combination with purchasing the above ERCs the Tribe has the option to enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD. The VERA would allow the Tribe to fund air quality projects that quantifiably and permanently offset project operational emissions.</p> <p>11.</p>						
Odor – Operation of the on- or off-site wastewater treatment facilities could generate perceptible odors	No mitigation required	LS	LS	LS	LS	NI	NI
SECTION 4.5. Biological Resources	SECTION 5.5. Biological Resources Mitigation						
Potential Effects to Habitats – Development of project alternatives could disturb federally-designated critical or sensitive habitats	No mitigation required	LS	LS	LS	LS	LS	NI
Potential Effects to Special-Status Species – The following special-status species could be impacted by the project alternatives:							
1) San Joaquin kit fox (<i>Vulpes macrotis mutica</i>; SJKF)	The following mitigation measures shall be implemented in accordance with federal regulatory requirements (federal	PS/LS	PS/LS	PS/LS	PS/LS	NI	NI

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	<p>Endangered Species Act [FESA]) to avoid potential adverse effects to the San Joaquin kit fox (SJKF) under Alternatives A, B, C, and D.</p> <p>Mitigation Measure 5.5(A): Preconstruction surveys 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 SJKF. These surveys will be conducted in all potential kit fox habitat on and within 200 feet of the Airpark Site and Off-site Improvement Areas. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) within the project area and evaluate their use by SJKF. These surveys will include the maintenance of photo stations and track plates at burrows falling within the dimensional range of a kit fox burrow. If an active SJKF den is detected within or immediately adjacent to the Airpark Site or Off-site Improvement Areas, the United States Fish and Wildlife Service (USFWS) shall be contacted immediately to determine the best course of action.</p> <p>Mitigation Measure 5.5(B): Should SJKF be found during preconstruction surveys, the Sacramento Field Office of the USFWS will be notified. A disturbance-free buffer will be established around the burrows in consultation with the USFWS, and shall be maintained until a qualified biologist has determined that the burrows have been abandoned.</p> <p>Mitigation Measure 5.5(C): Permanent and temporary construction activities and other types of project-related activities should be carried out in a manner that minimizes disturbance to SJKF. Minimization measures shall include: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of SJKF; and proper disposal of food items and trash.</p> <p>Mitigation Measure 5.5(D): Prior to the start of construction, the applicant will retain a qualified biologist to conduct an informational meeting to educate all construction staff on the</p>						

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Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
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	SJKF. This training will include a description of the SJKF and its habitat needs; a report of the occurrence of SJKF in the project area; an explanation of the status of the species and its protection under the federal Endangered Species Act (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.						
2) American badger (<i>Taxidea Taxus</i>)	<p>The following optional mitigation measure is recommended to reduce potential impacts to the American Badger under Alternatives A, B, C, and D:</p> <p>Mitigation Measure 5.5(E): Prior to construction activities within the Airpark Site and Off-site Improvement Areas, a qualified biologist shall conduct a preconstruction survey for American Badger concurrent with the preconstruction survey for SJKF recommended under Mitigation Measure 5.5(A) to identify any active dens. If occupied dens are found during pre-construction surveys, the biologist would consult with California Department of Fish and Wildlife (CDFW) to determine whether the construction activities would adversely disrupt breeding behaviors of the badger. If it is determined that construction activities would disrupt breeding behaviors, then a 500-foot avoidance buffer shall be established around occupied burrow from March-August or until a qualified biologist can determine that juvenile badgers are self-sufficient enough to move from their natal burrow.</p> <p>Mitigation Measure 5.5(F): A habitat sensitivity training shall be conducted for American badger. The same information would be provided to crew members for this species as was identified in the habitat sensitivity training for SJKF.</p>	LS/LS	LS/LS	LS/LS	LS/LS	NI	NI

Potential Effects to Migratory Birds and Other Birds of Prey – The following elements of the project

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Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
alternatives could impact migratory birds:							
1) Construction Activities: Active nests could be disturbed if construction occurred during the nesting season.	<p>The following measures shall be implemented in accordance with federal regulatory requirements (Migratory Bird Treaty Act [MBTA]) for all Alternatives to avoid and/or reduce impacts to any potentially nesting migratory, raptor, and/or special-status bird species:</p> <p>Mitigation Measure 5.5(G): If any construction activities (e.g., building, grading, ground disturbance, removal of vegetation) are scheduled to occur within the Airpark Site and Off-site Improvement Areas during the nesting season (February 15 to September 15), preconstruction nesting bird surveys shall be conducted. Preconstruction surveys for any nesting bird species shall be conducted by a qualified wildlife biologist throughout all areas of suitable habitat that are within 500 feet of any proposed construction activity. The surveys shall occur no more than 14 days prior to the scheduled onset of construction. If construction is delayed or halted for more than 14 days, another preconstruction survey for nesting bird species shall be conducted. If no nesting birds are detected during the preconstruction surveys, no additional surveys or mitigation measures are required.</p> <p>Mitigation Measure 5.5(H): If nesting bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within 500 feet of construction areas during the surveys, appropriate “disturbance-free” buffers shall be established. The size and scale of nesting bird buffers shall be determined by a qualified wildlife biologist and shall be dependent upon the species observed and the location of the nest. Buffers shall be established around all active nest locations. The nesting bird buffers shall be completely avoided during construction activities. The qualified wildlife biologist shall also determine an appropriate monitoring plan and decide if 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</p>	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

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Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
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	wildlife biologist confirms that the nest(s) is no longer occupied and all birds have fledged. Mitigation Measure 5.5(I): If impacts (i.e., take) to migratory nesting bird species are unavoidable, consultation with USFWS shall be initiated. Through consultation, an appropriate and acceptable course of action shall be established.						
2) Lighting: Lighting could increase collisions of birds with structures or cause avian disorientation.	See Measures 5.13(A) through 5.13(E) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Potential Effects to Wetlands and Waters of the U.S.	No mitigation required	NI	NI	NI	NI	NI	NI
SECTION 4.6. Cultural and Paleontological Resources	SECTION 5.6. Cultural and Paleontological Resources Mitigation						
Cultural Resources – Ground-disturbing activities could uncover and/or damage archaeological sites	The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternatives A through E: Mitigation Measure 5.6(A): In the event of inadvertent discovery of prehistoric or historic archaeological or paleontological resources during construction-related earth-moving activities, the appropriate agency shall be notified. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior’s qualifications (36 CFR §61) can assess the significance of the find in consultation with the appropriate agency and the Tribe. If the find is determined to be significant by the archaeologist, then the archaeologist, in consultation with the appropriate agency and the Tribe, shall determine the appropriate course of action, including the development and implementation of a Treatment Plan, if necessary. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the archaeologist according to current professional standards. Mitigation Measure 5.6(B): If human remains are discovered during ground-disturbing activities, all construction activities	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

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		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	shall halt within 100 feet of the find. The Tribe, appropriate agency, and County Coroner shall be contacted immediately, and the County Coroner shall determine whether the remains are the result of criminal activity; if possible, a human osteologist shall be contacted as well. If Native American, the provisions of appropriate federal or state law is required. Construction shall not resume in the vicinity until final disposition of the remains has been determined.						
Paleontological Resources – Paleontological resources could be uncovered and/or damaged by ground-disturbing activities	See Mitigation Measure 5.6(A) .	PS/LS	PS/LS	PS/LS	PS/LS	LS	NI
SECTION 4.7. Socioeconomics	SECTION 5.7. Socioeconomics Mitigation						
Economic Effects							
1) Economic Output							
a) Construction – Construction of the project alternatives could impact spending and labor demand in the region	No mitigation required	BI	BI	BI	BI	BI	NI
b) Operation – Operation of the project alternatives could impact spending and labor demand in the region	No mitigation required	BI	BI	BI	BI	BI	NI
2) Substitution Effects							
a) Existing Tribal Casino Gaming Market Substitution Effects – Operation of the project alternatives could reduce revenues at existing tribal casinos	No mitigation required	LS	LS	LS	NI	LS	NI
b) Non-Gaming Substitution Effects – Operation of the project alternatives could reduce revenues at existing	No mitigation required	LS	LS	LS	LS	NI	NI

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hotels, restaurants, and retail facilities							
3) Fiscal Effects – The project alternatives could adversely impact County and/or City tax revenues and operating budgets	The following mitigation measure is recommended for Alternative D: Mitigation Measure 5.7(B): The Tribe shall make in-lieu payments adequate to replace revenues lost by Tulare County and the City of Porterville due to reduced property, sales, and occupancy taxes received by the County and City.	BI	BI	BI	PS/LS	BI	NI
4) Property Values – Development of the project alternatives could cause a reduction in regional property values	No mitigation required	LS	LS	LS	LS	LS	NI
Employment							
1) Construction – Construction of the project alternatives could impact wages, job availability, and/or employment rates	No mitigation required	BI	BI	BI	BI	BI	NI
2) Operation – Operation of the project alternatives could impact wages, job availability, and/or employment rates	No mitigation required	BI	BI	BI	BI	BI	NI
Housing – Employment-driven in-migration could cause or exacerbate housing supply issues	No mitigation required	LS	LS	LS	LS	LS	NI
Social Effects – The following social impacts could result from operation of the project alternatives:							
1) Problem and Pathological Gambling – Operation of the project alternatives could increase the prevalence of problem or pathological gaming.	The following mitigation measure shall be implemented in accordance with the anticipated requirements of Section 9.2 of the Compact for Alternatives A, B, and C: Mitigation Measure 5.7(A): The Tribe shall implement policies at the new facility similar to or more effective than those in effect at the existing Eagle Mountain Casino, which include employee training, self-help brochures available on site,	LS/LS	LS/LS	LS/LS	NI	LS	NI

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	signage near automatic teller machines (ATMs) and cashiers, and self-banning procedures to help those who may be affected by problem gaming. The signage and brochures will include advertising the problem gambler hotline and website.						
2) Crime – Operation of the project alternatives could increase the incidence of crime in the region	See Mitigation Measures 5.10(E) through 5.10(J) .	PS/LS	PS/LS	PS/LS	PS/LS	LS	NI
Community Effects – Impacts to the following areas could result from development of the project alternatives:							
1) Schools – Employment-driven in-migration could introduce a number of new students in excess of the regional enrollment capacity	No mitigation required	LS	LS	LS	LS	LS	NI
2) Libraries and Parks – Employment-driven in-migration could overburden existing recreational facilities	No mitigation required	LS	LS	LS	LS	LS	NI
Effects to the Tule River Indian Tribe	No mitigation required	BI	BI	BI	BI	LS	NI
Environmental Justice: Minority and Low-Income Communities – There are some identified minority and low-income populations in the vicinity of the alternative sites that could be affected.	No mitigation required	LS	LS	LS	LS	LS	NI
SECTION 4.8. Traffic	SECTION 5.8. Traffic Mitigation						
Construction Traffic – Vehicle trips associated with project construction could negatively impact roadways and significantly increase traffic volume	The following mitigation measure is recommended for Alternatives A through E: Mitigation Measure 5.8(A): A traffic management plan shall be prepared in accordance with standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways (FHWA, 2003). The traffic management plan shall be submitted to each affected local jurisdiction and/or agency. Also, prior to construction, the contractor shall coordinate with	LS/LS	LS/LS	LS/LS	LS/LS	LS/LS	NI

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	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.						
Project Traffic – Vehicle trips associated with the operation of the project alternatives could significantly increase traffic volume and exceed the designed capacity of regional roadways	See Mitigation Measures 5.8(B) through 5.8(K) and Mitigation Measures 5.8(L) through 5.8(RR) in Section 5.8 .	S/LS	S/LS	S/LS	S/LS	S/LS	NI
Transit, Bicycle, and Pedestrian Facilities – Traffic generated by the project alternatives could adversely impact other transportation facilities	No mitigation required	LS	LS	LS	LS	LS	NI
Pavement Conditions – Traffic generated by the project alternatives could cause the degradation of roadway pavement	See Mitigation Measures 5.8(K) in Section 5.8 .	S/LS	S/LS	S/LS	S/LS	LS	NI
SECTION 4.9. Land Use	SECTION 5.9. Land Use Mitigation						
Land Use Plans – The project alternatives could conflict with City land use plans and ordinances	No mitigation required	LS	LS	LS	LS	NI	NI
Land Use Compatibility – The project alternatives could conflict with neighboring land uses	No mitigation required	LS	LS	LS	LS	LS	NI
1) Porterville Municipal Airport – The project alternatives could conflict with FAA and County regulations regarding	No mitigation required	LS	LS	LS	LS	NI	NI

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development within the immediate vicinity of an airport							
2) Agriculture – The project alternatives could conflict with state and federal farmland designations	No mitigation required	LS	LS	LS	LS	LS	NI
SECTION 4.10. Public Services	SECTION 5.10. Public Services Mitigation						
Water Supply – The project alternatives could exceed the capacity of the municipal water supply or require significant improvements to the existing municipal water distribution infrastructure	The following mitigation measure is recommended for Alternative E: Mitigation Measure 5.10(A): Subsequent to the finalization of building designs, the Tribe shall perform a hydraulic analysis to determine the nature and magnitude of renovations of the existing storage tank infrastructure at the Eagle Mountain Casino Site that would be necessary to accommodate the expanded Casino, if any. Pursuant to the findings of the hydraulic analysis, the Tribe shall construct additional water storage infrastructure within developed areas of the Eagle Mountain Casino Site to provide the requisite fire flow storage for the expansion.	LS	NI	Option 1: LS Option 2: NI	NI	PS/LS	NI
Wastewater Service – Operation of the project alternatives could exceed the capacity of the existing municipal wastewater treatment and disposal infrastructure	No mitigation required	LS	NI	Option 1: LS Option 2: NI	Option 1: LS Option 2: NI	LS	NI
Solid Waste Service							
1) Construction – Construction of the project alternatives could generate quantities or types of waste that cannot be accommodated by regional waste disposal facilities	Implementation of the BMPs below, as well as Mitigation Measure 5.4(C)(6) , would reduce the amount of solid waste generated during construction. These measures are recommended in accordance with the Compact to prevent off-Reservation impacts associated with solid waste for Alternatives A through C and E, and recommended for Alternative D: Measure 5.10(B): Construction waste shall be recycled to the fullest extent practicable by diverting green waste and	LS/LS	LS/LS	LS/LS	LS/LS	LS/LS	NI

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	recyclable building materials (including, but not limited to, metals, steel, wood, etc.) away from the solid waste stream.						
2) Operation - Operation of the project alternatives could generate quantities or types of waste that cannot be accommodated by regional waste disposal facilities	<p>The following BMPs are recommended in accordance with the Compact to prevent off-Reservation impacts associated with solid waste for Alternatives A through C and recommended for Alternative D:</p> <p>Measure 5.10(C): A solid waste management plan for the new facility shall be developed and adopted by the Tribe that addresses recycling and solid waste reduction on site. These measures shall include, but not be limited to, the installation of a trash compactor for cardboard and paper products, and periodic waste stream audits.</p> <p>Measure 5.10(D): Security guards shall be trained to discourage littering on site.</p> <p>See also Measure 5.4(C)(6).</p>	LS/LS	LS/LS	LS/LS	LS/LS	LS	NI
Law Enforcement – Service calls to local law enforcement agencies could increase due to the project alternatives.	<p>The following mitigation measures related to security shall be implemented in accordance with the Compact and the Tribe's Gaming Ordinance for Alternatives A through C:</p> <p>Mitigation Measure 5.10(E): Areas surrounding the gaming facilities shall have “No Loitering” signs in place, be well lit and be patrolled regularly by roving security guards.</p> <p>Mitigation Measure 5.10(F): The Tribe shall conduct background checks of all gaming employees and ensure that all employees meet licensure requirements established by the Indian Gaming Regulatory Act (IGRA) and the Tribe’s Gaming Ordinance.</p> <p>The following mitigation measures shall be implemented in accordance with the Compact and the Tribe’s Gaming Ordinance for Alternatives A through C, and are also recommended for Alternative D.</p> <p>Mitigation Measure 5.10(G): Prior to operation the Tribe shall enter into agreements to reimburse the Porterville Police Department (PPD) and/or the Tulare County Sheriff’s Department (TCSD) for quantifiable direct and indirect costs</p>	PS/LS	PS/LS	PS/LS	PS/LS	LS	NI

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Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	<p>incurred in conjunction with providing law enforcement services.</p> <p>Mitigation Measure 5.10(H): Parking areas shall be well lit and monitored by parking staff, and/or roving security guards at all times during operation. This will aid in the prevention of auto theft and other similar criminal activity.</p> <p>Mitigation Measure 5.10(I): The Tribe shall adopt a Responsible Alcoholic Beverage Policy at the facility that shall include, but not be limited to, checking identification of patrons and refusing service to those who have had enough to drink.</p> <p>Mitigation Measure 5.10(J): The Tribe shall make annual payments to the City of Porterville and/or Tulare County to offset the cost of increased provision of law enforcement and fire protection/emergency medical services in amounts of at least the following amounts (minimum reflects combined payment to County and/or City):</p> <ul style="list-style-type: none"> ▪ \$275,870 for Alternative A or B; ▪ \$141,200 for Alternative C; and ▪ \$17,320 for Alternative D. 						
Fire Protection and Emergency Medical Services							
1) Construction – Construction activities could increase the risk of fire	<p>The following industry standard BMP is recommended for Alternatives A through E:</p> <p>Mitigation Measure 5.10(K): During construction, any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. The contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.</p>	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
2) Operation – The project alternatives could increase the number of service calls to local	No mitigation required, but see Mitigation Measure 5.10(J) .	LS	LS	LS	LS	LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
fire protection/emergency medical service providers.							
Energy and Natural Gas							
1) Construction – Construction activities could damage underground utilities	The following mitigation measure is recommended for Alternatives A through E: Mitigation Measure 5.10(L): The Tribe shall contact USA North 811, which provides a free “Dig Alert” to all excavators (e.g., contractors, homeowners, and others) in central California, including Tulare County. This call shall automatically notify all utility service providers at the excavator’s work site. In response, the utility service providers shall mark or stake the horizontal path of underground facilities, provide information about the facilities, and/or give clearance to dig.	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
2) Operation – Operation of the project alternatives could necessitate improvements to electrical and natural gas infrastructure that generate adverse environmental effects	See Mitigation Measure 5.4(C) .	LS/LS	LS/LS	LS/LS	LS/LS	LS/LS	NI
SECTION 4.11. Noise	SECTION 5.11. Noise Mitigation						
Construction Noise and Vibration – Noise associated with construction activities could adversely affect human health and/or the physical environment. Other impacts associated with construction activities include:	The following measure shall be implemented in accordance with local statutory requirements for construction of off-site utility improvements under Alternatives A through D: Mitigation Measure 5.11(A): In accordance with the City’s noise ordinance, construction activities shall not take place on the Off-Site Improvement Areas before 6:00 AM or after 9:00 PM on any day except Saturday or Sunday, or before 7:00 AM or after 5:00 PM on Saturday or Sunday.	PS/LS	PS/LS	PS/LS	PS/LS	LS	NI
1) Construction Traffic Noise	No mitigation required	LS	LS	LS	LS	LS	NI
2) Construction Vibration	No mitigation required	LS	LS	LS	LS	LS	NI
Operational Noise – Noise from the following sources associated with the							

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
project alternatives could adversely affect the physical environment:							
1) Traffic – Operation of the project alternatives could increase traffic-related noise in the vicinity of roads surrounding the project sites, with the exception of the three roads analyzed separately below:	No mitigation required	LS	LS	LS	LS	LS	NI
a) Teapot Dome Avenue	No mitigation required	LS	LS	LS	LS	NI	NI
b) Scranton Avenue	The following measures shall be implemented for Alternatives A through D during operation to prevent violation of the Federal Noise Abatement Criteria (NAC) standards used by the Federal Highway Administration (FHWA) imposed for the protection of the environment (40 CFR 1508.27[b][10]): Mitigation Measure 5.11(B): The Tribe shall fund 100 percent of a noise reduction wall at the residence located on Road 216 between SR-190 and Scranton Avenue (Avenue 136), which will reduce the ambient noise level by a minimum of three dBA, Leq. If requested by the residence, in lieu of a sound wall, the Tribe shall fund acoustic windows or a vegetative wall. Mitigation Measure 5.11(C): The Tribe shall fund 100 percent of a noise reduction wall at the three residences located adjacent to Scranton Avenue between Rockford Road (Road 208) and SR-65, which will reduce the ambient noise level by a minimum of 3 dBA Leq. If requested by the residence, in lieu of a sound wall, the Tribe shall fund acoustic windows or a vegetative wall.	S/LS	S/LS	S/LS	S/LS	NI	NI
c) Road 216	See Mitigation Measure 5.11(B) and Mitigation Measure 5.11(C) .	S/LS	S/LS	S/LS	S/LS	NI	NI
2) Airport Noise	No mitigation required	LS	LS	LS	LS	NI	NI
3) Other Noise Sources – Roof-mounted air handling units, idling vehicles, patron conversations, the outdoor concert venue, and	No mitigation required	LS	LS	LS	LS	LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
doors opening and closing in parking lots could increase ambient noise levels							
Operational Vibration	No mitigation required	LS	LS	LS	LS	LS	NI
SECTION 4.12. Hazardous Materials	SECTION 5.12. Hazardous Materials Mitigation						
Construction – Construction of the project alternatives could disturb existing hazardous materials or introduce new hazardous materials into the environment	<p>The following measures shall be implemented to prevent violation of federal requirements related to hazardous materials for Alternatives A and C:</p> <p>Mitigation Measure 5.12(A): If the 40-acre site is selected as the location of the WRF, soil sampling shall occur on the site to ensure agricultural chemical contamination is not present. If sampling and testing indicates hazardous materials contamination, the contaminated soils and/or groundwater shall be properly removed and/or remediated by qualified professionals consistent with an approved remediation plan.</p> <p>Mitigation Measure 5.12(B): If the 8-acre site is selected as the location of the WRF, soil sampling for lead shall be conducted on the site. Contaminated soils that are determined to be hazardous shall be properly removed and/or remediated by qualified professionals consistent with an approved remediation plan.</p> <p>The following BMP shall be implemented to prevent violation of federal requirements related to hazardous materials for Alternatives A through D:</p> <p>Measure 5.12(C): Prior to accepting fill material, it shall be verified to be clean through evidence such as a Phase I Environmental Site Assessment (ESA), soil sampling, or other appropriate measures.</p> <p>The following BMPs shall be implemented to prevent violation of federal regulatory requirements related to hazardous materials for Alternatives A through E:</p> <p>Measure 5.12(D): Personnel shall follow BMPs for filling and servicing construction equipment and vehicles. BMPs that are</p>	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	<p>designed to reduce the potential for incidents/spills involving the hazardous materials include the following:</p> <ol style="list-style-type: none"> 1. To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment. 2. Catch-pans shall be placed under equipment to catch potential spills during servicing. 3. Refueling shall be conducted only with approved pumps, hoses, and nozzles. 4. All disconnected hoses shall be placed in containers to collect residual fuel from the hose. 5. Vehicle engines shall be shut down during refueling. 6. No smoking, open flames, or welding shall be allowed in refueling or service areas. 7. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill. 8. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents. 9. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations. 10. All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. <p>Measure 5.12(E): In the event that contaminated soil and/or groundwater is encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, the Tribe shall consult with the USEPA to determine the appropriate course of action, including development of a Sampling and Remediation Plan if necessary. Contaminated soils that are determined to be hazardous shall be disposed of in accordance with federal regulations.</p>						

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
Operation – Operation of the project alternatives could introduce hazardous materials into the physical environment	See Measure 5.12(D) .	LS/LS	LS/LS	LS/LS	LS/LS	LS	NI
SECTION 4.13. Aesthetics	SECTION 5.13. Aesthetics Mitigation						
Construction Impacts – Construction activities could obstruct views of scenic resources	No mitigation required	LS	LS	LS	LS	LS	NI
Operational Impacts – Development of the project alternatives could generate significant adverse aesthetic impacts, including those impacts addressed separately below:	<p>The following BMPs are recommended in accordance with the Compact to prevent off-Reservation impacts associated with lighting and glare for Alternatives A, B, C, and E, and recommended for Alternative D:</p> <p>Measure 5.13(A): Lighting shall consist of limiting pole-mounted lights to a maximum of 25 feet tall.</p> <p>Measure 5.13(B): All lighting shall be high pressure sodium or light-emitting diode (LED) with cut-off lenses and downcast illumination, unless an alternative light configuration is needed for security or emergency purposes.</p> <p>Measure 5.13(C): Placement of lights on buildings shall be designed in accordance with Unified Facilities Criteria 3-530-01, Interior, Exterior Lighting, and Controls so as not to cast light or glare off site. No strobe lights, spot lights, or flood lights shall be used.</p> <p>Measure 5.13(D): Shielding, such as with a horizontal shroud, shall be used in accordance with Unified Facilities Criteria 3-350-01 for all outdoor lighting so as to ensure it is downcast.</p> <p>Measure 5.13(E): All exterior glass shall be non-reflective low-glare glass.</p> <p>Measure 5.13(F): Screening features and natural elements shall be integrated into the landscaping design of the project to screen the view of the facilities from directly adjacent existing residences.</p> <p>Measure 5.13(G): Design elements shall be incorporated into the project to minimize the impact of buildings and parking lots on the viewshed. These elements include:</p>	LS/LS	LS/LS	LS/LS	LS/LS	LS/LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	<ol style="list-style-type: none"> Incorporate of landscape amenities to complement buildings and parking areas, including setbacks, raised landscaped berms, and plantings of trees and shrubs. Use earth tones in paints and coatings, and use native building materials such as stone. 						
1) Effects on Viewsheds Surrounding the Project	No mitigation required	LS	LS	LS	LS	LS	NI
2) Shadow, Light, And Glare	See Measures 5.13(A) through 5.13(G) .	PS/LS	PS/LS	PS/LS	PS/LS	LS/LS	NI
SECTION 4.14. Indirect and Growth-Inducing Effects							
Geology and Soils – Construction of roadway and utility improvements could increase the potential for soil erosion and geological hazards	See Measure 5.2(A) and Measure 5.2(B) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Water Resources – Construction of roadway and utility improvements could increase stormwater runoff and erosion and adversely impact water quality	See Measure 5.2(A) and Measure 5.2(B) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Air Quality – Construction of roadway and utility improvements could adversely impact air quality through the emission of air pollutants	See Measure 5.4(A) and Measure 5.4(B) , as well as the traffic mitigation measures in Section 5.8 .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
Biological Resources – Habitat could be lost and special-status species could be disturbed due to the construction of roadway and utility improvements	<p>The following mitigation measure shall be implemented in accordance with applicable federal, state and local regulatory requirements for Alternatives A through E as they apply to off-site traffic mitigation and utility improvements on non-tribal lands:</p> <p>Mitigation Measure 5.5(J): Prior to the construction of any off-site traffic mitigation and utility infrastructure, a qualified biologist shall perform detailed, and if necessary, focused biological surveys of any undisturbed areas that would be affected by infrastructure development. If it is determined that off-site improvements have the potential to cause adverse effects to sensitive habitats, wetlands and/or Waters of the U.S., special-status species, and/or nesting birds, then project-specific mitigation requirements will be developed and implemented and any necessary regulatory permits shall be obtained and adhered to.</p>	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Cultural Resources – Construction of roadway and utility improvements has the potential to disturb archaeological resources	<p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements for Alternatives A through E:</p> <p>Mitigation Measure 5.6(C): Prior to undertaking construction of off-site infrastructure, a qualified archaeologist shall conduct a survey for any areas to be disturbed during construction. If significant resources or significant archaeological sites are present, they shall be avoided, as feasible. If avoidance of such resources is not feasible, recordation of the sites shall be required, along with treatment as is recommended by the archaeologist after consultation with the State Historic Preservation Officer (SHPO) and, if the find is prehistoric, the Native American Heritage Commission (NAHC). If unknown resources are encountered during construction, recommendations, including the management recommendations listed in Mitigation Measures 5.6(A) and 5.6(B), shall be implemented to ensure that the resources are avoided, protected, and/or recorded. If off-site traffic mitigation occurs at the intersection of SR-137 and SR-65, consistent with Mitigation Measure 5.8(N), 5.8(U), 5.8(CC), or 5.8(LL), the</p>	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
	Cairn Corner row of olive trees (site P-54-4629) shall be avoided by all project construction.						
Socioeconomic Conditions – Roadway and utility improvements could cause disturbances in traffic flow and/or the loss of access to businesses and communities	No mitigation required	LS	LS	LS	LS	LS	NI
Transportation/Circulation – Roadway and utility improvements could disrupt traffic flow and/or access to surrounding land uses	See Mitigation Measure 5.8(A) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Land Use – Roadway and utility improvements could conflict with City or County planning ordinances or adversely impact adjacent property owners	No mitigation required	LS	LS	LS	LS	LS	NI
Public Services – Roadway and utility improvements could significantly disrupt the provision of public services	No mitigation required	LS	LS	LS	LS	LS	NI
Noise – Construction of the roadway and utility improvements could result in significant increases in ambient noise levels	No mitigation required	LS	LS	LS	LS	LS	NI
Hazardous Materials – Hazardous materials could be released inadvertently and dry vegetation could be ignited during grading and construction activities	See Measure 5.12(D) and Measure 5.12(E) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Aesthetics – Roadway and utility improvements could significantly alter viewsheds	No mitigation required	LS	LS	LS	LS	LS	NI
Growth-Inducing Effects – Development of the project alternatives could promote population growth	No mitigation required	LS	LS	LS	LS	LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
and/or the construction of additional housing, which could adversely impact the physical and human environments							
SECTION 4.15. Cumulative Impacts							
Geology and Soils – Development of the project alternatives could, when taken together with other foreseeable developments, result in significant topographic changes and/or soil loss	See Measures 5.2(A) through 5.2(D) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Water Resources							
1) Surface Water and Flooding – Development of the project alternatives in conjunction with other proposed developments could significantly increase sedimentation, pollution, and stormwater runoff	No mitigation required	LS	LS	LS	LS	LS	NI
2) Water Quality – The project alternatives, taken together with other foreseeable developments, could result in an increase in pollution and sedimentation	See Measure 5.2(A) through 5.2(D) , Mitigation Measure 5.3(A) , and Mitigation Measure 5.3(B) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
3) Groundwater Supply – The project alternatives, in conjunction with the buildout of County and City general Plans, could significantly impact groundwater supply if the total water demand exceeds the rate of groundwater recharge	See Mitigation Measure 5.3(C) and Mitigation Measure 5.3(F) .	LS/LS	S/S	Option 1: LS/LS Option 2: S/S	S/S	PS/LS	NI
4) Groundwater Quality – Development of the project alternatives, taken together with other foreseeable regional	See Measures 5.2(A) through 5.2(D) , Mitigation Measure 5.3(D) , and Mitigation Measure 5.3(E) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

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SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
developments, could result in the contamination of groundwater							
Air Quality							
1) Operational Emissions – Development of the project alternatives, in conjunction with other regional projects, could contribute to the nonattainment of National Ambient Air Quality Standards (NAAQS)	See Mitigation Measure 5.4(C) .	PS/LS	PS/LS	PS/LS	LS/LS	LS/LS	NI
2) Carbon Monoxide Hot Spot Analysis – Development of the project alternatives, taken together with the buildout of the City and County general plans, could cause an increase in delay at some intersections in the cumulative year 2040 sufficient to warrant a Hot Spot Analysis	See Mitigation Measures 5.8(B) through 5.8(K) and Mitigation Measures 5.8(L) through 5.8(RR) in Section 5.8 .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
3) Climate Change – Development of the project alternatives in conjunction with other foreseeable projects could significantly contribute to climate change through the emission of GHGs	See Mitigation Measure 5.4(C) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Biological Resources							
1) Wildlife and Habitats – The project alternatives, in conjunction with other foreseeable developments, could adversely impact critical or sensitive habitat	No mitigation required	LS	LS	LS	LS	NI	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
2) Special-Status Species – Development of the project alternatives, taken together with the buildout of the City and County general plans, could adversely impact special-status species	See Mitigation Measure 5.5(A) through 5.5(F) and Mitigation Measure 5.5(J) .	PS/LS	PS/LS	PS/LS	PS/LS	NI	NI
3) Migratory Birds – The project alternatives, taken together with the development of other foreseeable projects, could disturb migratory birds	See Mitigation Measures 5.5(G) through 5.5(J) and Measures 5.13(A) through 5.13(E) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
4) Wetlands and/or Waters of the U.S. – The project alternatives and other foreseeable developments could adversely impact wetlands and/or Waters of the U.S. by increasing erosion or through the discharge of runoff or wastewater	No mitigation required	LS	LS	LS	LS	LS	NI
Cultural Resources – Construction activities, in conjunction with the development of other foreseeable projects, could disturb archaeological or paleontological resources	See Mitigation Measure 5.6(A) , Mitigation Measure 5.6(B) , and Mitigation Measure 5.6(C) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Socioeconomic Conditions – The project alternatives, taken together with the buildout of the City and County general plans, could yield adverse impacts to the local labor market, housing availability, and local governments	See Mitigation Measure 5.7(A) and Mitigation Measures 5.10(E) through 5.10(J) .	PS/LS	PS/LS	PS/LS	PS/LS	LS	NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
Transportation							
1) 2040 Cumulative Traffic Conditions – Development of the project alternatives, taken together with the buildout of the City and County general plans, could regional intersections to operate at an unacceptable level of service (LOS)	See Mitigation Measures 5.8(L) through 5.8(RR) in Section 5.8 .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
2) Transit, Bicycle, and Pedestrian Facilities – Development of the project alternatives and other foreseeable alternatives could disrupt existing or planned transit, bicycle, and pedestrian facilities	No mitigation required	LS	LS	LS	LS	NI	NI
Land Use – Development of the project alternatives in conjunction with other development projects could disrupt or impede access to neighboring land uses	No mitigation required	LS	LS	LS	LS	LS	NI
Public Services							
1) Water Supply – Development of the project alternatives, taken together with other foreseeable developments, could adversely impact the provision of water	See Mitigation Measure 5.3(C) .	LS/LS	NI	Option 1: LS/LS Option 2: NI	NI	LS	NI
2) Wastewater – Development of the project alternatives in conjunction with the buildout of the City and County general plans could adversely impact the treatment and disposal of wastewater	No mitigation required	LS	NI	Option 1: LS Option 2: NI	Option 1: LS Option 2: NI		NI

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TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
3) Solid Waste – The project alternatives, taken together with other foreseeable developments, could adversely impact the disposal of solid waste	No mitigation required	LS	LS	LS	LS	LS	NI
4) Law Enforcement – Development of the project alternatives and other foreseeable projects could adversely impact the provision of law enforcement services	See Mitigation Measures 5.10(E) through 5.10(J) .	PS/LS	PS/LS	PS/LS	PS/LS	LS	NI
5) Fire Protection and Emergency Medical Services – Operation of the project alternatives, taken together with other foreseeable development projects, could impede the provision of fire protection and emergency medical services	No mitigation required, but see Mitigation Measure 5.10(J) .	LS	LS	LS	LS	LS	NI
6) Energy and Natural Gas – Development of the project alternatives, in conjunction with the buildout of the City and County general plans, could adversely impact the provision of electrical and natural gas services and the physical environment	See Mitigation Measure 5.10(L) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Noise							
1) Traffic Noise – Development of the project alternatives could contribute to a cumulatively significant increase in traffic noise levels	See Mitigation Measure 5.11(B) and Mitigation Measure 5.11(C) .	PS/LS	PS/LS	PS/LS	PS/LS	LS	NI

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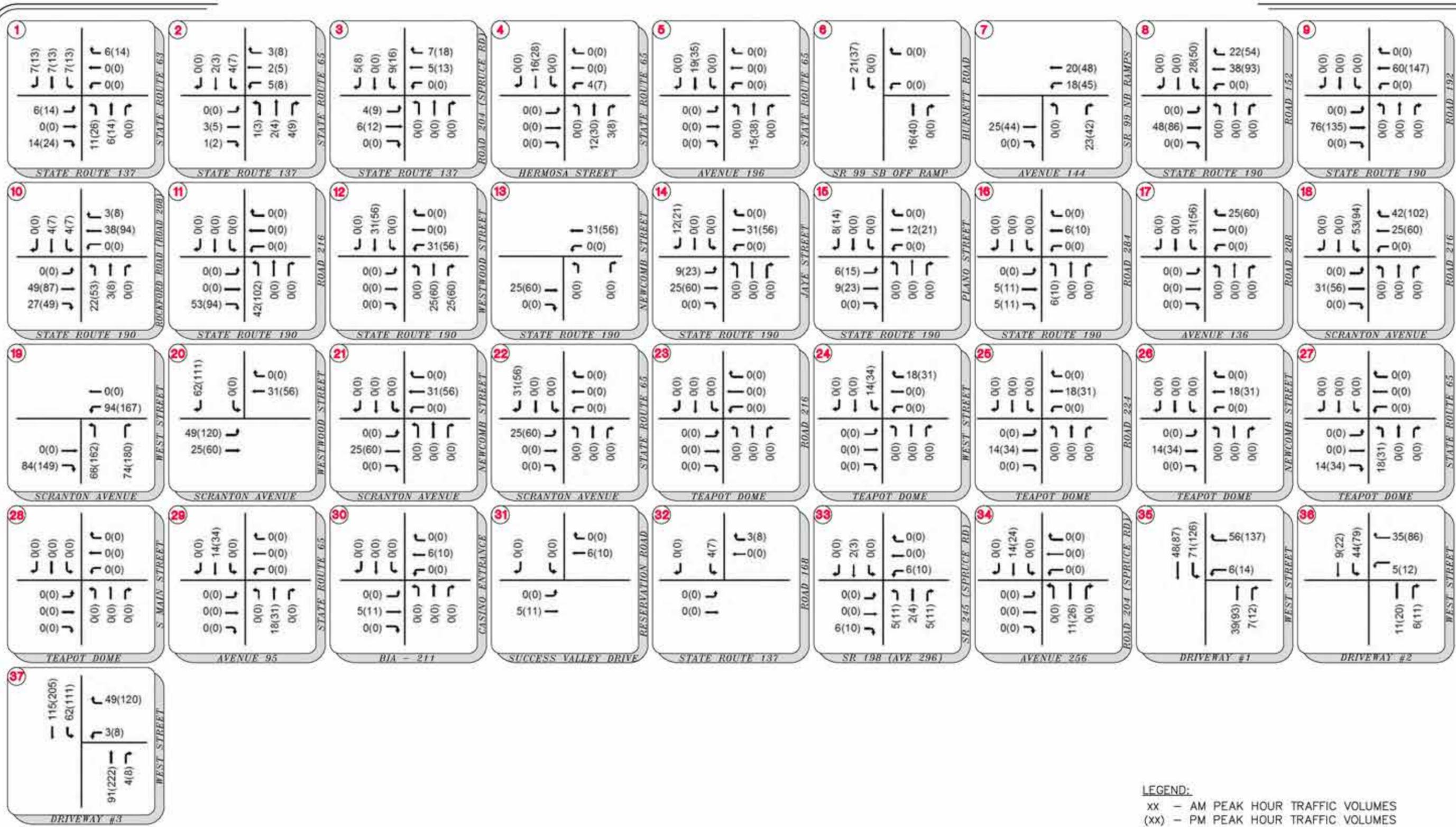
TABLE ES-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Mitigation Measures / Best Management Practices	Original Impact / Residual Impact with Mitigation					
		Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F
2) Vibration and Other Noise Sources – Vibration and other noise sources associated with the project alternatives, in conjunction with noise from other foreseeable projects, could contribute to a significant increase in noise levels	No mitigation required	LS	LS	LS	LS	LS	NI
Hazardous Materials – Development of the project alternatives, in combination with other foreseeable projects, could disturb existing hazardous materials or introduce new hazardous materials to the physical environment	See Mitigation Measures 5.12(A) through 5.12(E) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI
Aesthetics – The project alternatives, in combination with other foreseeable alternatives, could be visually incompatible with existing land uses or otherwise adversely impact aesthetic resources	See Measures 5.13(A) through 5.13(G) .	PS/LS	PS/LS	PS/LS	PS/LS	PS/LS	NI

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APPENDIX O

Supplemental Traffic Documents

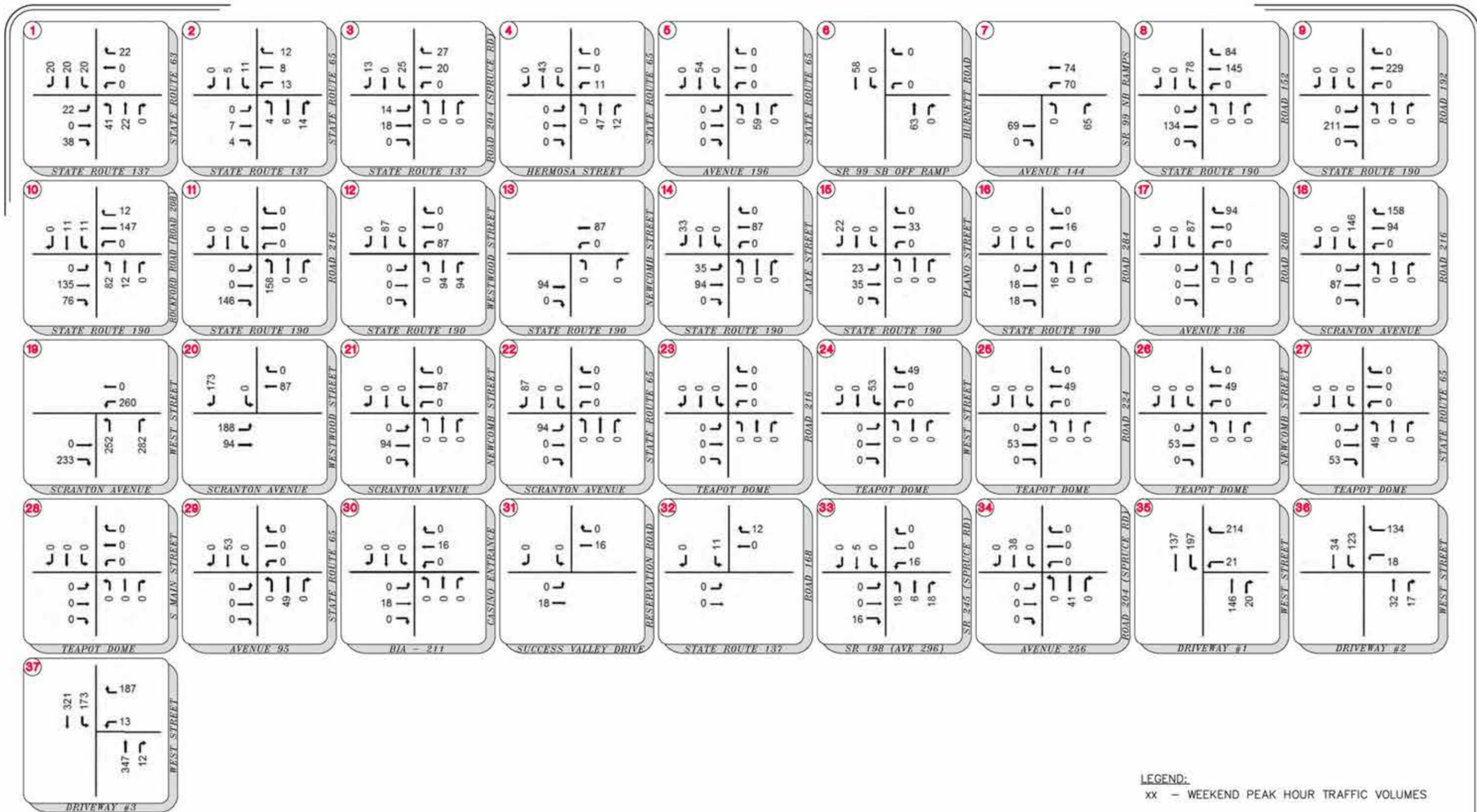


Eagle Mountain Casino Relocation Project TIS

Figure 25

Alternatives A & B Weekday Project Only Traffic Volumes

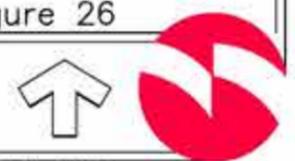


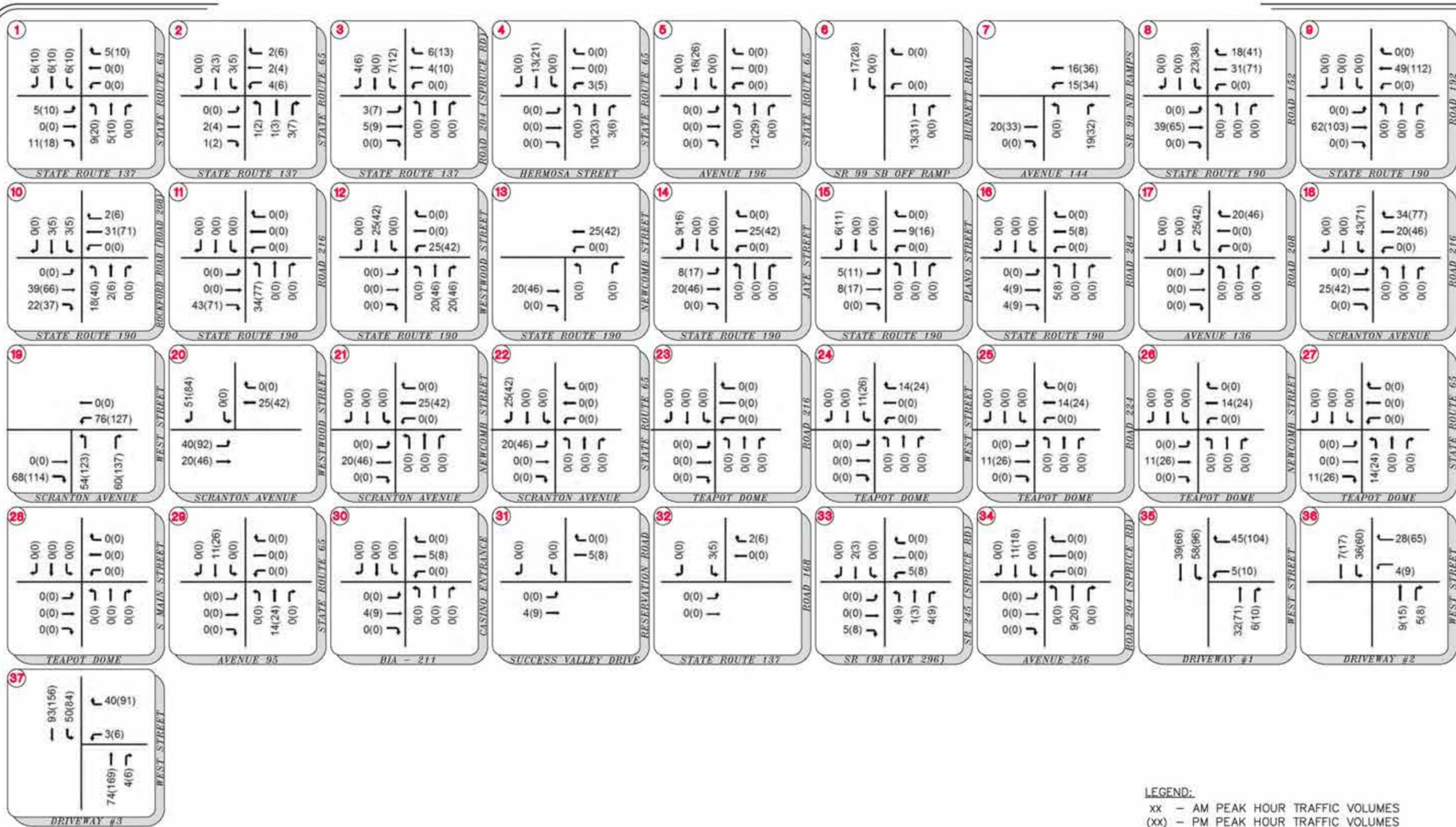


Eagle Mountain Casino Relocation Project TIS

Figure 26

Alternatives A & B Weekend Project Only Traffic Volumes

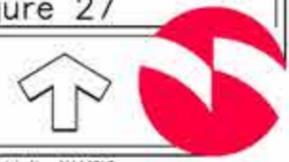


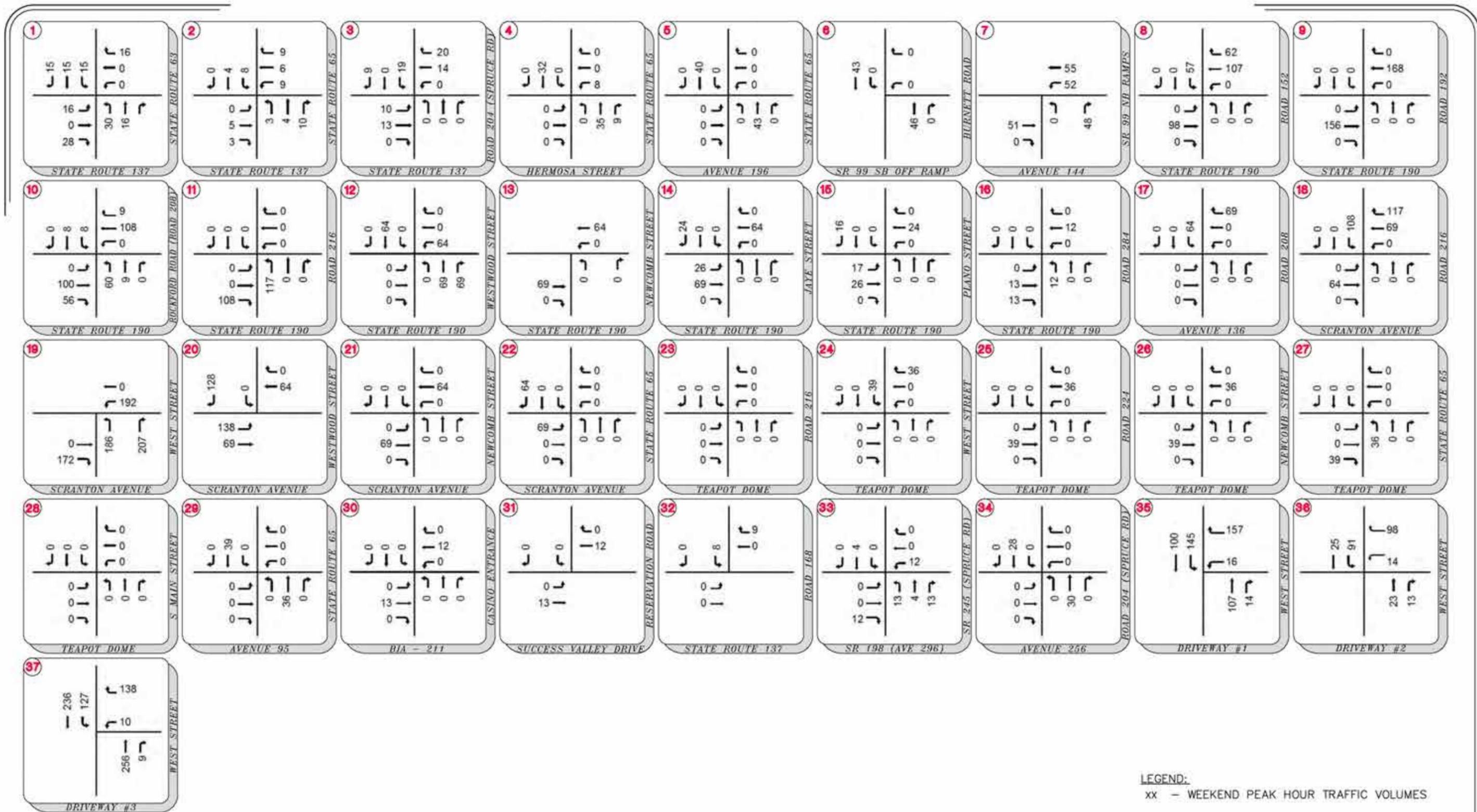


Eagle Mountain Casino Relocation Project TIS

Figure 27

Alternative C Weekday Project Only Traffic Volumes



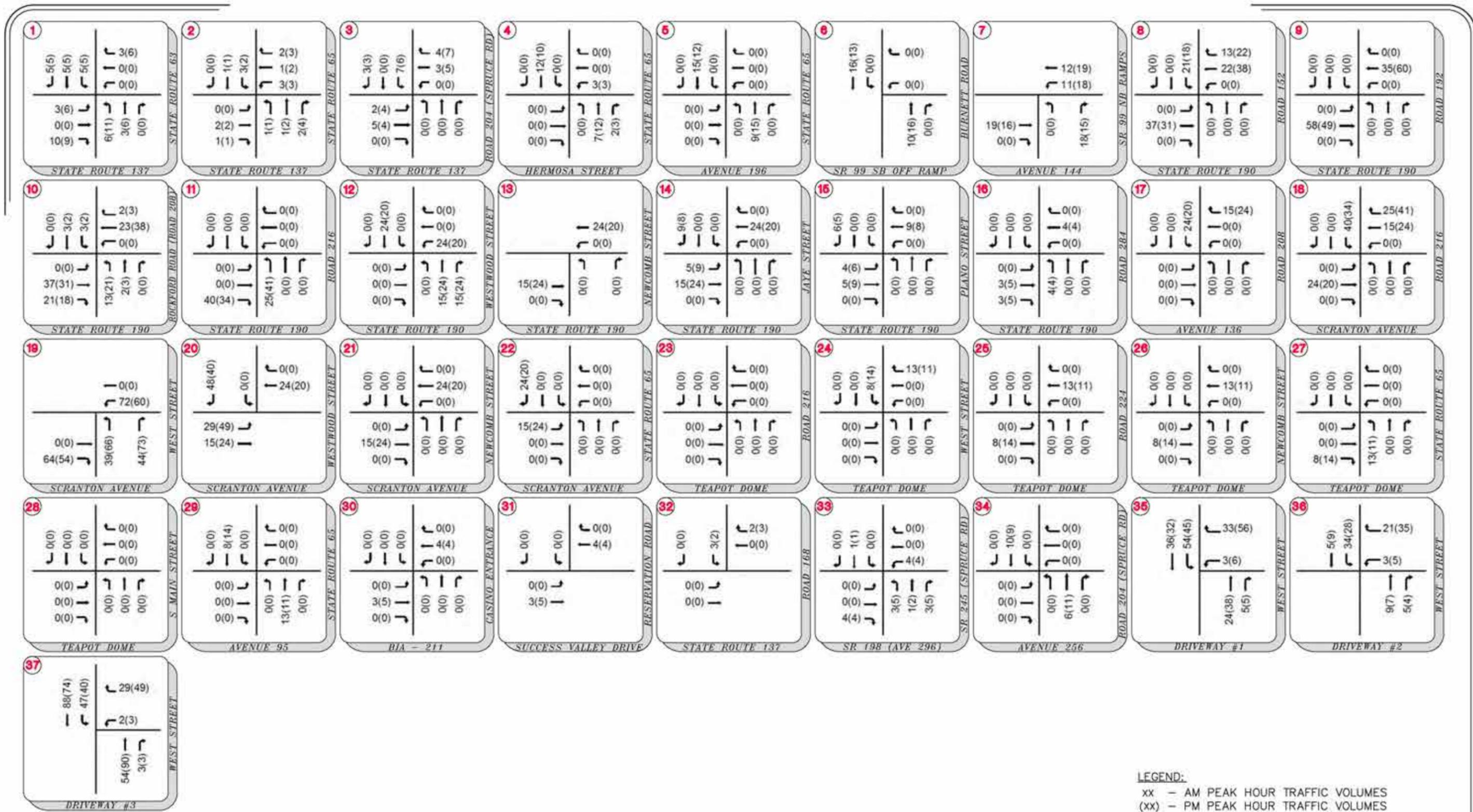


Eagle Mountain Casino Relocation Project TIS

Figure 28

Alternative C Weekend Project Only Traffic Volumes

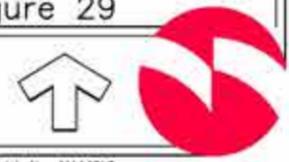


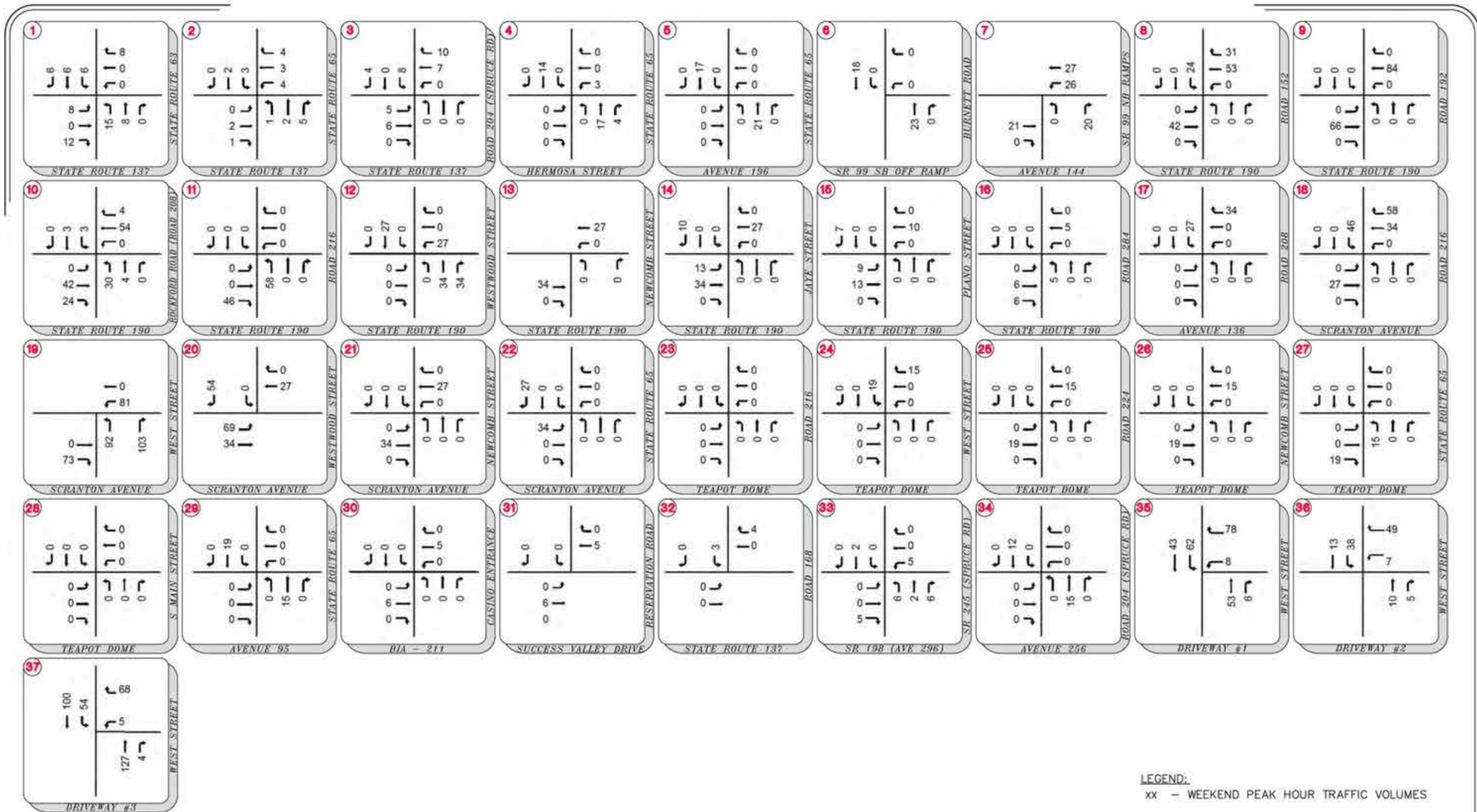


Eagle Mountain Casino Relocation Project TIS

Figure 29

Alternative D Weekday Project Only Traffic Volumes

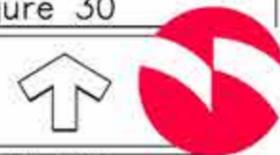


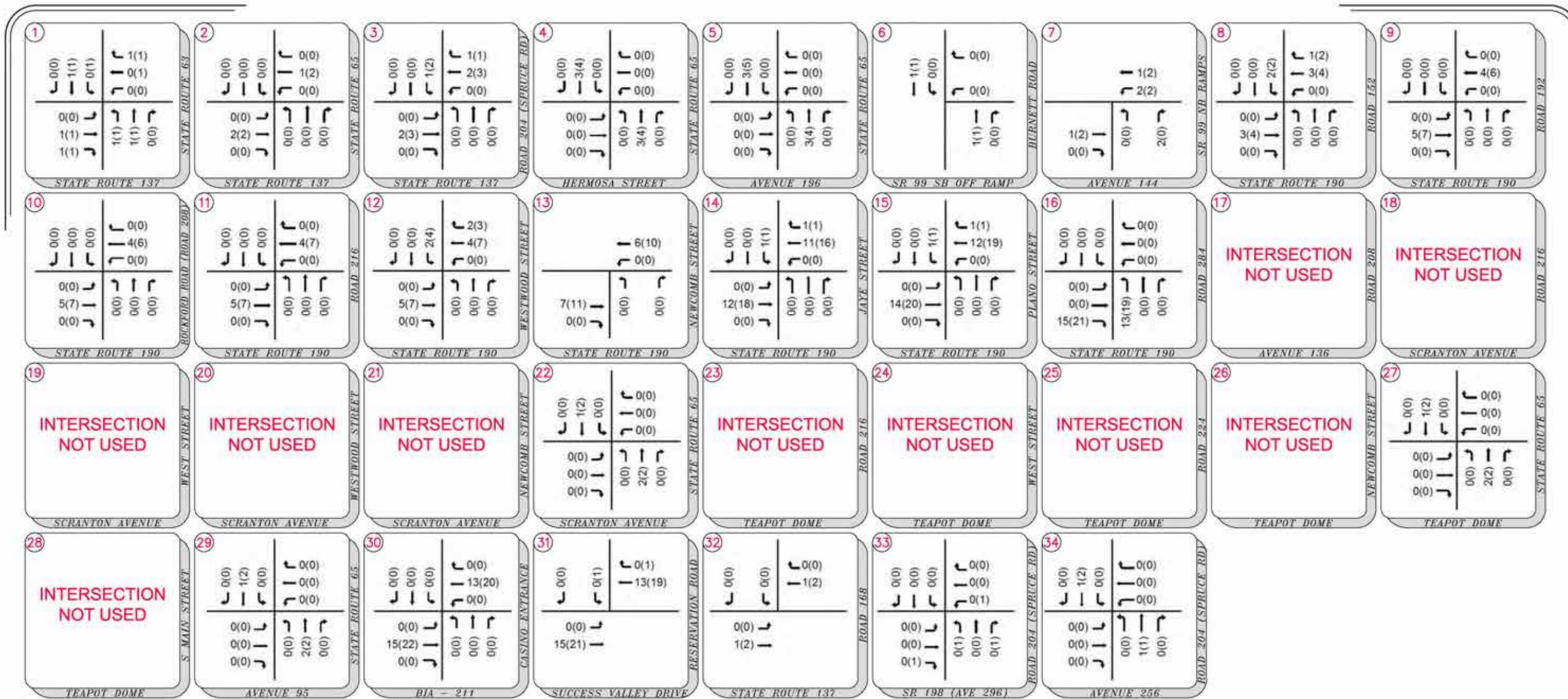


Eagle Mountain Casino Relocation Project TIS

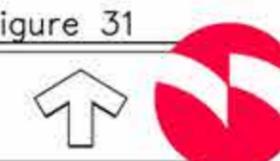
Figure 30

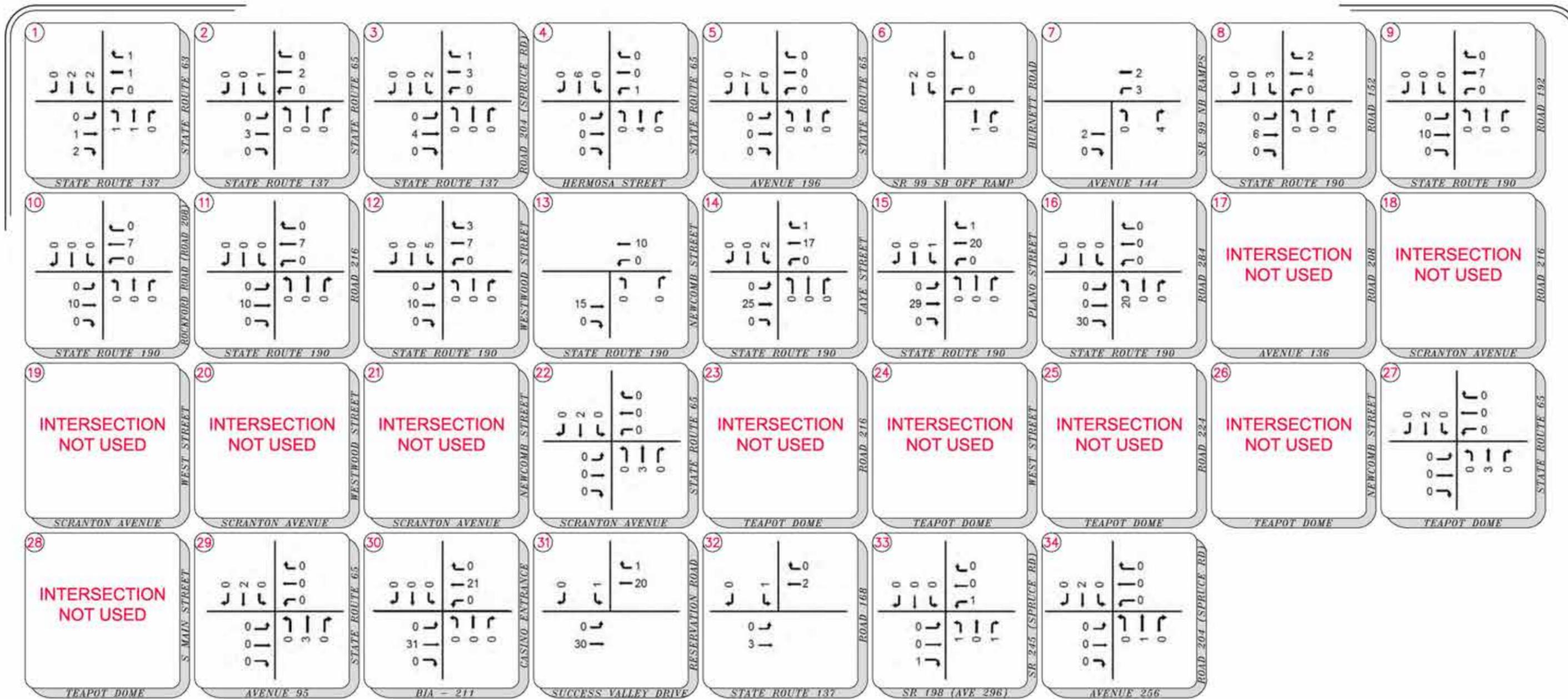
Alternative D Weekend Project Only Traffic Volumes



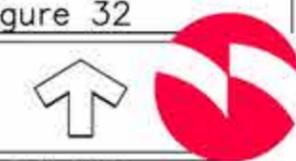


LEGEND:
 xx - AM PEAK HOUR TRAFFIC VOLUMES
 (xx) - PM PEAK HOUR TRAFFIC VOLUMES





LEGEND:
 xx - WEEKEND PEAK HOUR TRAFFIC VOLUMES



APPENDIX P

Notice of Availability for Draft EIS

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189D0102DR/DS5A300000/
DR.5A311.IA000118]

Notice of Availability of a Draft Environmental Impact Statement for the Tule River Tribe's Proposed Fee-to-Trust and Eagle Mountain Casino Relocation Project, Tulare County, California

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 Tule River Indian Tribe (Tribe), City of Porterville (City), Tulare County (County), and the U.S. Environmental Protection Agency (EPA) serving as cooperating agencies, intends to file a Draft Environmental Impact Statement (DEIS) with the EPA in connection with the Tribe's application for acquisition in trust by the United States of approximately 40 acres for gaming and other purposes to be located in the City of Porterville, Tulare County, California. This notice also announces that the DEIS is now available for public review and that a public hearing will be held to receive comments on the DEIS.

DATES: Comments on the DEIS must arrive no later than November 5, 2018. The date and time of the public hearing will be announced at least 15 days in advance through a notice to be published in a local newspaper (the Porterville Recorder) and online at <http://www.tulerivereis.com>.

ADDRESSES: You may send written comments by any of the following methods:

- *Mail or hand-delivery:* 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, Tule River Tribe Casino Relocation Project" on the first page of your written comments.

- *Email:* chad.broussard@bia.gov. Please use "DEIS Comments, Tule River Tribe Casino Relocation Project" as the subject of your email.

The location of the public hearing will be announced at least 15 days in advance through a notice to be published in a local newspaper (the Porterville Recorder) and online at <http://www.tulerivereis.com>.

The DEIS is available for review at the following locations:

- Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825 (during regular business hours).
- Porterville Public Library at 41 West Thurman Avenue in Porterville, California (during regular business hours).
- <http://www.tulerivereis.com>.

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

SUPPLEMENTARY INFORMATION: Public review of the DEIS is part of the administrative process for the evaluation of the Tribe's application to the BIA for the placement of approximately 40 acres of fee land in trust in Tulare County, California. The Tribe proposes to construct a casino resort on the trust property. A Notice of Intent (NOI) to prepare an EIS was published in the Porterville Recorder and **Federal Register** on December 30, 2016 (81 FR 96477). The BIA held a public scoping meeting for the project on January 23, 2017, at the Veterans Memorial Building, in Porterville, California.

Background: The Tribe's proposed project consists of the following components: (1) The Department's transfer of the approximately 40-acre fee property into trust status; (2) issuance of a determination by the Secretary of the Interior pursuant to the Indian Gaming Regulatory Act 25 U.S.C. 2701 *et seq.*; and (3) the Tribe's proposed development of the trust parcel and the off-site improvement areas. The proposed casino-hotel resort would include a hotel, convention center, multipurpose event space, several restaurant facilities, parking facilities and water reclamation infrastructure. The new facility would replace the Tribe's existing casino, and the existing casino buildings would be converted to tribal government or service uses. The following alternatives are considered in the DEIS: (1) Proposed Project; (2) Proposed Project with On-Site Water and Wastewater Systems; (3) Reduced Intensity Hotel and Casino; (4) Non-Gaming Hotel and Conference Center; (5) Expansion of Existing Eagle Mountain Casino; and (6) No Action Alternative. Environmental issues addressed in the DEIS 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.

Locations where the DEIS is Available for Review: The DEIS is available for review at the addresses noted above in the **ADDRESSES** section of this notice. To obtain a compact disc copy of the DEIS, please provide your name and address in writing or by phone to Chad Broussard, Bureau of Indian Affairs, Pacific Region Office. Contact information is listed in the **ADDRESSES** section of this notice. Individual paper copies of the DEIS will be provided upon payment of applicable printing expenses by the requestor for the number of copies requested.

Public Comment Availability: Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone 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 Sec. 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and Sec. 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.

Dated: September 13, 2018.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2018-20577 Filed 9-20-18; 8:45 am]

BILLING CODE 4337-15-P

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2016124002

Project Title: Tule River Tribe Fee-to-Trust and Eagle Mountain Casino Relocation

Lead Agency: Bureau of Indian Affairs Contact Person: Chad Broussard
 Mailing Address: 2800 Cottage Way, Room W-2820 Phone: 916-978-6165
 City: Sacramento Zip: 95825 County: Sacramento

Project Location: County: Tulare County City/Nearest Community: City of Porterville
 Cross Streets: Avenue 136 / West Street Zip Code: 93257
 Longitude/Latitude (degrees, minutes and seconds): 36 ° 1 ' 52.55" N / 119 ° 4 ' 38.61" W Total Acres: 40
 Assessor's Parcel No.: 302-400-001 through 302-400-017 Section: 8 Twp.: 22 S Range: 27 E Base: MDBM
 Within 2 Miles: State Hwy #: CA-65 Waterways: Tule River, Friant-Kern Canal, Poplar Ditch
 Airports: Porterville Airport Railways: N/A Schools: N/A

Document Type:

CEQA: NOP Draft EIR Supplement/Subsequent EIR (Prior SCH No.) Other: _____
 Early Cons Neg Dec Mit Neg Dec
 NEPA: NOI EA FONSI
 Other: Joint Document Final Document Tribal Draft EIR

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: Fee-to-Trust

Development Type:

Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____
 Educational: _____
 Recreational: _____
 Water Facilities: Type _____ MGD
 Transportation: Type _____
 Mining: Mineral _____
 Power: Type _____ MW
 Waste Treatment: Type _____ MGD
 Hazardous Waste: Type _____
 Other: Casino Resort

Project Issues Discussed In Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

Industrial/Airport Industrial (IA)/Industrial

Project Description: (please use a separate page if necessary)

The proposed action is the acquisition of approximately 40 acres of fee land in trust by the United States upon which the Tule River Tribe would construct a casino resort. The facility would include an approximately 105,000-square foot casino, 250-room hotel, food and beverage facilities, administrative space, a multi-purpose events center, a conference center, and associated parking and infrastructure. The new facility would replace the Tribe's existing casino, and the existing casino buildings would be converted to tribal government or service uses. The proposed trust property includes 17 parcels, bound by West Street on the west, an off-highway vehicle park (OHV) owned by the City of Porterville to the north and east, and a photovoltaic power station (solar farm) to the south. The Assessor's parcel numbers (APNs) for the property are 302-400-001 through 302-400-017.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input checked="" type="checkbox"/> Parks & Recreation, Department of |
| <input checked="" type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District # 6 | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB # 5 |
| <input type="checkbox"/> Caltrans Planning | <input checked="" type="checkbox"/> Resources Agency |
| <input checked="" type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input checked="" type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input checked="" type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input checked="" type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # 4 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | |
| <input checked="" type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Other: <u>Patty Brandt, DOJ</u> |
| <input type="checkbox"/> Housing & Community Development | <input checked="" type="checkbox"/> Other: <u>Sara Drake, DOJ</u> |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date September 21, 2018 Ending Date November 5, 2018

Lead Agency (Complete if applicable):

Consulting Firm: <u>Analytical Environmental Services</u>	Applicant: <u>Tule River Tribe</u>
Address: <u>1801 7th Street, Suite 100</u>	Address: <u>P.O. Box 589</u>
City/State/Zip: <u>Sacramento, CA 95811</u>	City/State/Zip: <u>Porterville, CA 93258</u>
Contact: <u>Ryan Sawyer</u>	Phone: <u>559-781-4271</u>
Phone: <u>916-447-3479</u>	

Signature of Lead Agency Representative: _____

Date: 9-18-2018

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Availability of a Draft Environmental Impact Statement and a Draft Conformity Determination for the Tule River Tribe's Proposed Fee-to-Trust and Eagle Mountain Casino Relocation Project, Tulare County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Tule River Indian Tribe (Tribe), City of Porterville (City), Tulare County (County), United States Environmental Protection Agency (USEPA), and California Department of Transportation (Caltrans) serving as cooperating agencies, intends to file a Draft Environmental Impact Statement (Draft EIS) with the USEPA in connection with the Tule River Tribe's (Tribe) proposed Eagle Mountain Casino Relocation Project in Tulare County, California. This document has been prepared pursuant to the National Environmental Policy Act (NEPA) and the anticipated requirements of the Tribal-State Compact expected requirements of a Class III gaming compact with the State of California. Based on the requirements of other California tribal gaming compacts, it is expected that Section 11 of the Tribal-State Compact will require the Tribe to prepare a Tribal Environmental Impact Report (TEIR) assessing the off-reservation environmental impacts of the Proposed Project. To reduce paperwork and eliminate redundancy, the EIS and the TEIR have been prepared in coordination, resulting in a joint EIS/TEIR, hereinafter referred to as an EIS. This notice announces that the Draft EIS is now available for public review. In addition, in accordance with Section 176 of the Clean Air Act 42 USC 7506, and the USEPA general conformity regulations 40 CFR Part 93, Subpart B, a Draft Conformity Determination (DCD) has been prepared for the proposed project. The DCD is contained within Appendix F of the Draft EIS.

DATES: Comments on the Draft EIS or DCD must arrive no later than November 5, 2018, which is 45 days after publication of Notice of Availability by the USEPA in the *Federal Register* on September 21, 2018. The public hearing will be held on October 15, 2018, starting at 6:00 p.m, and will run until the last public comment is received.

ADDRESSES: You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "Draft EIS Comments, Tule River Tribe Casino Relocation 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 "Draft EIS Comments, Tule River Tribe Casino Relocation Project" as the subject of your email. The public hearing will be held at the Porterville Veterans Memorial Building, 1900 W Olive Ave, Porterville, California 93257.

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; e-mail: chad.broussard@bia.gov. Information is also available online at <http://www.tulerivereis.com>.

SUPPLEMENTARY INFORMATION: Public review of the Draft EIS is part of the administrative process for the evaluation of the Tribe's application to the BIA for the placement of approximately 40 acres of fee land in trust in Tulare County, California. The Tribe proposes to construct a casino resort on the trust property. A Notice of Intent (NOI) to prepare an EIS was published in the Porterville Recorder and *Federal Register* on December 30, 2016. The BIA held a public scoping meeting for the project on January 23, 2017, at the Veterans Memorial Building, in Porterville, California.

Background: The Tribe submitted an application to the Department of the Interior (Department) requesting the placement of approximately 40 acres of fee land in trust by the United States upon which the Tribe would construct a casino resort. The facility would include an approximately 105,000 square foot casino, an approximately 250-room hotel, approximately 36,000 square feet of food and beverage facilities, administrative space, a multi-purpose events center, a conference center, and associated parking and infrastructure. The new

facility would replace the Tribe's existing casino, and the existing casino buildings would be converted to tribal government or service uses. The proposed fee-to-trust property is located within the boundaries of the City of Porterville, in Tulare County, California, adjacent to the Porterville Airport and approximately 15 miles west of the Tule River Tribe Reservation. The proposed trust property includes 17 parcels, bound by West Street on the west, an off-highway vehicle park (OHV) owned by the City of Porterville to the north and east, and a photovoltaic power station (solar farm) to the south. The Assessor's parcel numbers (APNs) for the property are 302-400-001 through 302-400-017. The following alternatives are considered in the Draft EIS:

- Alternative A – Proposed Project on Airpark Site
- Alternative B – Proposed Project with On-Site Water and Wastewater Systems
- Alternative C – Reduced Intensity Hotel and Casino on Airpark Site
- Alternative D – Non-Gaming Hotel and Conference Center on Airpark Site
- Alternative E – Expansion of Existing Eagle Mountain Casino
- Alternative F – No Action Alternative

Environmental issues addressed in the Draft EIS 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 Clean Air Act requires Federal agencies to ensure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria air pollutants. The BIA has prepared a DCD for the proposed action/project described above. The DCD is included in Appendix F of the Draft EIS.

Locations where the Draft EIS is Available for Review: The Draft EIS is available for review during regular business hours at the BIA Pacific Regional Office at the address noted above in the ADDRESSES section of this notice, and the Porterville Public Library at 41 West Thurman Avenue in Porterville, California. The Draft EIS is also available online at <http://www.tulerivereis.com>. To obtain a compact disc copy of the Draft EIS, please provide your name and address in writing or by phone to Chad Broussard, Bureau of Indian Affairs, at the address or phone number above in the FOR FURTHER INFORMATION CONTACT section of this notice. Individual paper copies of the Draft EIS will be provided upon payment of applicable printing expenses by the requestor for the number of copies requested.

PUBLIC COMMENT AVAILABILITY: Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. At least a summary of comments will also be included in a Final EIS, which will be made available to the public. Before including your address, telephone 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.

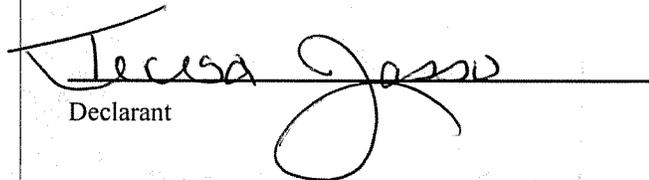
AUTHORITY: This notice is published in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 USC 4321-4345 *et seq.*), and the Department of the Interior National Environmental Policy Act Implementation Policy (43 CFR part 46), 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.

***In the Superior Court of the State of California
In and for the County of Tulare***

State of California }
County of Tulare } SS.

Declarant says:

That at all times herein mentioned Declarant is and was a resident of said County of Tulare, over the age of twenty-one years; not a party to nor interested in the within matter; that Declarant is now and was at all times herein mentioned the Principal Clerk of the Porterville Recorder, a daily newspaper, which said newspaper was adjudged a newspaper of general circulation on October 15, 1951, by Superior Court Order No. 42369 as entered in Book 57 Page 384 of said Court; and that said newspaper is printed and published every day except Sunday published LEGAL NOTICE TO PUBLIC NOTICE in said newspaper, Sept 21, 2018 and that such publication was made in the regular issues of said paper (and not in any supplemental edition or extra there of). I declare under penalty of perjury that the forgoing is true and correct. Executed Sept. 21, 2018 at Porterville, California.


Declarant

PUBLIC NOTICE

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs Notice of Availability of a Draft Environmental Impact Statement and a Draft Conformity Determination for the Tule River Tribe's Proposed Fee-to-Trust and Eagle Mountain Casino Relocation Project, Tulare County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Tule River Indian Tribe (Tribe), City of Porterville (City), Tulare County (County), United States Environmental Protection Agency (USEPA), and California Department of Transportation (Caltrans) serving as cooperating agencies, intends to file a Draft Environmental Impact Statement (Draft EIS) with the USEPA in connection with the Tule River Tribe's (Tribe) proposed Eagle Mountain Casino Relocation Project in Tulare County, California. This document has been prepared pursuant to the National Environmental Policy Act (NEPA) and the anticipated requirements of the Tribal-State Compact expected requirements of a Class III gaming compact with the State of California. Based on the requirements of other California tribal gaming compacts, it is expected that Section 11 of the Tribal-State Compact will require the Tribe to prepare a Tribal Environmental Impact Report (TEIR) assessing the off-reservation environmental impacts of the Proposed Project. To reduce paperwork and eliminate redundancy, the EIS and the TEIR have been prepared in coordination, resulting in a joint EIS/TEIR, hereinafter referred to as an EIS. This notice announces that the Draft EIS is now available for public review. In addition, in accordance with Section 176 of the Clean Air Act 42 USC 7506, and the USEPA general conformity regulations 40 CFR Part 93, Subpart B, a Draft Conformity Determination (DCD) has been prepared for the proposed project. The DCD is contained within Appendix F of the Draft EIS.

DATES: Comments on the Draft EIS or DCD must arrive no later than November 5, 2018, which is 45 days after publication of Notice of Availability by the USEPA in the *Federal Register* on September 21, 2018. The public hearing will be held on October 15, 2018, starting at 6:00 p.m., and will run until the last public comment is received.

ADDRESSES: You may mail or hand-deliver written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "Draft EIS Comments, Tule River Tribe Casino Relocation 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 "Draft EIS Comments, Tule River Tribe Casino Relocation Project" as the subject of your email. The public hearing will be held at the Porterville Veterans Memorial Building, 1900 W Olive Ave, Porterville, California 93257.

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; e-mail chad.broussard@bia.gov. Information is also available online at <http://www.tulerivereis.com>.

SUPPLEMENTARY INFORMATION: Public review of the Draft EIS is part of the administrative process for the evaluation of the Tribe's application to the BIA for the placement of approximately 40 acres of fee land in trust in Tulare County, California. The Tribe proposes to construct a casino resort on the trust property. A Notice of Intent (NOI) to prepare an EIS was published in the Porterville Recorder and *Federal Register* on December 30, 2016. The BIA held a public scoping meeting for the project on January 23, 2017, at the Veterans Memorial Building, in Porterville, California.

Background: The Tribe submitted an application to the Department of the Interior (Department) requesting the placement of approximately 40 acres of fee land in trust by the United States upon which the Tribe would construct a casino resort. The facility would include an approximately 105,000 square foot casino, an approximately 250-room hotel, approximately 36,000 square feet of food and beverage facilities, administrative space, a multi-purpose events center, a conference center, and associated parking and infrastructure. The new facility would replace the Tribe's existing casino, and the existing casino buildings would be converted to tribal government or service uses. The proposed fee-to-trust property is located within the boundaries of the City of Porterville, in Tulare County, California, adjacent to the Porterville Airport and approximately 15 miles west of the Tule River Tribe Reservation. The proposed trust property includes 17 parcels, bound by West Street on the west, an off-highway vehicle park (OHV) owned by the City of Porterville to the north and east, and a photovoltaic power station (solar farm) to the south. The Assessor's parcel numbers (APNs) for the property are 302-400-001 through 302-400-017. The following alternatives are considered in the Draft EIS:

- Alternative A – Proposed Project on Airpark Site
- Alternative B – Proposed Project with On-Site Water and Wastewater Systems
- Alternative C – Reduced Intensity Hotel and Casino on Airpark Site
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The Clean Air Act requires Federal agencies to ensure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria air pollutants. The BIA has prepared a DCD for the proposed action/project described above. The DCD is included in Appendix F of the Draft EIS.

Locations where the Draft EIS is Available for Review: The Draft EIS is available for review during regular business hours at the BIA Pacific Regional Office at the address noted above in the ADDRESSES section of this notice, and the Porterville Public Library at 41 West Thurman Avenue in Porterville, California. The Draft EIS is also available online at <http://www.tulerivereis.com>. To obtain a compact disc copy of the Draft EIS, please provide your name and address in writing or by phone to Chad Broussard, Bureau of Indian Affairs, at the address or phone number above in the FOR FURTHER INFORMATION CONTACT section of this notice. Individual paper copies of the Draft EIS will be provided upon payment of applicable printing expenses by the requestor for the number of copies requested.

Public Comment Availability: Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. At least a summary of comments will also be included in a Final EIS, which will be made available to the public. Before including your address, telephone 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 in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 USC 4321-4345 *et seq.*), and the Department of the Interior National Environmental Policy Act Implementation Policy (43 CFR part 46), 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.

00073651
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APPENDIX Q

FINAL CONFORMITY DETERMINATION

**FINAL GENERAL CONFORMITY DETERMINATION
FOR THE
TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND
EAGLE MOUNTAIN CASINO RELOCAITON PROJECT**

May 2019

**TULE RIVER INDIAN TRIBE FEE-TO-TRUST AND
EAGLE MOUNTAIN CASINO RELOCATION PROJECT
FINAL GENERAL CONFORMITY DETERMINATION**

TABLE OF CONTENTS

1.0 INTRODUCTION 1

2.0 GENERAL CONFORMITY – REGULATORY BACKGROUND 1

 2.1 General Conformity Process 1

3.0 APPLICABILITY OF PROPOSED PROJECT 3

 3.1 Emissions 3

 3.1 Attainment/Nonattainment Area 3

 3.1 Exemption 3

 3.1 De Minimis Thresholds 4

4.0 CONFORMITY DETERMINATION: OZONE PRECURSOR NOX 5

 4.1 Analysis 5

 4.1 Mitigation 6

5.0 CONCLUSION 7

6.0 REFERENCES 7

Table 1 Unmitigated Operational Emissions of Significant Criteria Pollutants 4

1.0 INTRODUCTION

A Final Environmental Impact Statement (EIS) has been prepared pursuant to the National Environmental Policy Act (NEPA) to assess the environmental consequences of the U.S. Bureau of Indian Affairs (BIA) taking land located in Tulare County, California into federal trust on behalf of the Tule River (Tribe) to conduct gaming (Federal Action). The effects of six alternatives identified below are analyzed within the EIS.

- Alternative A – Proposed Project
- Alternative B – Proposed Project with On-site Water and Wastewater Systems
- Alternative C – Reduced Intensity Alternative
- Alternative D – Non-Gaming Alternative
- Alternative E – Expansion of Existing Casino Alternative
- Alternative F – No Action Alternative

A Draft conformity determination was prepared for the Proposed Project and circulated for public review and comment as an appendix to the Draft EIS in accordance with 40 CFR Part 51. The 45-day public comment period on the Draft EIS and Draft conformity determination began on September 21, 2018 and ended November 5, 2018. The BIA received two comment letters during the comment period regarding the Draft conformity determination. Comment Letter A5 from Tulare County and Comment Letter A7 from the San Joaquin Valley Air Pollution Control District can be found in the Final EIS, Volume I, Section 2.0. Response to Comments A5-30, A7-2, and A7-3, regarding the Draft conformity determination, can be found in Section 3.0 of the Final EIS, Volume I.

2.0 GENERAL CONFORMITY – REGULATORY BACKGROUND

The United States Environmental Protection Agency (USEPA) promulgated the General Conformity Rule on November 30, 1993, to implement the conformity provision of Title I, Section 176(c)(1) of the federal Clean Air Act (CAA), which requires that the federal government not engage, support or provide financial assistance for licensing or permitting, or approving any activity not conforming to an approved CAA implementation plan for compliance with the National Ambient Air Quality Standards (NAAQS). NAAQS have been developed for carbon monoxide (CO), lead (Pb), coarse and fine particulate matter (PM₁₀ or PM_{2.5}, respectively), sulfur oxides (SO_x), and nitrogen dioxide (NO₂), ozone (O₃) and its precursors, oxides of nitrogen (NO_x) and reactive organic gasses (ROGs). CAA conformity is an issue that may be addressed during the NEPA process, and USEPA recommends that the conformity process be coupled with NEPA analysis.

2.1 GENERAL CONFORMITY PROCESS

The general conformity process will be addressed in two phases. The first phase is the conformity applicability process, which evaluates whether the conformity regulations apply to the federal action

(i.e., whether a determination is warranted). The second phase is the conformity determination process, which demonstrates how a federal action conforms to the applicable SIP.

Phase One

The purpose of a conformity review is to evaluate whether the general conformity determination requirements apply to a federal action under 40 Code of Federal Regulations (CFR) 93.153. There are four steps in the review process. The first three steps can be performed in any order; the four steps are listed below:

1. Determine whether the proposed action causes emissions of criteria pollutants.
2. Determine whether the emissions of a criteria pollutant or its precursor (i.e., NO_x and ROG_s for ozone) would occur in a nonattainment or maintenance area for that pollutant.
3. Determine whether the federal action or activities to be conducted under the federal action are exempt from the conformity requirement per 40 CFR 93.153(c)(2).
4. Estimate the total emissions of the pollutants of concern from the federal action and compare the estimates to the *de minimis* thresholds of 40 CFR 93.153(b)(1) and (2) and to the nonattainment or maintenance area's emissions inventory for each criteria pollutant of concern.

Phase Two

The purpose of the conformity determination, if needed, is to show if the Proposed Project conforms to the State Implementation Plan (SIP). Conformity can be shown for ozone (precursor: NO_x) by meeting one or more of following four requirements:

1. The applicable SIP specifically includes an allowance for emissions of the Proposed Project, 40 CFR 93.158(a)(1).
2. Offset emission credits are purchased for the total direct and indirect emissions, which fully offsets within the same nonattainment or maintenance area (or nearby area of equal or higher classification provided the emissions from that area contribute to the violations or have contributed in the past, in the area of the federal action) so that there is no net increase in emissions, 40 CFR 93.158(a)(2).
3. NO_x and ROG emissions from the Proposed Project coupled with the current emissions in the nonattainment area would not exceed the emissions budget in the SIP, 40 CFR 93.158(a)(5)(i)(A).
4. The project proponent can request that the SIP be changed by the State Governor or the State Governor's designee to include the emissions budget of the federal action, 40 CFR 93.158(a)(5)(i)(B).

Conformity can be shown for particulate matter 2.5 microns in size (PM_{2.5}) by one of following two options:

1. The applicable SIP specifically includes an allowance for emissions of the Proposed Project, 40 CFR 93.158(a)(1).
2. Modeling of directly emitted PM_{2.5} shows that the action does not cause or contribute to any new violation of any standard in any area or increase the frequency or severity of any existing violation of any standard in any area, 40 CFR 93.159(a)(4)(i) and (b).

Even if a project is shown to conform to the SIP by one of the above methods, the project may not be determined to conform to the applicable SIP unless the total of the direct and indirect emissions of the federal action is in compliance or consistent with all relevant requirements and milestones contained in the applicable SIP, including but not limited to the use of baseline emissions that reflect the historical activity levels that occurred in the geographic area, reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstration, prohibitions, numerical emission limits, and work practice requirements (40 CFR 93.158[c]).

3.0 APPLICABILITY OF PROPOSED PROJECT

3.1 EMISSIONS

The Proposed Project's emissions are evaluated in two phases: construction and operation. The two phases would not overlap. Criteria pollutants will be emitted during both phases. The pollutants of concern are PM_{2.5}, and the ozone precursors ROG and NO_x. Construction emissions include ROG and NO_x, which are generally a product of combustion, in this case from heavy equipment. PM_{2.5} is generated during site grading and through diesel exhaust. Operational emissions are mainly emitted from customer and employee vehicles driving to and from the casino/hotel and consist of ROG, NO_x, and PM_{2.5}. Area emissions and stationary sources are typically minor compared to mobile emissions during operations of facilities such as casinos and hotels. The area and stationary source emissions attributable to the Proposed Project (boilers, emergency generators, etc.) meet the thresholds requiring a Tribal Minor New Source Review (TMNSR) and require corresponding project review by USEPA and may require a minor New Source Review (NSR) permit prior to the commencement of construction. The EIS gives a detailed account of both operational and construction emissions.

3.2 ATTAINMENT/NONATTAINMENT AREA

The Proposed Project would be constructed within the boundaries of San Joaquin Valley Air Basin (SJVAB), which is currently in attainment for PM₁₀, CO, NO₂, and SO₂. SJVAB is currently designated non-attainment for PM_{2.5} and extreme nonattainment for 8-hour ozone (ROGs and NO_x) (SJVAPCD, 2016a).

3.3 EXEMPTION

The federal action that is described in **Section 1.0** (Proposed Project) is not exempt for the following reasons: (1) the action results in emission levels of at least one criteria pollutant exceeding the applicable *de minimis* thresholds; (2) the action does not have criteria pollutant emissions that are associated with a

conforming program; (3) the action cannot be analyzed under certain other environmental regulation; and/or (4) the action is not in response to an emergency or natural disaster. The area and stationary source emissions of the Proposed Project would require the Tribe to apply for a TMNSR permit under the NSR program and, therefore, are exempt emissions under exemption 40 CFR 93.153(d)(1). While these exempt emissions are presented in **Table 1** below, the emissions are not included in the total annual emissions of the Proposed Project to determine conformity. The energy use and mobile emissions from the Proposed Project are not exempt from a conformity determination under 40 CFR 93.153(c)(2) and are thereby considered the total annual emissions that must be compared to the *de minimis* thresholds.

TABLE 1
UNMITIGATED OPERATIONAL EMISSIONS OF SIGNIFICANT CRITERIA POLLUTANTS¹

Sources	ROGs	NOx	PM _{2.5}
	Tons per Year ¹		
Exempt Emissions			
Stationary	0.25	1.12	0.08
Area	2.14	0.0002	0.00
Total Exempt Emissions	2.39	1.12	0.08
Annual Emissions			
Energy	0.99	8.97	0.68
Mobile	2.71	26.61	3.77
Waste ²	0.00	0.00	0.00
Water ²	0.00	0.00	0.00
Water Reclamation Facility ³	0.01	0.02	0.00
Total Annual Emission⁴	3.71	35.60	4.45
Applicable Conformity Threshold	10	10	50
<i>Exceedance of Threshold</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
Notes: 1 - NOx, ROGs, and PM2.5 emissions values were estimated using CalEEMod.2016.3.1 air modeling program approved by the USEPA and CARB (see Appendix E of the Draft EIS). 2 - Emissions from waste and water are negligible and round to zero. 3 - Includes operational emissions associated with worker trips and electricity usage from the equipment and pumps. 4 - Excludes exempt emissions in accordance with 40 CFR 93.153(d)(1). Source: AES, 2017.			

3.4 DE MINIMIS THRESHOLDS

Emissions estimates were provided in the EIS for both construction and operation (mobile, area, stationary, and energy) of the Proposed Project. EIS Sections 3.4, 4.4, and 5.4 give a more in-depth analysis. Because operation and construction would not overlap, their emissions were evaluated separately by using the most up-to-date USEPA and CARB-approved land use based California

Emissions Estimator Model (CalEEMod) air model. Stationary source emissions (area and stationary) were estimated using CalEEMod.2016.3.1. Construction emissions were below the 10 tons per year (tpy) *de minimis* thresholds for ozone precursors ROG and NOx and the 50 tpy *de minimis* threshold for PM_{2.5}. Accordingly, no Conformity Determination is required for construction emissions. **Table 1** presents the estimated total annual emissions for pollutants of concern during operation. Operational emissions for NOx would exceed the 10 tpy threshold established under 40 CFR 93.153(b)(1), while ROG would be below the 10 tpy *de minimis* threshold. For PM_{2.5}, emissions were below the *de minimis* level of 50 tpy.

A conformity determination is required for ozone precursor NOx. This requirement is due to the Proposed Project being located in a nonattainment area for ozone and the total NOx emissions being greater than the *de minimis* levels shown in **Table 1**.

4.0 CONFORMITY DETERMINATION: OZONE PRECURSOR NOX

4.1 ANALYSIS

Air modeling analysis was performed for the EIS and the general conformity determination concurrently. The results of this analysis can be found in the Final EIS Section 4.4 and Appendix E. As stated above, a general conformity determination is required for ozone precursor NOx. Conformity for NOx can be shown by complying with the criteria detailed in **Section 2.0**, under phase two.

Analysis – Ozone Precursor NOx

On April 15, 2004, the USEPA designated and classified the SJVAB as serious nonattainment for the federal 1997 8-hour ozone standard. This designation and classification was promulgated on June 15, 2004. The USEPA had allowed San Joaquin Valley Air Pollution Control District (SJVAPCD) until June 15, 2013 to achieve a designation and classification of transitional attainment for the 1997 8-hour ozone standard. The SJVAPCD submitted the original 8-hour ozone plan to the USEPA on June 15, 2007.

The original 8-hours plan would not enable SJVAB to achieve attainment by June 2013; therefore, on April 30, 2007 the SJVAPCD board approved an 8- hour ozone plan that would extend the attainment date from June 15, 2013 to June 15, 2024. In accordance with the April 30, 2007 plan the SJVAB must reduce NOx by 75 percent. On May 5, 2010 the USEPA reclassified the SJVAB as extreme nonattainment for the federal 1997 8-hour ozone standard. This designation and classification became effective on June 4, 2010. Due to the reclassification of the SJVAB to extreme nonattainment the applicable conformity thresholds for NOx and ROG were lowered from 50 tpy of ozone precursors (NOx and ROG) to 10 tpy.

On May 21, 2012, EPA designated the SJVAB as an extreme nonattainment area for the federal 2008 8-hour ozone standard, effective July 20, 2012. The deadline for the SJVAB to attain the 2008 8-hour

ozone standard is December 31, 2031 (SJVAPCD, 2016b). This designation did not affect the conformity thresholds. A conformity determination is required for this project due to the Proposed Project emissions exceeding the current conformity thresholds of 10 tpy of NO_x. As shown in **Table 1** project related ROG emissions are less than the *de minimis* level; therefore, a conformity determination for ROG is not required. A conformity determination is required for NO_x because project related emissions exceed the *de minimis* levels within the SJVAB.

SIP Allowance for Project Emissions

Emission control measures and regulations that have been included in the 2016 SIP do not include the estimated emissions of Alternative A; therefore conformity cannot be determined though inclusion of the project's emissions in the most recent applicable SIP.

Offsets

Conformity can be achieved by fully offsetting the Proposed Project's mitigated operational emissions through the acquisition of emission reduction credits (ERCs) for ozone precursor NO_x, which shall be real, surplus, permanent, quantifiable, enforceable, and must be obtained and used in accordance with the federally approved SIP for SJVAB, or an equally enforceable measure. The Proposed Project does not include the purchase of offset credits for NO_x in the EIS project description, but this purchase of offset credits is included as mitigation in Section 5.4 of the EIS.

As stated above ERC fully offsets project emissions and must be purchased within the same nonattainment or maintenance area (or nearby area of equal or higher classification provided the emissions from that area contribute to the violations or have contributed in the past, in the area of the federal action) so that there is no net increase in emissions. Therefore ERCs can be purchased from the SJVAB or adjacent air basin that meets the above criteria such as the Sacramento Valley Air Basin.

Emission Budget

The NO_x emissions of the Proposed Project coupled with the most recent SJVAB emissions inventory (2013) exceeds the applicable ozone SIP's emission budget.

Addendum to SIP

The Proposed Project does not anticipate that the Governor or State Governor designee will approve an addendum to applicable provisions of the SIP, which would include the Proposed Project's estimated NO_x emissions. Therefore conformity will not be determined using this option.

4.2 MITIGATION

Mitigation measures for the Proposed Project emissions of NO_x are outlined in Section 5.4 of the Final EIS. According to the EIS, no operational mitigation is available that would quantifiably reduce NO_x emissions.

To reduce impacts under NEPA the BIA shall demonstrate conformity for the Proposed Project through the purchase of ERCs, prior to operation of the Proposed Project by the Tribe of 35.60 tons of NO_x ERCs in the SJVAB and/or another adjacent district with an equal or higher nonattainment classification (extreme) meeting the requirements outlined in 40 CFR 93.158(a)(2) or enter into a Voluntary Emissions Reduction Agreement (VERA) with the SJVAPCD. This ensures compliance with the applicable federal, state, and District requirements. Real, surplus, permanent, quantifiable, and enforceable ERCs will be purchased or a VERA entered into prior to opening day of the casino/hotel, not necessarily prior to or during construction, as the anticipated NO_x emissions presented in **Table 1** are associated with operation of the casino/hotel and not with construction of the facility. The Tribe will provide the BIA and thereby the USEPA and other agencies with documentation necessary to support the emissions reductions through offset purchase or a VERA, such as certification of ERC purchase or a binding agreement requiring ERC purchase prior to operation or SJVAPCD approved VERA agreement. The Tribe has affirmed its commitment to adhere to these mitigation requirements prior to construction through adoption of Tribal Resolution No. FY2019-104, which is provided as Attachment 1 to this Final conformity determination.

5.0 CONCLUSION

This Final General Conformity Determination will be submitted to all required parties in accordance with 40 CFR 93.155 (a) and (b) and made available for public comment in accordance with 40 CFR 93.156. In compliance with the mitigation measures detailed in the EIS, the Tribe has committed to purchasing 35.58 tons of NO_x ERCs or entering into a VERA agreement with the SJVAPCD prior to operation of the casino/hotel, an amount which will be sufficient to offset the operational effects in accordance with the federally approved SIP for the SJVAB and the applicable general conformity requirements. At the time these credits are purchased or the VERA agreement is approved by the SJVAPCD, the Proposed Project will have met the requirements of conformity and conformed to the applicable SIP.

Through Tribal Resolution No. FY2019-104, the Tribe has affirmed its commitment to reduce NO_x emissions by 35.60 tons either through the purchase of ERCs or entering into a VERA prior to the start of operation of the Proposed Project (see **Attachment 1**); therefore, the federal action complies with the current SIP, as outlined in Section 4.0 per 40 CFR 93.160.

6.0 REFERENCES

San Joaquin Valley Air Pollution Control District (SJVAPCD). 2016a. Ambient Air Quality Standards & Valley Attainment Status. Available online at: <http://www.valleyair.org/aqinfo/attainment.htm>. Accessed December 2016.

SJVAPCD. 2016b. 2016 Ozone Plan for 2008 8-Hour Ozone Standard. Available online at: http://www.valleyair.org/Air_Quality_Plans/Ozone-Plan-2016/Adopted-Plan.pdf. Accessed December 2016.

SJVAPCD. 2016c. 2016 Moderate Area Plan for the 2012 PM2.5 Standard. Available online at: http://www.valleyair.org/Air_Quality_Plans/docs/PM25-2016/2016-Plan.pdf. Accessed December 2016.

Attachment 1

Tribal Resolution No. FY2019-104



TULE RIVER INDIAN TRIBE OF CALIFORNIA

IN THE MATTER OF:

Resolution Agreeing to Implement the)
Emissions Reduction Mitigation Measures)
Identified in the Draft General Conformity)
Determination Prior to the Operation of the)
Proposed Project and to Provide the USEPA)
and Other Agencies with Documentation)
Necessary to Support the Emissions)
Reductions Through Offset Purchase or a)
VERA)

RESOLUTION NO. FY2019-104

BE IT RESOLVED BY THE COUNCIL OF THE TULE RIVER INDIAN TRIBE:

WHEREAS, the Tule River Indian Tribe (the "Tribe") is a federally recognized Indian tribe organized pursuant to the Constitution and Bylaws of the Tule River Indian Tribe approved January 15, 1936 ("Constitution"); and

WHEREAS, the governing body of the Tribe is the Tribal Council pursuant to Article III, Section 1 of its Constitution with the power to negotiate contracts or conclude agreements with federal, state and local governments, on behalf of the Tribe pursuant to Article VI, Section 1(a) of the Constitution; and

WHEREAS, the Tribe has requested that the Secretary of the Interior (the "Secretary") accept approximately 40 acres of unincorporated land within the City of Porterville into trust for the benefit of the Tribe for gaming purposes ("Trust Acquisition") pursuant to Resolution FY2018-66; and

WHEREAS, the BIA must comply with the Federal Clean Air Act and the final revised General Conformity Rule, which was issued in April 2010 by the United States Environmental Protection Agency (the "USEPA") and requires federal agencies to ensure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria air pollutants; and

WHEREAS, on May 5, 2010, the air quality designation to the San Joaquin Valley Air Basin where the casino and hotel project proposed by the Tribe (the "Proposed Project") is located was changed from "serious" to "extreme" nonattainment for ozone, thereby lowering the applicable conformity thresholds of NOx from 50 tons per year of ozone precursors to 10 tons per year; and

Resolution No. FY2019-104

WHEREAS, the Bureau of Indian Affairs (the "BIA") issued the Draft Environmental Impact Statement ("DEIS") for Trust Acquisition pursuant to the National Environmental Policy Act ("NEPA") evaluating the Proposed Project; and

WHEREAS, air modeling performed for the DEIS and the General Conformity Determination indicate that the operation-related emissions (but not the construction-related emissions) of the Proposed Project exceed the new conformity thresholds of 10 tons per year of NO_x; and

WHEREAS, the BIA has published a Notice of Availability of a Draft General Conformity Determination for the Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project (the "Draft General Conformity Determination"); and

WHEREAS, the Draft General Conformity Determination requires the BIA to demonstrate conformity for the Proposed Project through one of the following two mitigation measures, or a combination thereof (the "Emissions Reduction Mitigation Measures"):

- (i) The Tribe agrees to purchase Emissions Reduction Credits ("ERCs") in the amount of 35.58 tons of NO_x banked within the San Joaquin Valley Air Pollution Control District (the "SJVAPCD") in accordance with 40 CFR 93.158(a)(2) prior to operation of the Proposed Project; or
- (iii) The Tribe enters into a Voluntary Emissions Reduction Agreement ("VERA") with the SJVAPCD. The Tribe will provide funds to the SJVAPCD to be used by the SJVAPCD existing Emissions Reduction Incentive Program to fund emission reduction projects, achieving the necessary emission reductions (35.58 tons of NO_x) on behalf of the Tribe prior to the operation of the Proposed Project; and

WHEREAS, the Draft General Conformity Determination recommends the Tribe commit to purchasing 35.58 tons of NO_x ERCs or entering into a VERA agreement with the SJVAPCD prior to operation of the Proposed Project, an amount which will be sufficient to offset the operational effects in accordance with the federally approved state implementation plan for the San Joaquin Valley Air Basin and the applicable general conformity requirements; and

WHEREAS, the Emissions Reduction Mitigation Measures and other mitigation measures to be included in the Record of Decision are binding on the Tribe and subject to the regulatory authority of USEPA and potentially other federal agencies and commissions; and

WHEREAS, the Tribal Council is committed to preserving air quality in the region; and

WHEREAS, the Tribal Council wishes to confirm that the Tribe agrees to implement one of the Emissions Reduction Mitigation Measures and to provide the USEPA and other agencies with documentation necessary to support the emissions reductions through offset purchase or a VERA prior to operation of the Proposed Project; and

Page 3.

Resolution No. FY2019-104

NOW THEREFORE BE IT RESOLVED, that the Tribe hereby agrees to implement one of the Emissions Reduction Mitigation Measures in the Final General Conformity Determination prior to the operation of the Proposed Project.

NOW BE IT FURTHER RESOLVED, that the Tribe will provide the USEPA and other agencies with documentation necessary to support the emissions reductions through offset purchase or VERA prior to the operation of the Proposed Project.

BE IT FURTHER RESOLVED that this resolution has not been amended or rescinded in any way.

CERTIFICATION

UPON MOTION OF COUNCIL MEMBER **Claude L. DeSoto**, SECONDED BY COUNCIL MEMBER **Steve M. Peyron, Jr.**, THE FOREGOING WAS ADOPTED BY THE TULE RIVER TRIBAL COUNCIL AT A DULY CALLED MEETING HELD ON **Monday, April 8, 2019**, AT WHICH A QUORUM WAS PRESENT BY THE FOLLOWING VOTES:

AYES: 8
NOES: 0
ABSTAIN 0


NEIL PEYRON, CHAIRMAN
TULE RIVER TRIBAL COUNCIL


PRISCILLA SANTOS, SECRETARY
TULE RIVER TRIBAL COUNCIL

ATTEST TO:

RECORDING SECRETARY

APPENDIX R

Consultation Letters

USFWS Consultation





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

MAR 19 2019

Jennifer Norris
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA. 95825

Dear Ms. Norris,

The Bureau of Indian Affairs (BIA) respectfully requests to initiate informal consultation pursuant to Section 7 of the Endangered Species Act of 1973, as amended, for the Tule River Indian Tribe (Tribe) Fee-to-Trust and Eagle Mountain Casino Relocation Project in the City of Porterville in Tulare County, California. The proposed action includes the conveyance of approximately 40 acres into Federal trust status for the benefit of the Tribe.

Enclosed for your review is the Biological Assessment (BA) for the Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project. The Proposed Project (Alternative A) consists of the acquisition of a 40-acre site (Airpark Site) into federal trust status for the Tule River Tribe, and the subsequent development of the site with a casino-resort and related facilities, including inter-related and interdependent actions such as off-site recycled water, sewer and stormwater infrastructure.

Prior to conducting field surveys, a summary of federally listed special-status species with the potential to occur within the region was obtained from USFWS, the California Natural Diversity Database (CNDDDB), and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants. The USFWS list, along with queries from the CNDDDB and CNPS search results, are included in Attachment 1 of the BA. Although no designated critical habitat was identified on or adjacent to the Airpark Site, the Airpark Site was found to contain potential habitat for one federally listed wildlife species: San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*). No suitable habitat for federally listed plant species was observed on or adjacent to the Airpark Site.

As analyzed in the BA, SJKF has a low potential to occur within the Airpark Site. According to previous surveys, the nearest SJKF population occurs in western Kern County, approximately 65 miles from the Airpark Site. No SJKF or evidence of SJKF were observed during biological surveys conducted in 2016 and 2017. Burrowing rodent activity was observed in the Airpark Site's northeastern perimeter, providing marginal foraging opportunities for the SJKF. However, agricultural lands, surrounded by other agricultural and high use lands, are not generally suitable for the SJKF. While SJKF has the potential to occur within the Airpark Site, SJKF is unlikely to regularly, if at all, forage or den within the area given that no occurrences have been observed in the project vicinity for over 25 years, and the Airpark Site consists of marginal to unsuitable

habitat surrounded by and subjected to intensive human disturbance.

Although unlikely, if SJKF were to be present at the time of construction of the Proposed Project and off-site infrastructure improvements, construction-related activities have the potential to cause SJKF mortality. Conservation measures are included in the BA to avoid the potential for harm to SJKF during project related activities by minimizing permanent and temporary construction disturbances and other types of project-related disturbances, and ensuring that appropriate measure are taken during construction to avoid potential harm to SJKF. With the implementation of these conservation measures, the proposed action **may affect, but is not likely to adversely affect**, SJKF.

The BIA has determined that the proposed action **may affect, but is not likely to adversely affect** candidate, threatened, or endangered species or their critical habitat, based on the surveys conducted and the conservation measures that are proposed, and hereby requests your concurrence with this finding.

Please contact Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs at 916-978-6165 if you have any questions or would like to discuss further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hankins", is written over the typed name of the Acting Regional Director.

Acting Regional Director

Enclosure



United States Department of the Interior



In Reply Refer to:
08ESMP00-
2019-I-1536

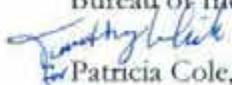
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PACIFIC REGION
BUREAU OF INDIAN AFFAIRS
FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846

APR 18 2019

Memorandum

To: Chad Broussard, Environmental Protection Specialist, Pacific Regional Office
Bureau of Indian Affairs, Sacramento, California

From: 
Patricia Cole, Chief, San Joaquin Valley Division, Sacramento Fish and Wildlife
Office, Sacramento, California

Subject: Informal Consultation for the Tule River Indian Tribe Fee-to-Trust and Eagle
Mountain Casino Relocation Project, Porterville, Tulare County, California

This memorandum is in response to the Bureau of Indian Affairs' (Bureau) March 19, 2019, request for informal consultation with the U.S. Fish and Wildlife Service (Service) on the Tule River Indian Tribe (Tribe) Fee-to-Trust and Eagle Mountain Casino Relocation Project (proposed project) in the City of Porterville in Tulare County, California. Your request was received by the Service on March 22, 2019. The federal action we are consulting on is the acquisition of a 40-acre site (Airpark Site) into federal trust status for the Tribe, and the subsequent development of a casino-resort and associated facilities including off-site recycled water, sewer, and storm water infrastructure. At issue are the potential effects of the proposed project on the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis nutica*, kit fox). The Bureau has determined that the proposed project may affect, but is not likely to adversely affect kit fox, and is seeking concurrence from the Service on this determination.

This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act) and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402). The findings and recommendations presented in this document are based on: (1) The Bureau's March 19, 2019, request for informal consultation, (2) the May 2018, *Biological Assessment Tule River Indian Tribe 40-Acre Airpark Site* prepared by Analytical Environmental Services (AES), and (3) other information available to the Service.

Project Description

The proposed project will include a land transfer, casino construction, and construction of associated support infrastructure. The Bureau is proposing to transfer a parcel known as the Airpark Site to federal trust status for the benefit of the Tribe, and will include the issuance of a two-part determination by the Secretary of the Interior under the Indian Gaming Regulatory Act making the Airpark Site eligible for gaming. Development of the Airpark Site will include a 104,637 square foot casino, 250 room hotel, food and beverage facilities, administrative space, a multipurpose events center, a conference center, and associated parking and infrastructure. Associated support infrastructure will include recycled water systems, sewer, and storm water infrastructure on two parcels adjacent to the Airpark Site that are owned by the City of Porterville. Improvements will include a water reclamation facility constructed on a 40-acre site southwest of the Airpark Site,

infrastructure on an 8-acre site adjacent to the southern portion of the eastern boundary of the Airpark Site, improvements to two lift stations north and east of the Airpark Site, and connecting pipeline improvement corridors. A 10-inch sewer line approximately 803 feet in length will carry the combined flows from the lift stations, and recycled water pipelines will be built to convey recycled water generated from the water reclamation facility. The Action Area for the proposed project is the Airport Site and all of the associated infrastructure improvements on the adjacent parcels.

The proposed project is located within the boundaries of the city of Porterville in Tulare County, approximately 15 miles west of the Tribe's Reservation. The majority of the Airpark Site is vacant fields that are regularly disked, with office buildings in the northwest corner. The Airpark Site is bounded by West Street to the west, an off-highway vehicle park to the north and east, and a photovoltaic power station to the south. The off-site improvement parcels, lift stations, and pipeline corridor surround the Airpark Site. These parcels are located on a 40-acre dispersal field for bio-solids that is used to grow non-human consumption crops, and an 8-acre site containing a 10-foot high, U-shaped berm that has formerly been used as a shooting range. The Action Area is adjacent to the Porterville Municipal Airport, within a matrix of land dominated by active agriculture.

Biological resource surveys were conducted by AES on September 19 and 20, 2016, and February 1, 2017, to identify biological communities, federally-listed species, and to assess potential habitat for federally-listed species in the Action Area. Four habitat types were identified: disked fallow field, ruderal/developed, active agriculture, and non-native grassland. The majority of the Airport Site is disked fallow field, the lift stations pipeline improvement areas are classified as ruderal/developed, the 40-acre off-site improvement area is active agriculture, and the 8-acre off site improvement parcel is non-native grassland. Burrowing rodent activity was observed in the northeastern perimeter of the Airpark Site and the 8-acre off-site improvement parcel, providing limited foraging opportunity for kit fox. No evidence of federally-listed species was identified, including kit fox or kit fox sign (scat, tracks, or potential dens).

Conservation Measures

The Bureau will implement the following avoidance and minimization measures for kit fox during all components of construction of the proposed project:

1. Pre-construction surveys will 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 kit fox. These surveys will be conducted in all potential kit fox habitat on and within 200 feet of the Action Area. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) within the Action Area and evaluate their use by kit fox. These surveys will include the maintenance of photo stations and track plates at burrows falling within the dimensional range of a kit fox burrow. If an active kit fox den is detected, the Service will be contacted immediately to determine the best course of action.
2. The Sacramento Fish and Wildlife Office will be notified should an active or natal kit fox den is found during the pre-construction surveys. A disturbance-free buffer will be established around the burrows following the *USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (Service 2011).
3. Permanent and temporary construction activities and other types of project-related activities will be carried out in a manner that minimizes disturbance to kit fox. Minimization measures shall include: restriction of project-related vehicle traffic restriction to established roads, construction areas, and other designated areas; regular inspection and covering of structures (e.g. pipes) and

- steep-walled holes and trenches more than 2-feet deep, as well as the installation of escape structures (wooden planks or earthen berms) when trenches cannot be covered; and proper disposal of food items and trash.
4. Prior to the start of construction, the applicant will retain a qualified biologist to conduct an informal meeting to educate all construction staff on the kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the Action Area; an explanation of the status of the species and its protection under the Act; and a list of 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 proposed project.

Conclusion

The proposed project area is within the range of kit fox, and there are numerous historical records for kit fox within a 10 mile radius from the California Natural Diversity Database. The most recent known occurrence of kit fox was three quarters of a mile southwest of the 40-acre off-site improvement area in 1992. The proposed project area consists primarily of developed, previously disturbed, and active agricultural land and provides limited habitat for kit fox. No evidence of kit fox or kit fox sign were identified in the biological resource surveys. Adverse effects to kit fox will be avoided by the implementation of the conservation measures listed above.

After reviewing all of the available information and appropriate avoidance measures, the Service concurs with your determination that the project may affect, but is not likely to adversely affect kit fox. This concludes the Service's review of the proposed project. No further coordination with the Service under the Act is necessary at this time. Please note, however, this letter does not authorize take of listed species. As provided in 50 CFR §402.14, initiation of formal consultation is required where there is discretionary federal involvement or control over the action (or is authorized by law) and if: 1) new information reveals the effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this review; 2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this review; or 3) a new species is listed or critical habitat designated that may be affected by the action.

If you have any questions, please contact Sarah Yates, Fish and Wildlife Biologist (sarah_d_yates@fws.gov) at (916) 414-6625 or me (patricia_cole@fws.gov), at the letterhead address or at (916) 414-6544.

cc:

Jennifer Giannetta, Environmental Scientist, California Department of Fish and Wildlife,
Fresno, CA

Reg Dir _____
Dep RD Trust _____
Dep RD IS _____
Route _____
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Cultural Resources Consultation



DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
Telephone: (916) 445-7000 FAX: (916) 445-7053
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

PACIFIC REGIONAL OFFICE
BUREAU OF INDIAN AFFAIRS
2019 APR 18 PM 12:31

Reg Dir all ✓
Dep RD Trust OV ✓
Dep DEC RMS
Rou' DEC RMS
Response Required _____
Due Date _____
Memo _____ Ltr _____
Fax _____

April 16, 2019

Reply In Reference To: BIA100226A

Amy Dutschke - Regional Director
United States Department of Interior
Bureau of Indian Affairs - Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

RE: Section 106 consultation for the *Fee-to-Trust Conveyance of 40 Acres for the Tule River Indian Tribe*

Dear Ms. Dutschke:

The Office of Historic Preservation received BIA's letter of 5 April 2019 to, as I understand it, continue consultation on the above referenced undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470f), as amended, and its implementing regulation found at 36 CFR Part 800. With the current submittal, BIA is requesting concurrence on a finding of effect (FOE) of "No historic properties affected."

BIA consulted on the proposed undertaking in 2010 and requested the SHPO's concurrence on a proposed FOE of "No historic properties affected." As I understand it, the consultation a Fee-to-Trust conveyance of a 40-acre parcel for the Tule River Indian Tribe (Tribe). Based on a review of submitted materials, the SHPO concurred on the BIA's proposed FOE.

The current submittal, as I understand it, involves additions of land for purposes of developing two new wastewater treatment facilities. Proposed project work was described as follows:

- Construction of a 40-acre water reclamation facility (WRF) located southwest of the 40-acre parcel that was reviewed for the 2010 submittal
- Construction of an 8-acre WRF located east of the 40-acre parcel that was reviewed for the 2010 submittal
- Construction of an estimated 1600-foot (ft) of buried water transmission line and a lift station located north and east of the proposed 40-acre WRF
- Construction of an estimated 600-ft of buried sewer line and a lift station located immediately east of the proposed 8-acre WRF

As I understand it, the APE was determined to encompass the work described above and it was depicted by BIA in Figure-3 of the following study that was submitted as evidence of CHRIS and Native American Heritage Commission (NAHC) record searches, consultation with NAHC identified contacts, and field-survey of the APE having been completed for the proposed undertaking:

- *Cultural Resources Survey Report, Tule river Indian Tribe, Off-Site Improvement Areas for the Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project (BIA 2017)*

Section 106 work completed for the proposed undertaking identified no historic properties in the APE.

The following comments are based on a review of submitted materials:

1. I have no objection to the delineation of the APE pursuant to 36 CFR Part 800.4(a)(1).
2. I have no objections to the "*Level of Effort*" identifying historic properties in the APE pursuant to 36 CFR Part 800.4(b)(1).
3. I **concur** with the FOE of "*No historic properties affected*" pursuant to 36 CFR Part 800.4(d)(1).
4. Please note that BIA may have additional future Section 106 responsibilities if the proposed undertaking changes in scope from that reviewed for the current submittal.
5. Please note that for any inadvertent find of cultural resources during project implementation that OHP should be consulted with on their potential for being historic properties prior to the continuation of ground disturbing work at their locations pursuant to 36 CFR Part 800.13 for "*Post review discoveries.*"

BIA has taken into account the effects of its actions on historic properties and, on the part of the OHP, afforded the Advisory Council on Historic Preservation (ACHP) reasonable opportunity to comment. Please direct questions to Jeff Brooke, Associate State Archaeologist, at (916) 445-7003 or Jeff.Brooke@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

APPENDIX S

Pavement Technical Memo



TECHNICAL MEMORANDUM

To: Ms. Ryan Lee Sawyer, AICP
Analytical Environmental Services
1801 7th Street, Suite 100
Sacramento, California 95811

From: John Rowland, PE, TE

Subject: Pavement Conditions and Equitable Share Cost
Proposed Tule River Casino
Porterville, Tulare County, California

Date: May 2, 2019



This memorandum presents a discussion of roadways that provide access to the proposed Tule River Casino in Tulare County, California. The following roadways are addressed in this study:

1. West Street between Scranton Avenue and Teapot Dome Avenue
2. Scranton Avenue between West Street and State Route (SR) 65
3. Teapot Dome Avenue between West Street and SR 65
4. Westwood Street between Scranton Avenue and SR 190.

Project Description and Background

The proposed Project is a casino resort that would include an approximately 105,000-square-foot casino, an approximately 250-room hotel, roughly 36,000 square feet of food and beverage facilities, administrative space, a multi-purpose events center, a conference center, and associated parking and infrastructure. The Project site is located within the boundaries of the City of Porterville, in Tulare County, California, adjacent to the Porterville Airport and approximately 15 miles west of the Tule River Tribe Reservation. The site is bound by West Street on the west, an off-highway vehicle park (OHV) owned by the City of Porterville to the north and east, and a photovoltaic power station (solar farm) to the south. The Assessor's parcel numbers (APNs) for the property are 302-400-001 through 302-400-017. The new facility would replace the Tribe's existing casino, and the existing casino buildings would be converted to tribal government or service use.

A Traffic Impact Study (TIS) was previously prepared for the Project and presented in a report dated February 2018 by Omni Means.

The County of Tulare prepared a letter dated September 27, 2017 indicating that the Project should pay the full cost of the following improvements

1. West Street between Scranton Avenue and Teapot Dome Avenue: overlay 1.00 mile of roadway at a cost of \$400,000 per mile;
2. Scranton Avenue between West Street and SR 65: reconstruct 3.00 miles of roadway at a cost of \$900,000 per mile;
3. Teapot Dome Avenue between West Street and SR 65: reconstruct 2.50 miles of roadway at a cost of \$900,000 per mile;
4. Westwood Street between Scranton Avenue and SR 190: reconstruct 0.75 miles of roadway at a cost of \$900,000 per mile.

Purpose of Study

The objectives of this study are as follows:

1. To ascertain the general condition of pavements on specified roadways providing access to the Project site;
2. To discuss whether there is a nexus between the Project and pavement repair costs requested by the County of Tulare; and
3. If a nexus exists and if the Project contributes to a significant impact to the specified roadways, discuss potential mitigation measures and appropriate equitable share contributions.

General Pavement Conditions

For purposes of this discussion, pavement is considered to be in good condition if there is little to no distress exhibited at the surface of the pavement. Pavement is in a moderate condition if it contains minor surface distress such as some cracks and minimal rutting. Pavement in poor condition exhibits substantial cracking and/or rutting.

Pavements that exhibit surface wear and minor cracking but no major rutting and cracking can be improved with construction of an overlay. Pavement that exhibits major cracking and rutting typically has an insufficient pavement section or subgrade and can be improved with reconstruction.

Peters Engineering Group performed a general visual observation of the existing pavement conditions on April 12, 2019. The pavement conditions are generally poor at all intersections. Newer pavements are generally in good condition. The following summarizes the results of the observations along specific roadways.

West Street between Scranton Avenue and Teapot Dome Avenue (Avenue 128)

Scranton Avenue to Yowlumne Avenue:

- pavement 34 feet wide
- surface condition is poor
- polished aggregate showing
- utility trench patches on both sides
- pavement seams are separated and cracked
- rutted areas

Yowlumne Avenue to Edison Court:

- pavement 34 feet wide
- surface condition is moderate
- polished aggregate showing
- utility trench patches on both sides
- pavement seams are separated and cracked

Edison Court to Teapot Dome Avenue (Avenue 128):

- pavement 30 feet wide
- surface condition is moderate
- polished aggregate showing
- utility trench patches on both sides
- pavement seams are separated and cracked
- rutted areas

Scranton Avenue between West Street and SR 65

West Street to Westwood Street (Road 224):

- pavement 24 feet wide (31 feet wide in front of sports complex)
- surface condition is good
- fairly new overlay

Westwood Street (Road 224) to Newcomb (Road 232):

- pavement 24 feet wide
- good surface condition
- plenty of binder
- surface condition is good along warehouse frontage
- surface condition is a new overlay along the jailhouse frontage

Newcomb (Road 232) to SR 65:

- pavement 24 feet wide
- surface condition is good
- some rutted areas except the first one-quarter mile from SR 65 is a new overlay or new construction

Teapot Dome (Avenue 128) between West Street and SR 65

West Street to Westwood Street (Road 224):

- pavement 24 feet wide
- surface condition is moderate with some binder
- rutted areas

Westwood Street (Road 224) to Newcomb (Road 232):

- pavement 24 feet wide
- surface condition is moderate and may be a chip seal
- not much binder showing
- rutted areas.

Newcomb (Road 232) to SR 65:

- pavement 26 feet wide
- surface condition is moderate with sufficient binder visible
- some rutted areas except the first one-eighth mile from SR 65 is new overlay or new construction

Westwood Street (Road 224) between SR 190 and Scranton Avenue

Northern half mile:

- pavement 24 feet wide
- surface condition is good
- good amount of binder
- rutted areas.

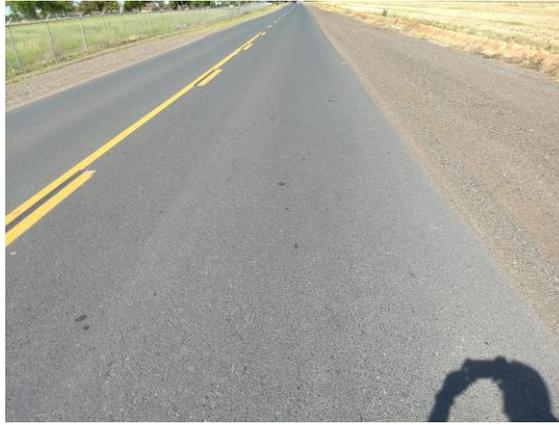
Southern half mile:

- pavement 22 feet wide
- surface condition is good
- good amount of binder
- major rutting.

The attached Figure 1 illustrates the general observations utilizing a color-coded system with Green (little to no distress), Yellow (minor surface distress), and Red (major/structural distress or poor ride quality) to represent pavement condition. Photographic examples are presented on the following page.

Discussion of Pavement Impacts

The Traffic Index (TI) is a measure of the number of 18-kip equivalent single-axle loads and is described in detail in the Caltrans *Highway Design Manual* (HDM). The TI is based on the number of heavy vehicles on a roadway and is not a function of the number of passenger cars or pickup trucks. Pavement structural sections are typically designed in accordance with the HDM based on the TI and the characteristics of the subgrade soils (R-value). The pavement structural section is not a function of the number of passenger cars or pickup trucks on the roadway.



Example of Little to No Distress (Green)
Scranton Avenue between West Street and Westwood Street



Example of Minor Surface Distress (Yellow)
West Street south of Yowlumne Avenue



Example of Major/Structural Distress or Poor Ride Quality (Red)
Teapot Dome Avenue west of Newcomb Street

It is typical traffic engineering practice in the San Joaquin Valley region to identify a pavement impact if a proposed project will increase the TI on a roadway, although such analyses are typically reserved for projects that generate a high volume of heavy vehicles, such as aggregate mines and warehouses. TI analyses are rarely performed for projects that generate primarily passenger car trips and some deliveries, such as shopping centers. A review of the Tulare County General Plan reveals that the County does not have policies related to TI or pavement criteria.

Pavement maintenance is typically performed by the agency having jurisdiction over a roadway utilizing funds appropriated for maintenance projects, such as revenue from gas taxes. Impact fees paid by new developments are typically identified for construction of new facilities or for operational enhancements, such as the addition of travel lanes. Impact fees are not typically utilized for pavement maintenance.

The trips generated by the Project are expected to be almost entirely passenger vehicles; the Project is expected to generate on the order of 18 bus trips and four delivery trucks per day, which represents approximately 0.7 percent of the total daily Project trips (Alternative A) or 0.9 percent of the total daily Project trips (Alternative C). This volume of bus and delivery truck trips is nearly negligible with respect to the TI and is unlikely to change the design parameters of the pavement as compared to the existing TI. Therefore, based on the information available in the TIS, it is unlikely that a nexus exists between the Project trips and the need for reconstruction of the existing roadways in terms of pavement structural section impacts.

Although the Project is not responsible for correcting existing deficiencies, the increase in passenger vehicles is likely to exacerbate the distress and reduce the life of the pavements where the condition of the pavement is already severely distressed, especially in areas where cracks in the pavement allow water to infiltrate the subgrade. Such pavement degradation may affect the safety of the roadway. As such, it may be reasonable to identify a nexus between the Project and reduced pavement life/safety concerns in areas where major structural distress already exists (red areas in Figure 1) or where a high number of Project trips may increase surface wear in areas of minor surface distress. The Project could potentially mitigate its fair share of the impact by paying fees requested by the County for those segments of roadway.

Based on information obtained from the TIS, Tables 1 and 2 present the peak-hour weekday Project trips on the selected roadways.

Table 1
Weekday Peak Hour Project Trips on Selected Roadways (Alternative A)

Roadway	Location	Weekday Peak Hour Project Trips	
		A.M.	P.M.
West Street	North of Project site	318	658
West Street	South of Project site	32	65
Teapot Dome Avenue	East of West Street	32	65
Scranton Avenue	East of West Street	168	347
Scranton Avenue	East of Westwood Street	56	116
Westwood Street	North of Scranton Avenue	111	231

Table 2
Weekday Peak Hour Project Trips on Selected Roadways (Alternative C)

Roadway	Location	Weekday Peak Hour Project Trips	
		A.M.	P.M.
West Street	North of Project site	258	501
West Street	South of Project site	25	50
Teapot Dome Avenue	East of West Street	25	50
Scranton Avenue	East of West Street	136	264
Scranton Avenue	East of Westwood Street	45	88
Westwood Street	North of Scranton Avenue	91	176

Conclusions

Based on the field observations, the following roadways exhibit major distress in terms of both rutting and pavement surface condition:

- Teapot Dome Avenue between Westwood Street (Road 224) and Newcomb Street
- Westwood Street between Scranton Avenue and approximately one half mile north of Scranton Avenue.

Based on the field observations, the following roadways exhibit minor surface distress:

- West Street between Scranton Avenue and Teapot Dome Avenue
- Teapot Dome Avenue between West Street and Westwood Street (Road 224)
- Teapot Dome Avenue between Newcomb Street and SR 65
- Westwood Street between SR 190 and approximately one half mile south of SR 190
- Scranton Avenue between Westwood Street and approximately one half mile east of Westwood Street

New development projects typically are not responsible for repairing existing pavement deficiencies or for pavement maintenance. The Project will generate few heavy vehicles and is not expected to change the required design characteristics of the roadways with respect to the TI. However, the Project passenger vehicle trips are likely to exacerbate the distress and reduce the life of the pavements that are already severely distressed, especially in areas where cracks in the pavement allow water to infiltrate the subgrade. Therefore, it may be reasonable to identify a nexus between the Project and reduced pavement life/safety concerns in areas where major structural distress already exists (red areas in Figure 1) or where a high number of Project trips may increase surface wear in areas of minor surface distress. The Project could potentially mitigate its fair share of the impact by paying fees requested by the County for those segments of roadway.

It is recommended that the Project pay an equitable share of the cost of improving the roadways addressed in this study as follows:

- West Street between Scranton Avenue and Yowlumne Avenue: the Project would be responsible for an equitable share of the cost of approximately 1/3 mile of road overlay considering the combination of minor surface distress and a high volume of Project trips. It is noted that the Project will pay an equitable share of the cost of intersection improvements at the intersection of Scranton Avenue and West Street; therefore, the required equitable share for West Street pavement improvements applies only to the portion south of the intersection improvements to avoid double-counting the costs. For purposes of the equitable share calculations it is assumed that the intersection improvements will reconstruct approximately 500 feet of West Street south of Scranton Avenue. Therefore, the remaining length of West Street south to Yowlumne Avenue (approximately 1/4 mile) would be subject to the equitable share for an overlay.
- Teapot Dome Avenue between Westwood Street (Road 224) and Newcomb Street: the Project would be responsible for an equitable share of the cost of one mile of road reconstruction.
- Westwood Street north of Scranton Avenue: the Project would be responsible for an equitable share of the cost of approximately 1/2 mile of road reconstruction immediately north of Scranton Avenue. It is noted that the Project will pay an equitable share of the cost of intersection improvements at the intersection of Scranton Avenue and Westwood Street; therefore, the required equitable share for Westwood Street pavement improvements applies only to the portion north of the intersection improvements to avoid double-counting the costs. For purposes of the equitable share calculations it is assumed that the intersection improvements will reconstruct approximately 500 feet of Westwood Street north of Scranton Avenue. Therefore, the remaining length of Westwood Street north of Scranton Avenue (approximately 0.4 mile) would be subject to the equitable share for an overlay.

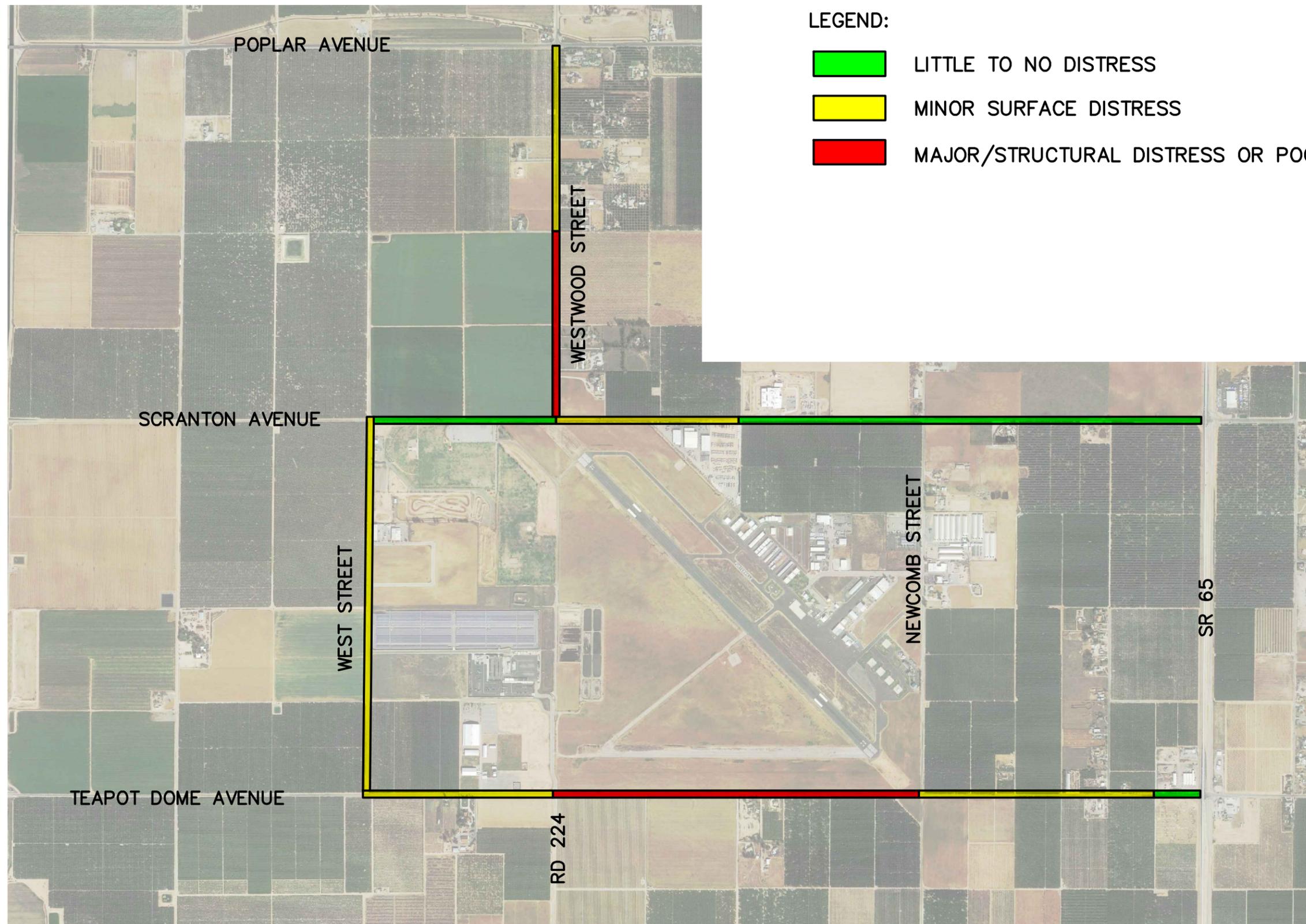
The tables below summarize the equitable share percentages and estimated costs for the recommended mitigation measures. The costs per mile were obtained from the County letter dated September 27, 2017. The equitable share percentages were obtained from the Appendix of the TIS.

Table 3
Summary of Project Equitable Share Costs for County Roads (Alternative A)

Roadway and Improvement	Cost Per Mile	Length (miles)	Project Equitable Share Percentage	Project Equitable Share
West Street overlay	\$400,000	0.25	100.0%	\$100,000
Teapot Dome Avenue reconstruction	\$900,000	1.0	59.5%	\$535,500
Westwood Street reconstruction	\$900,000	0.4	65.2%	\$234,720

Table 4
Summary of Project Equitable Share Costs for County Roads (Alternative C)

Roadway and Improvement	Cost Per Mile	Length (miles)	Project Equitable Share Percentage	Project Equitable Share
West Street overlay	\$400,000	0.25	100.0%	\$100,000
Teapot Dome Avenue reconstruction	\$900,000	1.0	57.7%	\$519,300
Westwood Street reconstruction	\$900,000	0.4	62.8%	\$226,080



LEGEND:

- LITTLE TO NO DISTRESS
- MINOR SURFACE DISTRESS
- MAJOR/STRUCTURAL DISTRESS OR POOR RIDE QUALITY

TULE RIVER CASINO
OBSERVED EXISTING PAVEMENT CONDITIONS
Tulare County, California



NOT TO SCALE