

# NOTICE OF PREPARATION OF A TRIBAL ENVIRONMENTAL IMPACT REPORT FOR THE FIRE MOUNTAIN CASINO MUSIC VENUE PROJECT

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**DATE:** December 17, 2020

**TO:** State Clearinghouse  
County of Yuba  
Interested Parties

**LEAD AGENCY:** Estom Yumeka Maidu Tribe  
of the Enterprise Rancheria  
2133 Monte Vista Avenue  
Oroville, CA 95966

**PROJECT TITLE:** **Fire Mountain Casino Music Venue Project**

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**COMMENT PERIOD:** December 17, 2020 to January 16, 2021

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The Estom Yumeka Maidu Tribe of the Enterprise Rancheria (the “Tribe”) owns the Hard Rock Hotel and Casino Sacramento at Fire Mountain (the “Resort”) situated on federally-owned land that is held in trust for the Tribe and located at 3317 Forty Mile Road, Wheatland, CA 95692 (the “Trust Land”).

The Resort is operated pursuant to the Secretarial Procedures for the Tribe (the “Procedures”). The Procedures require that, before beginning construction of any new “Project” (as defined in the Procedures), the Tribe cause to be prepared a tribal environmental impact report (a “TEIR”) analyzing the potentially significant off-reservation environmental impacts of that Project. That environmental analysis is to be conducted pursuant to the process described in the Procedures.

The Tribe has authorized the preparation of a TEIR for a potential project on the Trust Land that would add to the Resort an indoor live music venue, back-of-house warehouse and office space, and the other components described in this Notice (“Proposed Project”). The Proposed Project is a “Project” under the Procedures, and therefore requires a TEIR.

This Notice is given pursuant to the Procedures to inform interested parties that the Tribe is beginning the TEIR process and that, as required by that process, a draft of the TEIR for the Proposed Project will be prepared. That draft TEIR will address each of the items listed in the Off-Reservation Impact Checklist, as required by the Procedures.

The Procedures provide that you may, at any time within thirty (30) days after the date on which this Notice is received by the State Clearinghouse in the State Office of Planning and Research (the “State Clearinghouse”) and the County of Yuba (the “County”), provide comments to the Tribe. The Tribe requests that you identify in your comments any potentially significant off-reservation environmental

impacts, and any reasonable mitigation measures to address those impacts, that you believe should be considered in the draft TEIR for the Proposed Project.

Comments should be in writing and sent by email or mail to the following address, and will be considered timely if postmarked no later than January 16, 2021. Please send your comments to:

Enterprise Rancheria  
c/o Analytical Environmental Services  
1801 7th Street, Suite 100  
Sacramento, CA 95811  
*admin@enterpriseteir.com*

All comments postmarked by January 13, 2021 will be reviewed and considered by the Tribe. A project description, location map and site plan for the Proposed Project, as well as a brief description of the environmental areas in which off-reservation impacts attributable to the Proposed Project may be probable, are included in the following pages of this Notice. The description of probable off-reservation environmental impacts of the Proposed Project in this Notice has been prepared before the analysis required to complete the TEIR has been completed. Accordingly, the description of probable impacts in this Notice is subject to the results of the analysis in the TEIR, and the potentially significant off-reservation impacts identified in the TEIR may differ from those described in this Notice.

A copy of this Notice is available online at *www.enterpriseteir.com*. A copy of the draft TEIR will be posted on that website when the draft TEIR is completed. The draft TEIR will include the analysis of potentially significant direct and indirect off-reservation environmental impacts attributable to the Proposed Project, and mitigation measures to address such impacts as required by the Procedures. The draft TEIR will also describe a range of reasonable alternatives to the Proposed Project that could avoid or minimize potentially significant adverse impacts, and evaluate the comparative merits of the alternatives.

The draft TEIR, when completed, will be filed with the State Clearinghouse, the County, the State Gaming Agency, and the California Department of Justice. After that filing, there will be a 45-day period during which interested persons and agencies may submit comments regarding the draft TEIR. The draft TEIR will include provisions describing how any such comments are to be submitted to the Tribe.

Any comments regarding the draft TEIR received by the Tribe during the 45-day comment period will be considered and evaluated in connection with the preparation of a final draft of the TEIR. The final TEIR will be posted on the website mentioned above.

## **INFORMATION REGARDING PROPOSED PROJECT**

### **PROJECT TITLE**

Fire Mountain Casino Music Venue Project

### **LOCATION**

The Proposed Project would be situated on the Trust Land on which the current Resort is located. The Resort is located in the southern area of Yuba County, southeast of Marysville/Olivehurst at 3317 Forty Mile Road, Wheatland, CA 95692. **Figure 1** attached to this Notice shows the location of the Proposed Project.

Regional access to the Project Site is provided by California State Route 65 and California State Route 70, which connect Interstate 5, CA State Route 99, and Interstate 80 to the vicinity. The Project Site is accessible via existing driveways on Forty Mile Road.

### **PROJECT DESCRIPTION**

The Resort opened in October of 2019 and was the subject of an exhaustive Environmental Impact Statement (EIS) approved by federal agencies in 2011. The Resort currently includes up to 1,600 gaming devices, table games, five dining locations, a 170-room hotel, other entertainment amenities, and associated parking,

The Proposed Project includes the construction of an indoor live music amphitheater consisting of up to approximately 75,000 square feet (sf), and the expansion of the Resort's back of house space (BOH) by up to approximately 20,000 sf, for a total of up to approximately 95,000 sf of new building space at the northeast (back) side of the existing Resort building. The proposed live music amphitheater will be used for entertainment on a regular basis and not just for special events. The new BOH area would be used for expanded offices and warehouse facilities.

The Proposed Project would be built on existing paved areas. The height of the new facilities would be generally consistent with or similar to the height of the existing Resort buildings, and the Proposed Project would feature the same architectural style as the existing buildings.

Water supply and wastewater treatment for the Proposed Project would be provided by the Tribe's existing on-site systems.

### **PROBABLE OFF-RESERVATION ENVIRONMENTAL EFFECTS**

The following sections of this Notice discuss, based on current knowledge without the benefit of the environmental analysis that will be performed as part of the TEIR process, areas in which adverse off-reservation environmental impacts attributable to the Proposed Project may be probable. As noted above, each of these potential impacts will be analyzed in the TEIR. The TEIR will also analyze the extent to which mitigation measures (which the TEIR will describe) would minimize or eliminate potentially significant adverse off-reservation environmental impacts of the Proposed Project. The TEIR will identify any anticipated potentially significant off-reservation adverse environmental impacts of the Proposed Project that cannot be mitigated.

The TEIR will include analysis of the Proposed Project's potentially significant off-reservation

environmental impacts associated with the following resource areas (each of which is required by the Off-Reservation Impact Checklist):

#### AESTHETICS

The Proposed Project may change the visual character of the area. Although the height of the proposed facilities is not anticipated to substantially exceed the height of the existing Resort buildings, the expanded size of the Resort could visually impact certain off-reservation properties. The TEIR will assess the impacts of the Proposed Project on the existing visual character and quality of the off-reservation area, including light and glare effects and the impacts of the Proposed Project on any off-reservation scenic vistas or resources. The TEIR will include architectural renderings of the proposed structures. The TEIR will identify mitigation measures to address any potentially significant impacts.

#### AGRICULTURAL AND FOREST RESOURCES

Agricultural resources include off-reservation areas used to produce, grow, and harvest crops and farmed products. The Proposed Project will be constructed on an area that has been previously paved and developed. No probable off-reservation impacts to agricultural resources would occur.

#### AIR QUALITY AND GREENHOUSE GASES

The Proposed Project would generate short-term emissions, including dust, during the construction phase and long-term emissions from vehicle traffic which could contribute to existing or projected air quality issues. Additionally, the Proposed Project would result in short-term emissions of greenhouse gas (GHG) associated with construction and long-term GHG emissions primarily associated with vehicle traffic and energy usage, that could contribute to cumulative effects associated with climate change. The TEIR will assess the off-reservation impacts of the Proposed Project associated with air quality and greenhouse gas emissions, including consistency with applicable air quality standards and plans, and impacts on sensitive receptors from pollutant emissions and odors. The TEIR will identify mitigation measures to address any potentially significant impacts.

#### BIOLOGICAL RESOURCES

Construction activities for the Proposed Project would be on areas of the Trust Land that have already been disturbed with prior development, much of which is currently paved and being used for parking. Accordingly, impacts to biological resources would likely be minimal. The TEIR will assess the off-reservation impacts of the Proposed Project on biological resources, including habitat, wetlands, fish and wildlife migration, species preservation, natural community preservation and compliance with applicable plans, standards, laws, and regulations relating thereto. The TEIR will identify mitigation measures to address any potentially significant impacts, if necessary.

#### CULTURAL RESOURCES

Construction activity for the Proposed Project would be confined to the Trust Land (which is already developed and was previously surveyed for cultural resources), and it is therefore not anticipated that any off-reservation cultural resources would be impacted by the Proposed Project. The TEIR will assess the off-reservation impacts of the Proposed Project on cultural resources, and identify mitigation measures to address any potentially significant impacts. Because no off-reservation areas will be disturbed by the Proposed Project, the potential for impacts to off-reservation cultural resources is low.

## GEOLOGY AND SOILS

The Proposed Project would be constructed on the Trust Land and will meet all applicable earthquake safety standards. It is therefore not anticipated that any people or structures would be subjected to adverse effects from earthquakes, ground shaking, seismic ground failure, landslides, or erosion as a result of the Proposed Project. The TEIR will assess the off-reservation impacts of the Proposed Project by virtue of earthquakes, ground shaking, seismic ground failure, landslides, or erosion, and identify mitigation measures to address any potentially significant impacts.

## HAZARDS AND HAZARDOUS MATERIALS

Hazardous materials are those that appear on a list of hazardous materials prepared by a federal, state, or local agency, or that possess characteristics defined as hazardous by such an agency. Certain hazardous materials would be used during construction and operation of the Proposed Project. The TEIR will assess off-reservation impacts associated with hazards and hazardous materials attributable to the Proposed Project. The TEIR will identify mitigation measures, if necessary, to address potentially significant off-reservation impacts associated with hazards and hazardous materials.

## WATER RESOURCES

The Proposed Project has the potential to result in increased water use and wastewater generation. Construction of the Proposed Project may increase the potential for erosion and direct or indirect discharge of sediment and other materials into off-reservation drainages near the project site. The TEIR will assess off-reservation impacts of the Proposed Project on water resources, including compliance with applicable plans, standards, laws, and regulations relating to water resources, off-reservation groundwater supplies and quality, alteration of off-reservation drainage patterns, and off-reservation flood hazards. The TEIR will identify mitigation measures, if necessary, to address potentially significant off-reservation impacts to water resources.

## LAND USE

The Proposed Project would not introduce any new or alter any existing off-reservation land use in the area. The Proposed Project would be constructed on the Trust Land, and it is therefore not anticipated that any off-reservation land use plan, policy, habitat conservation plan, or natural community conservation plan would apply to the Proposed Project. The TEIR will assess the Proposed Project's off-reservation impact on surrounding land uses and any applicable off-reservation land use, habitat conservation and natural community preservation plans, and will identify mitigation measures to address any potentially significant impacts.

## MINERAL RESOURCES

Mineral resources are defined as the concentration or occurrence of natural, solid, inorganic or fossilized organic material of such grade or quality that it has reasonable prospects for economic extraction. The Proposed Project would be constructed entirely on Trust Land, and would not use any off-reservation mineral resources. Accordingly, the Proposed Project is unlikely to impact off-reservation mineral resources.

## NOISE

Noise is defined as unwanted sound. Construction and operation of the Proposed Project could increase off-reservation noise levels and vibrations in limited areas near the Proposed Project. The TEIR will assess the Proposed Project's off-reservation noise and vibration impacts, and will identify mitigation

measures to address any potentially significant impacts.

## POPULATION AND HOUSING

The Proposed Project would be constructed on Trust land, and would not displace any existing housing. The Proposed Project would provide new employment opportunities; however, it is likely to have a less than significant impact on off-reservation housing because the majority of the new employees would likely already reside within commuting distance of the Proposed Project. The TEIR will assess the Proposed Project's impact on off-reservation population growth, and will identify mitigation measures to address any potentially significant impacts.

## PUBLIC SERVICES

Public services include fire protection, emergency medical services, and law enforcement. The TEIR will assess whether the Proposed Project would generate the need to construct or alter existing fire, medical, police, or other public facilities. The TEIR will identify mitigation measures, if necessary, to address potentially significant off-reservation impacts to public services.

## RECREATION

Recreation areas include public parks and other public facilities. The Proposed Project will be built on-reservation in an area previously paved and developed. Therefore, the Proposed Project would not impact off-reservation recreation areas.

## TRANSPORTATION AND TRAFFIC

The Proposed Project would generate additional vehicular use of certain public roads, contributing to increased traffic volumes and possible deterioration of levels of service. The TEIR will assess the Proposed Project's impacts on city, county, and state roads (during both construction and operation of the Proposed Project), including vehicle trips attributable to the Proposed Project, and the impacts of the Proposed Project on off-reservation road and intersection capacities, levels of service, existing hazardous conditions and emergency vehicle response times. The TEIR will identify mitigation measures to address any potentially significant impacts.

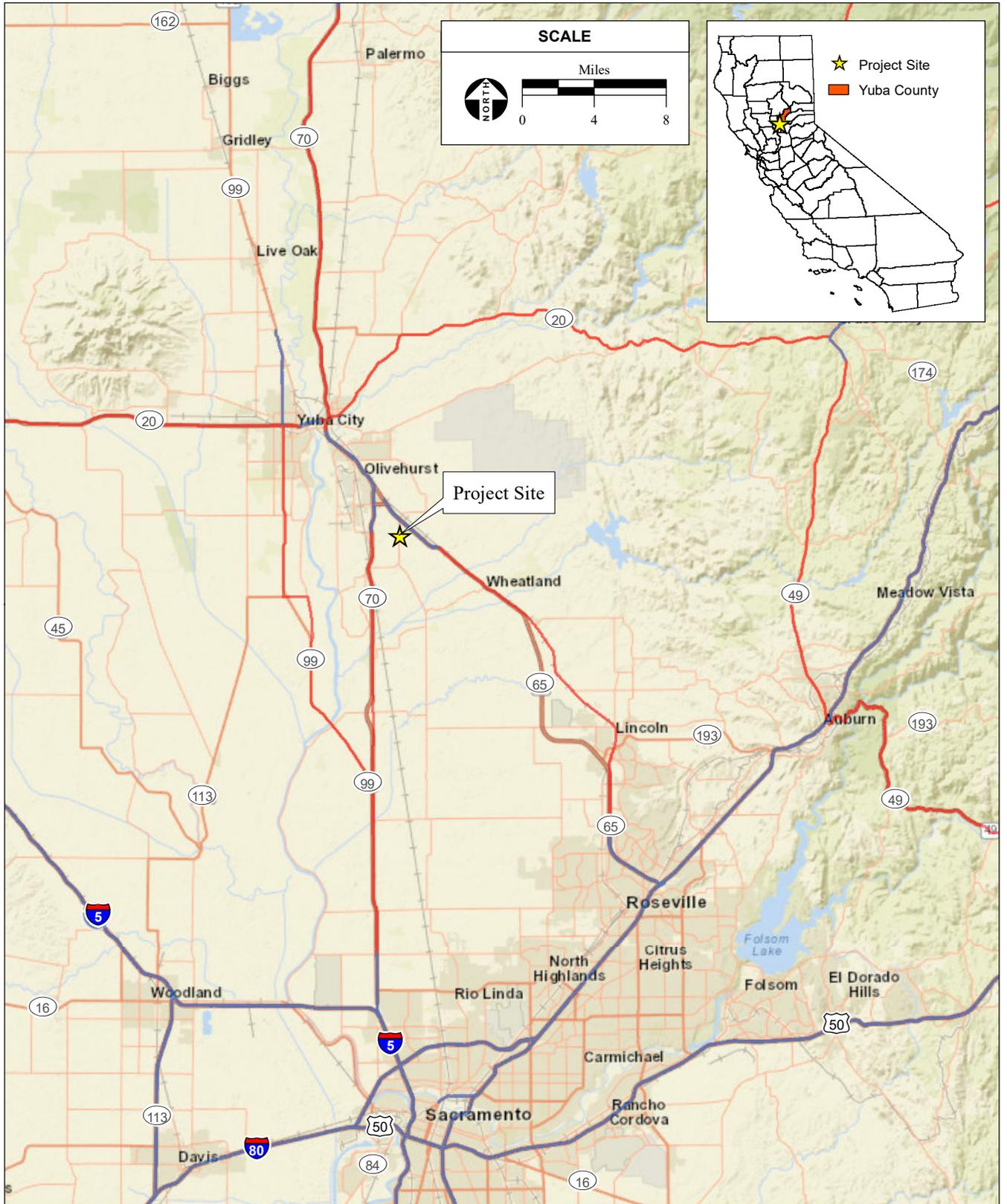
## UTILITIES AND SERVICE SYSTEMS

Utilities and service systems include water supply systems, wastewater, solid waste, and energy services. The existing water supply and wastewater treatment systems on-site would serve the Proposed Project. The Proposed Project would not require water treatment or wastewater treatment by any off-reservation entity. Storm water drainage for the Proposed Project would be similar to the drainage that currently exists for the impervious surfaces on which the Proposed Project would be built, and that drainage would be discharged into the Tribe's existing drainage system. The TEIR will, possibly as part of the water resources analysis described above, assess the Proposed Project's impacts on off-reservation water and wastewater treatment and storm water drainage facilities, and will identify mitigation measures to address any potentially significant impacts.

## CUMULATIVE IMPACTS

The TEIR will analyze whether, with respect to each of the items or categories listed in the Off-Reservation Impact Checklist, the Proposed Project will cause any "cumulatively considerable" off-reservation impacts. Under the Secretarial Procedures, "cumulatively considerable" off-reservation

environmental impacts of the Proposed Project will be those that are considerable when viewed in connection with past, current, or probable future projects.



SOURCE: ESRI, 2020; AES, 11/18/2020

Enterprise Casino Expansion NOP for TEIR / 220551 ■

**Figure 1**  
Regional Location