



**FINAL TRIBAL ENVIRONMENTAL IMPACT REPORT**  
**KARUK TRIBE CASINO PROJECT**

**JANUARY 2014**

LEAD AGENCY:

Karuk Tribe  
64236 Second Avenue  
Happy Camp, CA 96039



---

# FINAL TRIBAL ENVIRONMENTAL IMPACT REPORT

## KARUK TRIBE CASINO PROJECT

**JANUARY 2014**

LEAD AGENCY:

Karuk Tribe  
64236 Second Avenue  
Happy Camp, CA 96039



PREPARED BY:

Analytical Environmental Services  
1801 7th Street, Suite 100  
Sacramento, CA 95811  
(916) 447-3479  
[www.analyticalcorp.com](http://www.analyticalcorp.com)



# TABLE OF CONTENTS

---

## KARUK TRIBE CASINO PROJECT FINAL TRIBAL ENVIRONMENTAL IMPACT REPORT

1.0	INTRODUCTION .....	1-1
1.1	Overview .....	1-1
1.2	Organization of the Document .....	1-1
1.3	Summary of Impacts and Mitigation Measures .....	1-2
2.0	COMMENTS.....	2-1
3.0	RESPONSES TO COMMENTS .....	3-1
3.1	General Responses .....	3-1
3.2	Individual Responses .....	3-3
3.3	References .....	3-45
4.0	TEXT REVISIONS TO THE DRAFT TEIR .....	4-1
5.0	MITIGATION MONITORING AND REPORTING PROGRAM .....	5-1
6.0	REPORT AUTHORS .....	6-1

## TABLES

---

1-1	Impacts and Mitigation Measures Summary Table .....	1-3
2-1	List of Commenters.....	2-1
5-1	Mitigation Monitoring and Reporting Program for the Karuk Tribe Casino Project .....	5-2

## APPENDICES

---

Appendix A Draft Tribal Environmental Impact Report (Bound Under Separate Cover)

# CHAPTER 1.0

---

## INTRODUCTION

### 1.1 OVERVIEW

The Draft Tribal Environmental Impact Report (Draft TEIR) for the proposed Karuk Tribe Casino Project (Proposed Project) dated October 2013 (SCH #2013072048) was submitted to the State Clearinghouse and released to the public and agencies for a 45-day comment period beginning on November 7, 2013, ending on December 27, 2013. This Final Tribal Environmental Impact Report (Final TEIR) includes comments received on the Draft TEIR and responses to each comment.

As noted in the Tribe's July 22, 2013 Notice of Preparation (NOP) of a Tribal Environmental Impact Report, the Draft Tribal-State Gaming Compact (Compact) establishes the nature and scope of the environmental review that must be performed before the Karuk Tribe (Tribe) may consider approving the Proposed Project. The environmental review required by the Compact (and reported in this Final TEIR) must include an analysis of the off-reservation environmental impacts that are described in the Off-Reservation Environmental Impact Checklist (Checklist) that is part of the Compact. A copy of that Checklist was included as Appendix A of the Draft TEIR. To the extent a comment on the Draft TEIR refers to an environmental issue that is covered by the checklist, the response to that comment in this Final TEIR is made in the context of the Checklist's requirements. To the extent a comment regarding the Draft TEIR relates to a potential environmental impact that occurs only on the Tribe's Reservation, that impact is not "off-reservation" and is therefore outside of the scope of the TEIR process. Comments beyond the scope of the TEIR process are not addressed in this Final TEIR.

This Final TEIR is only one of a number of actions that the Compact requires be taken in connection with the Karuk Tribe Casino Project (Proposed Project). In addition to requiring this Final TEIR to address off-reservation environmental impacts, the Compact requires that certain non-environmental impacts of the Proposed Project, such as fiscal impacts on certain public services, also be addressed. Those non-environmental impacts must be addressed in an Intergovernmental Agreement (IGA) between the Tribe and the City of Yreka (City) and the County of Siskiyou (County), but, because these impacts are not environmental impacts, they are not necessarily addressed in this Final TEIR.

### 1.2 ORGANIZATION OF THE DOCUMENT

This Final TEIR contains a total of six chapters and one appendix as follows.

- Chapter 1.0 Introduction.** This chapter provides information on the contents and organization of this Final TEIR. It also includes **Table 1-1**, which is a revised version of **Table ES-1** from the Draft TEIR. This table summarizes all project impacts and mitigation measures.
- Chapter 2.0 Comments.** This chapter includes a list of commenters and copies of written comments. All comments are bracketed and annotated with individual comment numbers.
- Chapter 3.0 Responses to Comments.** This chapter provides responses to all comments included in **Chapter 2.0**. Responses generally provide clarification of the Draft TEIR, and occasionally include information to clarify or supplement impact analysis within the Draft TEIR.
- Chapter 4.0 Text Revisions to Draft TEIR.** This chapter presents the substantive revisions that have been made to the Draft TEIR that were determined necessary based on comments received.
- Chapter 5.0 Mitigation Monitoring and Reporting Program.** A Mitigation Monitoring and Reporting Program (MMRP) for the Proposed Project is included in this chapter.
- Chapter 6.0 Report Authors.** This chapter provides a list of individuals involved in the preparation of this Final TEIR.
- Appendix A Draft TEIR –** In accordance with the Compact, the Draft TEIR is incorporated into the Final TEIR and bound under separate cover.

### 1.3 SUMMARY OF IMPACTS AND MITIGATION MEASURES

**Table 1-1** provides a summary of potential off-reservation environmental impacts of the Proposed Project and mitigation measures that would avoid or minimize such impacts. In the table, the level of significance of each potential off-reservation environmental impact is indicated both before and after implementation of the recommended mitigation measure(s). **Table 1-1** was included as **Table ES-1** in the Executive Summary of the Draft TEIR and has been modified in the process of responding to comments included in **Chapter 2.0** of this Final TEIR. Any additions to the table as it appeared in the Draft TEIR are underlined (new text). Any deletions from the table as it appeared in the Draft TEIR are noted by strikethrough text (~~deleted text~~). No new significant impacts that could not be mitigated to a less-than-significant level or substantial increases in the severity of environmental impacts were identified as a result of comments received on the Draft TEIR.

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	<b>Impact</b>	<b>Level of Significance</b>	<b>Draft TEIR Identified Mitigation Measure</b>	<b>Residual Significance</b>
<b>3.2 Aesthetics</b>				
3.2.1	The Proposed Project would not have a substantial adverse effect on a scenic vista.	LTS	None required.	LTS
3.2.2	The Proposed Project would not substantially damage off-reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings adjacent to a state scenic highway.	LTS	None required.	LTS
3.2.3	Although the Proposed Project would add additional sources of lighting to the commercial area, it would not adversely affect day or nighttime views of historic buildings or views in the area.	LTS	None required.	LTS
<b>3.3 Land Use, Population and Housing, and Recreation</b>				
3.3.1	The Proposed Project would not conflict with any off-reservation land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	None required.	LTS
3.3.2	The Proposed Project would not conflict with any applicable habitat conservation plan or natural communities conservation plan covering off-reservation lands.	LTS	None required.	LTS
3.3.3	The Proposed Project would not necessitate the construction of off-reservation housing because the Proposed Project would not displace any existing housing nor induce substantial off-reservation population growth.	LTS	None required.	LTS
3.3.4	The Proposed Project would likely increase the use of existing off-reservation neighborhood and regional parks or other recreational facilities; however, increased use would not be to the extent that substantial physical deterioration of a facility would occur or be accelerated.	LTS	None required.	LTS
<b>3.4 Air Quality and Greenhouse Gas Emissions</b>				
3.4.1	The Proposed Project would emit CAPs in the NEPAB. However, the NEPAB is designated as either unclassified or attainment for all CAPs under the NAAQS and CAAQS. Therefore, CAP emissions attributed to Phases I and II of the Proposed Project would not conflict with or obstruct the implementation of an applicable off-reservation air quality plan, cause an off-reservation violation of NAAQS or CAAQS, or contribute to a projected off-reservation air quality violation.	LTS	None required.	LTS
3.4.2	The Proposed Project could cause high concentrations of DPM and may expose off-reservation sensitive receptors to	PS	3.4.1. The Tribe shall develop and implement an ordinance establishing requirements similar to the CARB	LTS

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
	substantial DPM concentrations.		Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485) for buses and other commercial diesel-fueled vehicles, which requires that the driver of any diesel bus shall not idle for more than five minutes at any location, except in the case of passenger boarding where a ten minute limit is imposed, or when passengers are onboard. The Tribe shall post signs in parking lots, at loading docks, and other applicable areas displaying the requirements.	
3.4.3	The Proposed Project would not emit odors detectable in the off-reservation environment and the off-reservation environment in the vicinity of the project site does not include a substantial number of people; therefore, implementation of the Proposed Project would not create objectionable odors affecting a substantial number of people off-reservation.	LTS	None required.	LTS
<b>3.5 Biological Resources</b>				
3.5.1	The Proposed Project could potentially have a substantial adverse impact, either directly or through habitat modifications, on any species in local or regional plans, policies, or regulations, or by the CDFW, USFWS, or NMFS.	PS	3.5.1. To address potential off-reservation impacts associated with special status plants, the Tribe shall carry out the following measures prior to construction of Phases I and II of the Proposed Project on the fee parcel: a) A qualified biologist/botanist shall conduct a focused botanical survey within the nonnative grassland on the fee parcel during the blooming period for Shasta orthocarpus (May) and within the oak woodland in <u>areas adjacent to the proposed development footprint on the fee parcel during the blooming period for Woolly balsamroot (April through June) and Peck's lomatium (April through June)</u> prior to commencement of construction activities of Phases I and II. A letter report shall be submitted to the Tribe within 30 days following the preconstruction survey to document the results. Should no species be observed, then no additional mitigation is required. b) Should <u>one of these three species Shasta orthocarpus</u> be observed during the focused botanical survey on the fee parcel, the qualified biologist/botanist shall contact the Tribe and CDFW within one day following the focused botanical survey	LTS

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
			<p>to report the findings. If feasible, a 10-foot buffer shall be established around the species using construction flagging prior to commencement of construction activities.</p> <p>c) Should avoidance of <u>one of these three species</u> <del>Shasta orthocarpus</del> be infeasible, the qualified botanist would salvage and relocate the individuals in an area comprised of suitable habitat in the vicinity of the project site that would not be impacted by the Proposed Project. Prior to the attempted relocation, seeds shall be gathered from the identified plants for use in the area identified for relocation.</p> <p>3.5.2. To address potential off-reservation impacts associated with migratory birds and other birds of prey, the Tribe shall carry out the following measures prior to construction of Phases I and II of the Proposed Project:</p> <p>a) Prior to any Phase I or II construction or ground disturbance within 500 feet of potential habitat for birds of prey and migratory birds during the nesting season (between March 1 and September 15), a qualified biologist will conduct a preconstruction bird survey for nesting sites within 500 feet of construction activities. The preconstruction bird survey shall be conducted within 14 days prior to commencement of construction activities. The biologist will document and submit the results of the preconstruction survey in a letter to CDFW and the Tribe within 30 days following the survey. The letter shall include: a description of the methodology used during the survey, including dates of field visits, the names of survey personnel, a list of references cited and persons contacted; and a map showing the location(s) of any bird nests observed on the project site. If no active nests are identified during the preconstruction survey, then no further mitigation is required so long as construction commences within 14 days of the preconstruction survey. If construction does not commence within 14 days of the preconstruction survey or construction halts for more than 14 days, an additional nesting survey will be required.</p>	



**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
(P.S.=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
			b) If any active nests are identified during the preconstruction survey within the vicinity of the development footprint of either phase of the Proposed Project, a buffer zone will be established around the nests. A qualified biologist will monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist shall continue to conduct weekly monitoring until construction activities are no longer occurring within the vicinity of the established buffer or until the biologist determines that the nestlings have successfully fledged. The biologist will delimit the buffer zone with construction tape or pin flags within 250 feet of any active migratory bird nest or within 500 feet of any active raptor nest until the end of the breeding season or until the young have successfully fledged. Guidance from CDFW will be requested if establishing a 250-foot or 500-foot buffer zone is impractical. The biologist shall have the authority to stop any work within the vicinity of the active nests if the nestlings appear to be disturbed. Work shall be halted until the biologist determines that the nestlings are no longer in distress. A letter report shall be submitted to CDFW and the Tribe within 30 days following the final monitoring date.	
3.5.2	The Proposed Project would not have a substantial adverse effect on any off-reservation riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.	LTS	None required.	LTS
3.5.3	The Proposed Project could potentially have a substantial adverse effect on potentially jurisdictional waters of the U.S., as defined by Section 404 of the CWA, during both phases of the Proposed Project.	PS	3.5.3. If the USACE determines that the waterways to be impacted are jurisdictional, the Tribe shall submit an application for a CWA Section 404 permit. In addition, a CWA Section 401 water quality certification through the North Coast Regional Water Quality Control Board shall be obtained. The Tribe shall comply with all mitigation measures identified in the Section 404 permit and Section 401 certification, which may include, but would not be limited to, the following: a) Avoidance buffers shall be established around the edges of any drainage features, as identified by a qualified biologist, in the vicinity of and outside of the	LTS

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
			construction area. Temporary orange construction fencing shall be installed prior to the commencement of any earthmoving activities and shall remain in place until all construction activities in the vicinity have been completed; b) Construction activities near any USACE jurisdictional features shall be conducted during the dry season to minimize impacts related to erosion, water quality, and aquatic resources; and c) Standard precautions shall be employed by the construction contractor to prevent the accidental release of fuel, oil, lubricant, or other hazardous materials associated with construction activities into jurisdictional features. A contaminant program shall be developed and implemented in the event of release of hazardous materials. This may be incorporated into the Storm Water Pollution Prevention Plans (SWPPPs) to be developed by the Tribe for Phases I and II of the Proposed Project to comply with the terms of the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.	
3.5.4	The Proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	LTS	None required.	LTS
3.5.5	The Proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	LTS	None required.	LTS
<b>3.6 Geology and Soils</b>				
3.6.1	The Proposed Project would not expose off-reservation people or structures to substantial adverse effects caused by rupture of a known earthquake fault or other strong seismic ground shaking.	LTS	None required.	LTS
3.6.2	The Proposed Project would not expose off-reservation people or structures to substantial adverse effects involving seismic-related ground failure, including liquefaction.	LTS	None required.	LTS
3.6.3	The Proposed Project would not expose off-reservation	LTS	None required.	LTS

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
	people or structures to substantial adverse effects involving landslides.			
3.6.4	The Proposed Project could result in substantial off-reservation soil erosion or the loss of topsoil.	PS	3.6.1. The SWPPPs to be developed by the Tribe for Phases I and II of the Proposed Project to comply with the terms of both the USEPA's Stormwater General NPDES Permit for Construction Activities and the SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities shall include, but are not limited to, the following BMPs: a) If excavation occurs during the rainy season, stormwater runoff from the construction area shall be regulated through a stormwater management/erosion control plan that shall include temporary on-site silt traps and/or basins with multiple discharge points to natural drainages and energy dissipaters. Stockpiles of loose material shall be covered and runoff diverted away from exposed soil material. If work stops due to rain, a positive grading away from slopes shall be provided to carry the surface runoff to areas where flow would be controlled, such as the temporary silt basins. Sediment basins/traps shall be located and operated to minimize the amount of off-reservation sediment transport. Any trapped sediment shall be removed from the basin or trap and placed at a suitable location on site, away from concentrated flows, or removed to an approved disposal site. b) Temporary erosion control measures (such as fiber rolls, staked straw bales, detention basins, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) shall be provided until perennial revegetation or landscaping is established to minimize discharge of sediment into nearby waterways. c) No disturbed surfaces shall be left without erosion control measures in place during the spring and winter months. d) Erosion protection shall be provided on all cut-and-fill slopes and stockpiled soils. Revegetation shall be facilitated by mulching, hydroseeding, or other methods and shall be initiated as soon as possible after completion of grading and prior to the onset of	LTS

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
			the rainy season.	
<b>3.7</b>	<b>Hazards and Hazardous Materials</b>			
3.7.1	The Proposed Project could create a hazard to the off-reservation public and/or off-reservation environment through routine transport, use, or disposal of hazardous materials.	PS	<p>3.7.1. The Storm Water Pollution Prevention Plans (SWPPPs) to be developed by the Tribe for Phases I and II of the Proposed Project to comply with the terms of both the USEPA's Stormwater General NPDES Permit for Construction Activities and the SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities shall include, but are not limited to, the following BMPs:</p> <p>a) Hazardous materials such as fuels and solvents used in the construction of Phases I and II of the Proposed Project shall be stored in covered containers and protected from rainfall, runoff, vandalism, and accidental release to the environment. All stored fuels and solvents shall be contained in an area of impervious surface with containment capacity equal to the volume of materials stored.</p> <p>b) A stockpile of spill cleanup materials shall be readily available at the project site. Construction workers shall be trained in spill prevention and cleanup, and individuals shall be designated as responsible for prevention and cleanup activities.</p> <p>c) Equipment used in the construction of Phases I and II shall be properly maintained in designated areas with runoff and erosion control measures to minimize accidental release of pollutants.</p>	LTS
3.7.2	The Proposed Project could create a significant hazard to the off-reservation public and/or the off-reservation environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during construction or operation of the Proposed Project.	PS	Mitigation Measure 3.7.1, discussed above.	LTS
3.7.3	The Proposed Project has the potential to emit hazardous emissions or involve the handling of hazardous materials within one quarter-mile of an existing or proposed off-reservation school.	PS	Mitigation Measures 3.6.1 and 3.7.1, discussed above.	LTS
3.7.4	The Proposed Project would expose off-reservation people or structures to a significant risk of loss, injury, or death involving wildland fires during construction, but not operation, of the Proposed Project.	PS	3.7.2. During Phases I and II, construction personnel shall follow written standard operating procedures (SOPs) for servicing and operating construction equipment and vehicles to reduce the potential for wildland fires. These	LTS

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
			SOPs shall address equipment use and the storage and use of hazardous materials during construction of the Proposed Project. The SOPs shall include the following where feasible and when reasonable: a) Refueling shall be conducted only with approved pumps, hoses, and nozzles; b) Catch-pans shall be placed under equipment to catch potential spills during servicing; c) All disconnected hoses shall be placed in containers to collect residual fuel from the hose; d) Vehicle engines shall be shut down during refueling; e) No smoking, open flames, or welding shall be allowed in refueling or service areas; f) Service trucks shall be provided with fire extinguishers; g) 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. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak; h) Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order; and i) All hazardous materials transported to or from the project site shall be done in accordance with applicable State and federal regulations as required based on quantity and class of materials.	
<b>3.8 Water Resources</b>				
3.8.1	Construction and operation of Phases I and II of the Proposed Project has the potential to violate water quality standards or waste discharge requirements off-reservation.	PS	3.8.1. The SWPPPs to be developed by the Tribe for Phases I and II of the Proposed Project to comply with the terms of both the USEPA's Stormwater General NPDES Permit for Construction Activities and the SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities shall include, but are not limited to, the following BMP: Erosion control measures shall be consistent with National Marine Fisheries Service conservation and minimization requirements as a means to minimize impacts on Coho salmon in the Yreka Creek drainage basin.	LTS

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	<b>Impact</b>	<b>Level of Significance</b>	<b>Draft TEIR Identified Mitigation Measure</b>	<b>Residual Significance</b>
			3.8.2 . The use of a rain garden type filter shall be included into the design of the storm drainage facility to ensure that stormwater is filtered for pollutants and sediments deposited prior to entry into Yreka Creek.	
3.8.2	The Proposed Project would not substantially deplete off-reservation groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local ground water table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).	<b>LTS</b>	None required.	<b>LTS</b>
3.8.3	Construction and operation of the Proposed Project would substantially alter the existing drainage pattern of the site in a manner which could result in substantial erosion or siltation off-site. Construction of the Proposed Project would not result in the alteration in a course of a stream or river.	<b>PS</b>	Mitigation Measures 3.6.1, 3.7.1, 3.8.1, and 3.8.2, discussed above.	<b>LTS</b>
3.8.4	Construction of the Proposed Project would substantially alter the existing drainage pattern of the site and substantially increase the rate and amount of surface runoff in a manner which could result in flooding off-site. Construction of the Proposed Project would not result in the alteration in a course of a stream or river.	<b>LTS</b>	None required.	<b>LTS</b>
3.8.5	The Proposed Project may create or contribute runoff water which would exceed the capacity of existing stormwater drainage systems and may provide substantial additional sources of polluted runoff off-reservation.	<b>PS</b>	Mitigation Measure 3.8.2, discussed above.	<b>LTS</b>
3.8.6	The Proposed Project would not place any structure within a 100-year flood hazard area, and therefore would not impede or redirect off-reservation flood flows.	<b>LTS</b>	None required.	<b>LTS</b>
3.8.7	The Proposed Project would not expose off-reservation people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a dam or levee.	<b>LTS</b>	None required.	<b>LTS</b>
<b>3.9</b>	<b>Noise</b>			
3.9.1	The Proposed Project has the potential to expose off-reservation persons to noise levels in excess of standards established in the local general plan or noise ordinance, or	<b>PS</b>	3.9.1. The following measures are recommended to minimize the effects of noise from construction of the Proposed Project:	<b>LTS</b>

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
	applicable standards of other agencies.		a) Through contractual obligation, standard outdoor construction activities for the Proposed Project will be conducted between 7:00 A.M. and 5:00 P.M, except when a special exemption is needed. The Tribe shall obtain an exemption from the City to cover special circumstances to conduct construction activities outside of that timeframe on the fee parcel. b) Through contractual obligation, the Tribe shall limit standard outdoor construction activities for the Proposed Project on the trust parcel to between 7:00 A.M. and 5:00 P.M., to the extent feasible and reasonable except when a special exemption is needed. c) To further address the impact of construction of the Proposed Project, the Tribe shall, through contractual requirement, implement the following: 1) Construction crews shall utilize the best available noise control techniques, i.e. mufflers per the equipment manufacturers' requirements for all internal combustion engines, equipment redesign, intake silencers, ducts, engine enclosures and noise attenuating shields or shrouds on all equipment and trucks. This mitigation measure would reduce off-reservation noise from heavy equipment use. 2) Construction crews shall only use impact tools that are hydraulically or electrically powered, use exhaust mufflers on compressed air exhaust, use external jackets on tools, and use drills instead of impact equipment and other quieter procedures when feasible. This mitigation measure would reduce off-reservation noise from impact tools and hand-held compressed air tools. 3) Construction crews shall place stationary construction equipment as far from off-reservation sensitive noise receptors as possible. This mitigation measure would reduce or eliminate off-reservation noise from stationary construction equipment.	
3.9.2	The Proposed Project would not expose off-reservation persons to excessive groundborne vibration or groundborne	<b>LTS</b>	None required.	<b>LTS</b>

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	<b>Impact</b>	<b>Level of Significance</b>	<b>Draft TEIR Identified Mitigation Measure</b>	<b>Residual Significance</b>
	noise levels.			
3.9.3	The Proposed Project would not result in a substantial permanent increase in the ambient noise level in the off-reservation vicinity of the Proposed Project.	<b>LTS</b>	None required.	<b>LTS</b>
3.9.4	During construction, the Proposed Project could result in a substantial temporary increase in ambient noise levels in the off-reservation vicinity of the Proposed Project.	<b>PS</b>	Mitigation Measure 3.9.1, discussed above.	<b>LTS</b>
<b>3.10 Public Services and Utilities</b>				
3.10.1	The Proposed Project would generate a demand for fire protection services; however, this demand would not require the construction of new or expanded facilities and thereby would not cause significant off-reservation environmental impacts.	<b>LTS</b>	None required.	<b>LTS</b>
3.10.2	The Proposed Project would generate a demand for police protection services and would contribute to the existing need for a new station building to maintain service level standards, the new construction or expansion of which could cause significant off-reservation environmental impacts.	<b>PS</b>	3.10.1. During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the Yreka PD for additional service demands caused by the operation of the Proposed Project. This service agreement shall include, but is not limited to, the following: a) An agreement for compensation that is to be fair share payment for any additional staffing as the parties agree is needed to serve development of Phases I and II, allowing the City to maintain public services at existing levels as well as reduce potential off-reservation environmental impacts. Based on preliminary negotiations between the Tribe and the Yreka PD, this fair share payment may be equivalent to funding required for one full-time equivalent (FTE) police officer and one additional police vehicle. b) The agreement shall be reviewed periodically by the Tribe and the City.	<b>LTS</b>
3.10.3	The Proposed Project would not generate a significant increase in demand for educational services, and therefore would not require the construction of new or expanded school facilities to maintain service level standards.	<b>LTS</b>	None required.	<b>LTS</b>
3.10.4	The Proposed Project would not generate a significant increase in solid waste, and therefore would not require the construction of new or expanded solid waste facilities to maintain service level standards.	<b>LTS</b>	None required.	<b>LTS</b>
3.10.5	The Proposed Project has the potential to increase demand on emergency medical services and could require the	<b>LTS</b>	None required.	<b>LTS</b>



**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	<b>Impact</b>	<b>Level of Significance</b>	<b>Draft TEIR Identified Mitigation Measure</b>	<b>Residual Significance</b>
	construction of new or expanded facilities, which could cause significant off-reservation environmental impacts, to maintain service level standards.			
3.10.6	The Proposed Project could generate wastewater that would exceed the capacity of City wastewater facilities.	<b>PS</b>	Mitigation Measure 3.10.2, discussed below.	<b>LTS</b>
3.10.7	The development of the Proposed Project may result in the need for new, upgraded, or expanded water or wastewater treatment facilities, the construction of which could cause significant off-reservation environmental effects.	<b>PS</b>	3.10.2. The Proposed Project shall utilize City water and wastewater services. During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the City for any new, upgraded, or expanded water or wastewater treatment facilities needed due to operation of the Proposed Project. This service agreement shall include, but is not limited, to the following: An agreement for compensation that is intended to be fair share payments for new, upgraded, or expanded water supply and wastewater conveyance facilities to serve development of Phases I and II, including development of appropriately sized infrastructure to meet Proposed Project flows. Such improvements shall be sized to maintain existing public services at levels.	<b>LTS</b>
3.10.8	The Proposed Project would not require the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant off-reservation environmental effects.	<b>LTS</b>	None required.	<b>LTS</b>
3.10.9	The Proposed Project may result in a determination by the City that it has adequate capacity to serve the Proposed Project's projected demand in addition to the City's existing commitments.	<b>PS</b>	Mitigation Measure 3.10.2, discussed above.	<b>LTS</b>
3.10.10	The Proposed Project could affect the workload of the County criminal justice system; <u>that may require additional staff and/or facilities to maintain service level standards, which could cause significant off-reservation environmental impacts</u> however, it would not result in the need for new or physically altered County facilities.	<b>LTS/PS</b>	3.10.3. <u>During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the County criminal justice system for additional service demands caused by the operation of the Proposed Project. This service agreement shall include, but is not limited to, the following:</u> a) <u>An agreement for compensation that is to be fair share payment for any additional staffing and/or operating space as the parties agree is needed to serve development of Phases I and II, allowing the</u>	<b>LTS</b>

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
			<p align="center"><u>County to maintain public services at existing levels as well as reduce potential off-reservation environmental impacts.</u></p> <p align="center"><u>a)b) The agreement shall be reviewed periodically by the Tribe and the County. None required.</u></p>	
<b>3.11 Transportation and Traffic</b>				
3.11.1	Construction worker trips and delivery of construction materials and equipment during construction of Phases I and II of the Proposed Project would increase off-reservation traffic. However, the associated increase in trips would not conflict with the applicable measures of effectiveness for the performance of the off-reservation circulation system nor would the associated increase in trips conflict with the applicable standards for off-reservation roads or highways.	LTS	None required.	LTS
3.11.2	Under Proposed Project conditions, operation of the Proposed Project (Phase I and Phase II) would generate new vehicle trips. However, these additional trips would not conflict with the applicable measures of effectiveness for the performance of the off-reservation circulation system nor would the associated increase in trips conflict with the applicable standards for off-reservation roads or highways.	LTS	None required.	LTS
3.11.3	Operation of Phase I and Phase II of the Proposed Project would result in the addition of new vehicle trips along the area roadway network. This increase would not substantially increase hazards to an off-reservation design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), but would create a safety hazard.	LTS	None required.	LTS
3.11.4	Operation of Phase I and Phase II would result in additional vehicle trips along the study roadway network but would not adversely impact the existing performance of the off-reservation pedestrian and bicycle facilities, which are a part of the circulation system.	LTS	None required.	LTS
3.11.5	Operation of the Proposed Project would not result in inadequate emergency access for off-reservation responders.	LTS	None required.	LTS
<b>3.12 Cultural Resources</b>				
3.12.1	The Proposed Project would not cause a substantial adverse change in the significance of a known off-	PS	3.12.1. In the event of any discovery of historical, archaeological, or paleontological resources during	LTS

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

	Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
	reservation historical or archaeological resource; however, the Proposed Project has the potential to impact unknown resources.		construction, the Tribe shall assure that all work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess its significance. The Karuk Tribal Historic Preservation Office shall also be contacted. If any archaeological find is determined to be important by the archaeologist, or paleontologist as appropriate, the Tribe's representatives shall meet with the designated expert to determine the appropriate course of action, including the development of a treatment plan, if necessary. Important cultural or paleontological materials recovered shall be subject to scientific analysis, culturally sensitive treatment, and disposition and/or professional curation, as appropriate. The professional archaeologist or paleontologist shall prepare a report according to current professional standards.	
3.12.2	The Proposed Project would not directly or indirectly destroy a known unique off-reservation paleontological resource or site or unique off-reservation geologic feature; however, the Proposed Project has the potential to impact unknown resources.	PS	Mitigation Measure 3.12.1, discussed above.	LTS
3.12.3	The Proposed Project would not disturb any known off-reservation human remains, including those interred outside of formal cemeteries; however, the Proposed Project has the potential to impact unknown resources.	PS	3.12.2. If human remains are encountered, the Tribe shall comply with Section 15064.5(e)(1) of the State CEQA Guidelines and Section 5097.98 of the California Public Resources Code. All project-related ground disturbance within 100 feet of the find shall be halted until the Siskiyou County Coroner has been notified. The Karuk Tribal Historic Preservation Office shall also be contacted. If the remains are determined to be of Native American origin, the State Native American Heritage Commission shall be contacted within 24 hours and no further excavation or disturbance of the site shall occur until the process set forth in Section 5097.98 of the California Public Resources Code is implemented. Nor shall any project-related ground disturbance in the vicinity of the find resume until the process detailed in Section 15064.5(e) of the State CEQA Guidelines has been completed.	LTS
3.12	<b>Population Growth-Inducing and Cumulative Off-Reservation Environmental Impacts</b>			
3.12.1	<b>Growth-Inducing Impacts</b>			

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

<b>Impact</b>	<b>Level of Significance</b>	<b>Draft TEIR Identified Mitigation Measure</b>	<b>Residual Significance</b>
Employees for the Proposed Project would come from the City or surrounding areas, thereby reducing the need for individuals and families to relocate to the area. Any new, expanded, or upgraded facilities, including associated support infrastructure, that would be developed to meet the needs of the Proposed Project would be specific to the casino and hotel and would therefore not induce additional development. Accordingly, the Proposed Project would not create significant off-reservation growth-inducing impacts.	<b>LTS</b>	None required.	<b>LTS</b>
<b>3.12.2 Cumulative Impacts</b>			
<b>Aesthetics</b> The Proposed Project would not have significant cumulatively considerable impacts with respect to off-reservation aesthetics.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Land Use, Population and Housing, and Recreation</b> The Proposed Project would not result in cumulatively considerable impacts with respect to off-reservation land use plans, population growth, housing availability, agricultural resources, or to recreation and park facilities.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Air Quality and Greenhouse Gas Emissions</b> Operational emissions of the Proposed Project in the cumulative year 2030 would not result in cumulatively considerable impacts to off-reservation air quality.	<b>LTS</b>	None required.	<b>LTS</b>
Direct CO <sub>2</sub> e emissions would be well below the CEQ reporting standard (refer to Section 3.4.1). Indirect emissions are also below the reporting standard. Therefore, a less than significant cumulative climate change impact would occur with the implementation of the Proposed Project.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Biological Resources</b> The Proposed Project would not result in cumulatively considerable impacts on off-reservation biological resources.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Geology and Soils</b> The Proposed Project would not have a cumulatively considerable impact with respect to off-reservation geology and soil resources.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Hazards and Hazardous Materials</b> The Proposed Project would not result in cumulatively considerable off-reservation impacts with respect to	<b>LTS</b>	None required.	<b>LTS</b>

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
hazardous materials.			
Because impacts to fire-fighting services would be less than significant with mitigation ( <b>Section 3.10</b> ), the Proposed Project would not result in cumulatively considerable impacts concerning wildland fires.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Water Resources</b> The Proposed Project would not result in cumulatively considerable impacts with respect to off-reservation drainage and flooding.	<b>LTS</b>	None required.	<b>LTS</b>
The Proposed Project would not result in cumulatively considerable impacts with respect to off-reservation surface water quality.	<b>LTS</b>	None required.	<b>LTS</b>
Implementation of the Proposed Project would not result in cumulatively considerable impacts with respect to off-reservation groundwater quantity in the region.	<b>LTS</b>	None required.	<b>LTS</b>
The Proposed Project would not result in cumulatively considerable impacts with respect to off-reservation groundwater quality.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Noise</b> Vehicle noise attributable to the Proposed Project would not result in cumulatively considerable impacts with respect to off-reservation noise.	<b>LTS</b>	None required.	<b>LTS</b>
Operation of the Proposed Project would not result in cumulatively considerable impacts to the off-reservation noise environment.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Public Services and Utilities and Service Systems</b> The Proposed Project would not result in cumulatively considerable impacts to public services and utility service systems.	<b>LTS</b>	None required.	<b>LTS</b>
<b>Transportation and Traffic</b> Operation of the Proposed Project would contribute to the degradation of LOS at the I-5 Northbound Ramps/Moonlit Oaks Avenue intersection.	<b>PS</b>	3.13.1. In coordination with Caltrans and the City, the Tribe would provide fair-share funding improvements to the intersections of I-5 Ramps and State Route 3 as agreed upon between the Tribe and Caltrans where the LOS exceeds LOS C in the cumulative condition Northbound Ramps and Moonlit Oaks Avenue either through an IGA with Caltrans or by other means that will include periodic monitoring. Improvements necessary to obtain an acceptable LOS at this intersection may include either of the following: 1. Conversion of the intersection into a single-lane	<b>LTS</b>

**TABLE 1-1**  
**IMPACTS AND MITIGATION MEASURES SUMMARY TABLE**  
 (PS=POTENTIALLY SIGNIFICANT, NI= NO IMPACT; LTS= LESS THAN SIGNIFICANT)

Impact	Level of Significance	Draft TEIR Identified Mitigation Measure	Residual Significance
		roundabout; or 2. Conversion of the intersection to a signalized intersection.	
<b>Cultural Resources</b> The Proposed Project would not result in cumulatively considerable impacts with respect to any known or unknown off-reservation cultural resources.	<b>LTS</b>	None required.	<b>LTS</b>

# CHAPTER 2.0

## COMMENTS

Comments letters received on the Draft TEIR are listed in **Table 2-1**. Substantive comment letters are provided in their entirety on the following pages, and issues are individually bracketed and numbered in the margins of the comment letters. All comment letters are listed in **Chapter 3.0**, including non-substantive comment letters and rationale for such a determination. Responses to the numbered comments are provided in **Chapter 3.0**.

**TABLE 2-1**  
LIST OF COMMENTERS

Letter	Individual or Signatory	Affiliation	Address	Date
<b>State Agencies (S)</b>				
<b>S1</b>	Marcelino Gonzalez, Local Development Review Coordinator	Department of Transportation, District 2	1657 Riverside Drive, Redding, CA 96001	December 26, 2013
<b>S2</b>	Scott Morgan, Director	Governor's Office of Planning and Research, State Clearinghouse	P.O. Box 3044, Sacramento, CA 95812-3044	December 30, 2013
<b>Local Agencies (L)</b>				
<b>L1</b>	Steve Baker, City Manager	City of Yreka	701 Fourth Street, Yreka, CA 96097	December 23, 2013
<b>L2</b>	Tom Odom, County Administrator	Siskiyou County	P.O. Box 750, Yreka, CA 96097	December 18, 2013
<b>Private Citizens and Commercial Entities (P)</b>				
<b>P1</b>	Wendy Wilson	Private Citizen	2233 Murray Ave., Yreka, CA 96097-9016	December 9, 2013
<b>P2</b>	Jerry Mosier	Private Citizen	1009 Northridge Drive, Yreka, CA, 96097	December 13, 2013
<b>P3</b>	Michael Stapleton	Private Citizen	5104 French Creek Rd., Etna, CA 96027	December 18, 2013
<b>P4</b>	Frank Borg, Bingo Chairman	Yreka Elk's Lodge	332 West Miner Street, Yreka, CA 96097	December 26, 2013
<b>P5</b>	Mark Baird	Private Citizen	316 Lawrence Ln, Yreka, CA 96097	December 27, 2013
<b>P6</b>	Jerry Mosier	Private Citizen	1009 Northridge Drive, Yreka, CA, 96097	December 27, 2013
<b>P7</b>	Tom Wetter	Private Citizen	15039 Lake Shore Dr, Weed, CA 96094	December 26, 2013
<b>P8</b>	Louise R. Gliatto	Private Citizen	100 Limestone Circle, Yreka, CA 96097	December 23, 2013
<b>P9</b>	Illegible <sup>1</sup>	Private Citizen	Fort Jones, CA	December 30, 2013
<b>P10</b>	H.	Private Citizen	Yreka, CA	December 30, 2013
<b>P11</b>	Jack Kerby	Private Citizen	Yreka, CA	December 30, 2013
<b>P12</b>	Donald Hugo	Private Citizen	Fort Jones, CA	December 30, 2013

Letter	Individual or Signatory	Affiliation	Address	Date
P13	Ruth T. Hinkle	Private Citizen	5725 Scott River Rd, Fort Jones, CA 96032-9720	December 30, 2013
P14	Illegible <sup>1</sup>	Private Citizen	Weed, CA	December 30, 2013
P15	Judy Mackintosh	Private Citizen	Weed, CA	December 30, 2013
P16	Uriel Bramah, Secured Party Creditor	Private Citizen	NP	December 30, 2013
P17	David B. Wolas	Private Citizen	NP	December 30, 2013
P18	M. E. M.	Private Citizen	NP	December 30, 2013
P19	Kathleen Eslinger	Private Citizen	NP	December 30, 2013
P20	B. Eslinger	Private Citizen	NP	December 30, 2013
P21	Steve	Private Citizen	NP	December 30, 2013
P22	Jane Kott	Private Citizen	NP	December 30, 2013
P23	Brad Eslinger	Private Citizen	NP	December 30, 2013
P24	Illegible <sup>1</sup>	Private Citizen	NP	December 30, 2013
P25	C. S. C	Private Citizen	NP	December 30, 2013
P26	G. B.	Private Citizen	NP	December 30, 2013
P27	Illegible <sup>1</sup>	Private Citizen	504 Woodridge Ct., Weed, CA 96094	December 30, 2013
P28	Illegible <sup>1</sup>	Private Citizen	NP	December 30, 2013
P29	G. W.	Private Citizen	NP	December 30, 2013
P30	Illegible <sup>1</sup>	Private Citizen	NP	December 30, 2013
P31	J. Dutsh	Private Citizen	NP	December 30, 2013
P32	Ruth Griffith	Private Citizen	NP	December 30, 2013
P33	Janice Crowe, Chairman	Shasta Indian Nation	P.O. Box 195, Macdoel, CA 96058	December 26, 2013
P34	Roy Hall, Jr., Chief	Shasta Indian Nation	10808 Fort Jones, CA 96032	December 30, 2013
P35	Rex Cozzalio	Private Citizen	4041 Copco Rd, Hornbrook, CA 96044	January 6, 2014
NP – Not Provided <sup>1</sup> Handwriting was illegible				



# **STATE AGENCIES (S)**

---

*COMMENT LETTERS*

RECEIVED DEC 20 2013 Edmund G. Brown Jr. Governor

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

DEPARTMENT OF TRANSPORTATION  
OFFICE OF COMMUNITY PLANNING  
1657 RIVERSIDE DRIVE  
REDDING, CA 96001  
PHONE (530) 225-3369  
FAX (530) 225-3020



Flex your power!  
Be energy efficient!

December 20, 2013

Mr. Scott Quinn  
Karuk Tribe  
P.O. Box 1016  
Happy Camp, CA 96039

IGR/CEQA Review  
Sis-5-45.6  
Karuk Tribe Casino Project  
Tribal DEIR  
SCH# 2013072048

Dear Mr. Quinn:

Thank you for the opportunity to review the Tribal Environmental Impact Report (TEIR) for the development of a Class III Gaming Complex in two phases. Phase I would develop a 36,000 square foot facility on land held in Trust to accommodate approximately 500 gaming machines and eight table games, a 100-seat restaurant, and 334 on-site parking spaces. An additional 222 parking spaces would be developed on the adjacent tribally-owned lands south of the gaming parcel with access to the facility provided from Sharps Road. Phase II would include the addition of approximately 20,000 square feet to the gaming complex to add approximately 300 gaming machines, eight table games, new restaurant space, and associated facilities. In addition Phase II would include an 80-room 48,000 square foot hotel and an additional 500 parking spaces. The project is located northeast of the south Yreka (Moonlit Oaks)/Interstate 5 (I-5) interchange in the City of Yreka.

S1-01

Our response to the Notice of Preparation requested consultation in the development of the traffic study for the traffic and circulation impact analysis (copy attached). However, that did not occur. Caltrans was seeking agreement on the scope of work for the traffic study, which includes the trip distribution assumptions, before the traffic study was prepared. We suggested that the trip distribution be agreed on to determine the highway road segments that needed to be analyzed.

S1-02

In order to accept the conclusions of the study, we request that additional information be provided to validate the trip distribution assumptions. The trip distribution assumptions for State Route (SR) 3 are 10% shown at the northerly end. However, many of the ancillary trips for casino patrons or employees are shopping opportunities and fast food restaurants that are located south of the Moonlit Oaks/SR 3 intersection. Since the Moonlit Oaks/SR 3 intersection was not analyzed it does not appear that the 10% for the entire segment fairly represents the attractors located at the southerly end of SR 3.

S1-03

**Mitigation Measure 3.13.1** provides that, "In coordination with Caltrans and the City, the Tribe would provide fair-share funding improvements to the intersection of I-5 Northbound Ramps and Moonlit Oaks Avenue either through an IGA (Intergovernmental Agreement) or by other means. Improvements necessary to obtain an acceptable LOS at this intersection may include either of the following:

1. Conversion of the intersection into a single-lane roundabout; or
2. Conversion of the intersection to a signalized intersection.

Karuk Tribe Casino Project TEIR  
SCH# 2013072048  
December 20, 2013  
Page 2

In general, the mitigation measure addresses the impact identified in the traffic study. However, the lack of consultation resulted in concerns with the trip distribution assumptions, inadequate analysis of State Route 3, and the SR3/Moonlit Oaks intersection was not analyzed. If a revised traffic analysis is not being considered our trip distribution concerns can be addressed in the mitigation agreement. Periodic monitoring (such as traffic counts at the casino complex access every 5 years) would validate the traffic generation and distribution conclusions in the traffic study and could also be used in the Tribe's ultimate fair share calculation which may be lower or higher, needed sooner or later, depending on the future traffic conditions.

S1-03  
Cont.

Caltrans requests that Mitigation Measure 3.13.1 be revised to address the facilities that were not analyzed. If the mitigation measure were revised to state, "...the Tribe would provide fair-share funding improvements to the intersections of the I-5 Ramps and State Route 3 where the LOS exceeds LOS C in the cumulative condition either through ..." Caltrans would be satisfied with the Tribe's commitment to a fair share mitigation for the off reservation impacts to the State highway facilities to be addressed in an intergovernmental agreement with the inclusion of periodic monitoring.

We look forward to working with the Tribe in addressing the off reservation traffic impacts and the improvements necessary to improve access to the gaming complex and related facilities. If you have any questions, please call me at (530) 225-5532 or email at [marcelino\\_gonzalez@dot.ca.gov](mailto:marcelino_gonzalez@dot.ca.gov).

S1-04

Sincerely,



MARCELINO GONZALEZ  
Local Development Review Coordinator  
Office of Community Development  
District 2

Attachment

c: Siskiyou County Transportation Commission  
City of Yreka



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

December 24, 2013

RECEIVED DEC 30 2013

Scott Quinn  
Karuk Tribe  
P.O. Box 1016  
Happy Camp, CA 96039

Subject: Karuk Tribe Casino Project  
SCH#: 2013072048

Dear Scott Quinn:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 23, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures

cc: Resources Agency  
1400 TENTH STREET, P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

S2-01

# Comment Letter S2 (Cont.)

## Document Details Report State Clearinghouse Data Base

**SCH#** 2013072048  
**Project Title** Karuk Tribe Casino Project  
**Lead Agency** Karuk Tribe

---

**Type** EIR Draft EIR  
**Description** The Karuk Tribe proposes to develop a Class III Gaming Complex in two phases. Phase I would develop a 36,000 sf facility on land held in Trust to accommodate approximately 500 gaming machines and 8 table games, a 100-seat restaurant, and on-site parking (334 stalls). Additional parking (222 stalls) would be developed on the adjacent tribally-owned lands south of the gaming parcel with access to the facility provided from Sharps Road. Phase II would include the additional of approximately 20,000 sf to the gaming complex to add approximately 300 gaming machines, 8 table games, new restaurant space, and associated facilities. In addition, Phase II would include an 80-room, 48,000 sf hotel and an additional 500 parking spaces.

---

### Lead Agency Contact

**Name** Scott Quinn  
**Agency** Karuk Tribe  
**Phone** 530 493-1600 x2433  
**email**  
**Address** P.O. Box 1016  
**City** Happy Camp  
**Fax**  
**State** CA **Zip** 96039

---

### Project Location

**County** Siskiyou  
**City** Yreka  
**Region**  
**Lat / Long** 41° 42' 29.9" N / 122° 37' 54.8" W  
**Cross Streets** Sharps Road  
**Parcel No.** 062-061-040, 062-051-380  
**Township** 45N **Range** 7W **Section** 35 **Base** MDB&M

---

### Proximity to:

**Highways** Hwy 5, 3  
**Airports** Yreka  
**Railways** Yreka Western RR Co.  
**Waterways** Yreka Creek  
**Schools** Shasta Head Start  
**Land Use** Tribal Trust land; off-reservation land is zoned Light Industrial

---

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

---

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 1; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 2; Air Resources Board; Native American Heritage Commission; California Department of Justice, Attorney General's Office

---

**Date Received** 11/07/2013 **Start of Review** 11/07/2013 **End of Review** 12/23/2013

# **LOCAL AGENCIES (L)**

---

*COMMENT LETTERS*



City of Yreka
701 Fourth Street • Yreka, CA 96097
(530) 841-2386 • FAX (530) 842-4836



December 23, 2013

Karuk Tribe
Attention: Scott Quinn
P.O. Box 1016
Happy Camp, California 96039

Re: Tribal Environmental Impact Report for Karuk Tribe Casino Project

Dear Mr. Quinn:

Thank you for the opportunity to submit comments on the Tribal Environmental Impact Report for Karuk Tribe Casino Project. The City believes that the TEIR as presented is deficient and fails to meet a test of adequacy for an environmental document under local, state or federal regulations. Many of the conclusions reached in the document are inadequately supported by analytical detail or analysis. The document is also inadequate for subsequent use by the City of Yreka for the purposes of approving off-site development or the construction of off-site infrastructure necessary to support the project or mitigate its impacts to the extent that any of those activities involve no Tribal Trust lands.

L1-01

Because the TEIR must be used by the City to authorize construction of utilities needed to support the project, the document must meet the requirements of the California Environmental Quality Act (CEQA). The provisions of CEQA are found beginning at Section 21000 of the Public Resources Code. Based on the lack of analysis in the TEIR, it is recommended that the author of the TEIR re-review the requirements of CEQA. While the provisions of CEQA may not directly apply to the Tribal Trust lands (except to the extent provided in the Gaming Compact), they do apply to the City and must be met before any physical change on the environment can occur. As currently presented the TEIR does not meet the provisions of CEQA as would be necessary for use of the document by the City of Yreka..

L1-02

The City believes that that the Alternatives analysis did not adequately study or analyze an appropriate range of alternatives to the project as the document fails to analyze a range of on-site gaming options and does not address off-site alternatives at all (e.g. access routes; roadway improvements; operational changes; etc.).

L1-03

The City believes that a large percentage of the mitigations proposed in the document inappropriately defer mitigation to agreements to which the City is either not a party (e.g. the Gaming Compact) or to agreements that have not yet been negotiated or defined (e.g. IGA with the City). The use of documents or agreements for which the outcome is unknown or not understood and for which no "performance measures" have been identified to ensure defined outcomes generally do not meet the test of adequacy for CEQA documents.

L1-04

The City believes that the City could be negatively impacted by the lack of analysis in the document and may be responsible as a CEQA Lead Agency for subsequent analysis if physical improvements on non-Trust lands are determined to be necessary.

L1-04  
Cont.

In addition to this letter, we note that the City raised some of these same issues in our letter of August 19, 2013, a copy of which is attached. In that letter, studies that should have been part of the TEIR are identified, but have not been completed. Also, the City continues to believe that the TIER should address cumulative impacts of development of land that the Tribe is actively acquiring in fee to the west of the project site for Phase 3 of the project.

L1-05

L1-06

Below are our comments on the TEIR:

**Project Description:**

1. "An accurate, stable and finite project description is the sine qua no of an informative and legally sufficient EIR." (County of Inyo v. City of Los Angeles (3d Dist. 1977) 71 Cal.App.3d 185, 193, Discussion following CEQA Guidelines §15124). The primary harm caused by shifts among different project descriptions is that the inconsistency confuses the public and the commenting agencies, thus vitiating the usefulness of the process "as a vehicle for intelligent public participation." (Inyo v. City of L. A. 71 Cal.App.3d at 197-198) Numbers/acreages utilized in the Project Description do not match the numbers/acreages utilized in the technical analysis sections (e.g. parking space number) nor are the referenced acreage figures consistent within the Project Description itself (e.g. Page 2-7 states Phase 1 will disturb 14.25 acres of land; Page 2-11 states Phase 2 will disturb 5 acres; Page 2-11 then states the full build out of the project will result in a footprint of 14 acres).
2. The section references various codes, regulations and requirements of the City and State but does not specifically commit the project to following them (e.g. City Grading Ordinance).
3. The section uses terms such as "to the greatest extent feasible", "near balanced", and "is anticipated", but does not provide any explanation or detail as to what the resulting impacts may be if the project does not meet with expectations as assumed.
4. No explanation is provided in the Project Description distinguishing between *trust* lands and *fee* lands and no explanations are offered explaining who has jurisdiction over the differing parcels or how (and what) regulations apply on each type of parcel.
5. No explanation is provided in the Project Description, nor is there an explanation provided elsewhere in the document, describing the difference between "off-reservation" and "on-reservation" lands and what each term implies

L1-07

L1-08

L1-09

L1-10

**Aesthetics:**

1. The analysis omits CEQA Guidelines Appendix G criteria c). Substantially degrade the existing visual character or quality of the site and its surroundings. Page 3.2-4 The impact analyses under Impacts 3.2.1 & 3.2.2 need to be switched as they do not match with their associated impact statements. Page 3.2-5
2. Impact 3.2.2 states that full build out of the project on the fee parcel is approximately 7 acres. Elsewhere, the portion of the Trust site to be used for the project is 10 acres, which when added to the 7 acres on fee land would be 17 acres, in contrast to the 14.5 total acres referenced elsewhere (see also comments in Project Description #1 above)in the document. An explanation of what aspects of the project are being analyzed versus the aspects that are not required to be analyzed should also be provided. Page 3.2-5

L1-11

L1-12



- 3. No analysis is provided for Impact 3.2.3 to support a determination of a less than significant impact. Pages 3.2-5 & 3.2-6

L1-13

**Air Quality / Greenhouse Gases:**

- 1. This section of the document utilized the Urbemis model for analysis of Air Quality and Greenhouse Gas emissions. The Urbemis model is not supported by the California Air Resources Board (CARB) and is therefore no longer updated or utilized for analysis purposes. The document should utilize the CalEEMod model instead as use of the Urbemis model does not represent a current "best practice" approach.
- 2. The analysis fails to provide realistic modeling for construction impacts and fails to show how the project conforms to the requirements of AB32 for the purposes of Greenhouse Gas emissions reductions.
- 3. Deficiencies in the Air Quality Model in the Appendix D Air Quality Model (URBEMIS) Output Files:
  - a) Page 2-7 states Phase 1 will disturb 14.25 acres of land. The Output Files show Phase 1 equaling 10 acres. This means construction-generated emissions are underestimated.
  - b) Table 2-3, *Phase 1 Anticipated Equipment Needs*, shows the construction equipment to be used in Phase 1. The Output Files detailing construction equipment for Phase 1 do not match Table 2-3. The Output Files show less construction equipment being used and thus underestimate construction-generated emissions.
  - c) Page 2-11 states Phase 2 will disturb 5 acres. The Output Files show Phase 2 equaling 10 acres. The Output Files do not match the narrative text of the document section.
  - d) Table 2-6, *Phase 2 Anticipated Equipment Needs*, shows the construction equipment to be used in Phase 2. The Output Files detailing construction equipment for Phase 2 do not match Table 2-6. The Output Files show less construction equipment being used and thus underestimate construction-generated emissions.
  - e) Page 2-9 states Phase 1 will take 11 months. The Output Files show a construction timeline of 6-7 months, again potentially underestimating construction-generated emissions.
  - f) Page 2-15 states Phase 2 will take 12 months. The Output Files show a construction timeline of 6-7 months, again potentially underestimating construction-generated emissions.
  - g) Page 3.4-8 – The 25,000 metric ton threshold is not appropriate for evaluating greenhouse gas impacts. The Siskiyou County AQMD should be contacted to define an appropriate threshold for the analysis.
  - h) Section 3.13 – As previously stated, the URBEMIS air quality model is not approved by the California Air Resources Board and thus does not represent a "best practices" approach to air quality modeling. This is particularly true for the quantification of greenhouse gas emissions as URBEMIS does not account for all of the greenhouse gas sources that are required to be considered (e.g., solid waste transport and degradation, water and wastewater conveyance, and energy use).
  - i) Page 3.4-17 – Impact 3.4-17 provides no evidence for a less than significant determination.
  - j) Page 3.4-15 – Impact 3.4.1 provides no evidence for a less than significant determination. *Comment:* Simply because the air basin is currently in attainment for all air pollutants does not automatically imply that all projects within the air basin can be determined to be less than significant.

L1-14

L1-15

L1-16

L1-17

L1-18

L1-19

L1-20

L1-21

L1-22

L1-23

L1-24

L1-25

**Biological Resources:**

L1-26

1. There are numerous typographical and grammatical errors throughout the Section. The City recommends that a Technical Editor review the document prior to publication of the Final TEIR. Sample examples include (suggested edits show in red text):
  - a. Page 3.5-1 (incorrect reference): The USFWS and the National Oceanic and Atmospheric Administration's (NOAA);
  - b. Page 3.5-2 (missing information): For purposes of these guidelines, "disturb" means "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

L1-26  
Cont.

**Analysis of Special Status Plant Species:**

2. Woolly Balsamroot (*Balsamorhiza lanata*): "(The June 27 and 28, 2013 biological surveys were conducted within the evident and identifiable blooming period for this species. This species was not observed in the vicinity of the project site. This species does not occur within the project site)". *Comment: The blooming period is identified as April-June. These survey dates are at the extreme end of the potential blooming period and samples were taken on two consecutive days. The City questions whether a reference site was used to determine the appropriate survey timeframes for this species? If a reference site was not used to assist in supporting the identified conclusion, the City does not believe that the conclusion/determination can be supported as presented.*
3. Greene's Maripose Lily (*Calochortus greenii*): *Comment: The City concurs that it is unlikely that this species occurs on the project site. However, if no reference site was used to determine appropriate survey timeframes for this species, the City does not believe that the conclusion/determination can be supported due to the timing of the field survey.*
4. Ashland Thistle (*Cirsium ciliolatum*): *Comment: The City concurs that it is unlikely that this species occurs on the project site. However, if no reference site was used to determine appropriate survey timeframes for this species, the City does not believe that the conclusion/determination can be supported due to the timing of the field survey.*
5. Peck's Lomatium (*Lomatium peckianum*): "(The oak woodland within the southern portion of the fee parcel provides habitat for this species. The June 27 and 28, 2013 biological surveys were conducted within the evident and identifiable blooming period for this species. This species was not observed in the vicinity of the project site. This species does not occur within the project site)". *Comment: The City concurs that it is unlikely that this species occurs on the project site. However, if no reference site was used to determine appropriate survey timeframes for this species, the City does not believe that the conclusion/determination can be supported due to the timing of the field survey.*
  - a. *The City believes that potential impacts to woolly balsamroot and Peck's lomatium should also be analyzed and addressed in Impact 3.5.1 parts a, b and c. THE CITY would suggest the following addition to MM 3.5.1 a, b and c: "A qualified biologist/botanist shall conduct a focused botanical survey within the nonnative grassland on the fee parcel during the blooming period for Shasta orthocarpus (May), as well as within the oak woodland for woolly balsamroot (April-June) and Peck's lomatium (April-June) prior to commencement of construction activities of Phases I and....."*

L1-27

L1-28

**Geology and Soils:**

Page 3.6-10 – The analysis omits several CEQA Guidelines Appendix G criteria. This section should fully analyze all of the criteria set forth in the Appendix G checklist.

L1-29

**Hazards and Hazardous Materials:**

- 1. Page 3.7-3: California Integrated Waste Management Board no longer exists. It is now Department of Resources Recycling and Recovery (CalRecycle). L1-30
- 2. What department in the county is responsible for the HMBP? No direction is offered by the document to address this question. L1-31
- 3. Page 3.7-4: The ESA done in 1996 is dated. The document should be amended to explain whether anything has occurred on the site since 1996 and if the 17 year old conclusions remain valid. L1-32
- 4. Mitigation Measure 3.7.1: What is the implementation time and who is the responsible party for the overseeing of the mitigation? L1-33
- 5. Mitigation Measure 3.7.2:
  - a) 1st paragraph - What is considered "feasible and reasonable" and who makes this determination? No direction is provided in the document and no guidance is offered to address this question. L1-34
  - b) Subpart g) –
    - i. How many feet of cleared vegetation from staging areas, welding areas or other spark-producing areas are required? What is considered "to the extent feasible" for cleared firebreak? No explanation is provided in the document and no basis for the approach is offered. L1-35
    - ii. What is the implementation time and who is the responsible party for the overseeing of the mitigation? No direction is provided in the document and no explanation is offered to address the question.

**Land Use, Population and Housing, and Recreation:**

- 1. Impact 3.3.1
  - a) 1<sup>st</sup> paragraph - explain why the trust land is not subject to Yreka land use designations. No explanation is provided in the section nor does the document explain to the reader the regulatory approval structure for the project. L1-36
  - b) 2<sup>nd</sup> paragraph- south of the project site is also LDR, how is a parking lot compatible with this use? No analysis or text is offered in the section to support a conclusion that a parking lot is a compatible use on the fee parcel. L1-37
  - c) 3<sup>rd</sup> paragraph – explain how the approval of a Conditional Use Permit and other city permits satisfy compliance with the provisions of CEQA and how this reduces impacts to land use impacts. No analysis is offered in the section to support a conclusion that satisfaction of local agency permitting requirements will reduce physical environmental impacts to a less than significant level. L1-38

**Noise:**

- 1. No noise analysis was prepared for the project. A noise study is needed to support the conclusions in this document. The City does not believe that a project of this scope and type can be adequately analyzed in the absence of a project-specific noise analysis. L1-39
- 2. The document fails to describe how the project meets the City of Yreka's noise standards. (described in Table 5-4 and 5-5 of the General Plan) This information should be included in the document and all off-reservation noise impacts should be evaluated by local not federal standards. L1-40

- 3. Impact 3.9.1 – Construction:
  - a. The closest off-reservation sensitive receptor is the Karuk Tribal Headstart facility, as stated under Impact 3.9.1. If this facility is located within city boundaries, it is subject to City noise standards not federal standards. Please show calculation for the “maximum noise level” at the Karuk Tribal Headstart facility. L1-41
  - b. Table 3.9-6 and Table 3.9-7 indicate the source as Caltrans, 2009. Did Caltrans do the noise level evaluation for the project (Table 3.9-7)? The TEIR should provide source information for the proposed project and should show how the reductions in noise dB were calculated. L1-42
  - c. Mitigation Measure 3.9.1 - Needs implementation timing and responsible party L1-43
- 4. Impact 3.9.1 – Operational Traffic Noise:
  - a. 3<sup>rd</sup> paragraph – the document fails to explain how an increase of 3dBA Leq increase under Phase I and a 7.4dBA Leq increase under Phase II was determined. L1-44
  - b. Page 3.9.14, 2<sup>nd</sup> paragraph – the text states that General Plan Policy 1 specifies noise level standards for new developments affected by “existing” traffic. Policy 1 does not include the term “existing” for traffic related noise. The City believes that this is an interpretation of the policy by the writer that is not correct and inappropriate for the analysis. L1-45
  - c. The project will increase the traffic noise and create an impact to existing residential uses. Making a determining that because the City does not have a noise standard for additional traffic noise caused by a project is not adequate reasoning for determining a less than significant impact. The City believes that the standard should be based on Table 5-4 of the General Plan. If a proposed project increases traffic noise levels beyond the residential standards, as is the case here (see Table 5-4) then mitigation must be identified to reduce projected noise levels. L1-46
  - d. The EIR should include an analysis of interior noise to residential units cause by project traffic. This is especially important as the casino will be operating 24 hours a day and nighttime noise is substantially more impactful than daytime noise to existing residents. L1-47
- 5. Impact 3.9.1 – On-Site Operational Noise
  - a. Page 3.9-15,
    - i. 1<sup>st</sup> full paragraph – the document fails to identify the nearest sensitive receptor to the loading dock? Additionally, it is unclear who or how it was determined that 24.0 dBA is the appropriate attenuation value at 1,000 feet? The document needs to show calculations and source citations for the determination. L1-48
    - ii. 2<sup>nd</sup> full paragraph – it is unclear who determined the noise level for the parking lot and how was it determined? The document needs to show calculations and source citations. L1-49
- 6. Impact 3.9.2
  - a. Page 3.9-16 Operation
    - iii. TEIR text states “Vibrations from buses and loaded trucks can be 0.008 PPV at a distance of 125 feet, or 0.076 PPV at the nearest off-reservation sensitive noise receptor...” No information is provided document where this information came from or how was it determined and calculated. L1-50
    - iv. Where does the significance criterion of 0.1 PPV and 0.5 PPV come from? L1-51

7. Impact 3.9.3

- a. Page 3.9-13 states that there will be an ambient noise increase of 7.4 dBA Leq at approximately 50 feet from Sharps road under Phase II. Page 3.9-7 states that a change in ambient noise from 7 to 10 dBA typically elicits extreme concern. It is unknown how can this impact result in a less than significant determination considering the increase in ambient noise under Phase II?

L1-52

**Public Services and Utilities and Service Systems:**

**Water and Wastewater:**

**General Comments.** The water and wastewater section assumes that the Tribe will use the City's water and wastewater systems under an intergovernmental Services agreement. Despite months of on-going negotiations between the parties, an acceptable agreement for the provision of these services has not been reached. The TEIR should have greater analysis of the alternatives for the project should the IGA not include these services. While there is some discussion of the water table in the area, the discussion of impacts if water and wastewater are not available from the City is not discussed.

L1-53

1. The analysis provided in the TEIR document only analyzes project impacts against the City's wastewater treatment plant theoretical design capacity as described in the City's Wastewater Master Plan. The document provides no analysis describing the current physical ability of the City to collect and treat project wastewater flows.
2. The document fails entirely to analyze the ability of the City's wastewater treatment plant to dispose of treated effluent generated by the project and appears to rely on a letter sent to the City in June of 2013 requesting information on the City's system as the sole determinant of the City's ability to accommodate project wastewater flows.
3. The document fails entirely to analyze any part of the City's wastewater collection system. The document provides no analysis or discussion of the ability of the wastewater collection system to handle effluent from the project. No discussion or analysis of necessary off-reservation infrastructure is offered (pump capacities; collection system flow restrictions; etc.) and no analysis of system capacities is presented.
4. The water supply analysis in the TEIR document only analyzes project impacts against the City's theoretical permitted water *allocation* as described in the City's Water Master Plan. There is no analysis of the City's actual ability to provide water through the existing transmission and storage infrastructure.
5. The analysis offered in the document fails entirely to analyze or discuss the capacity of the City's existing water distribution system and any potential off-site impacts on the water distribution system. (i.e. pump capacities, pipe capacities or water storage capacity)
6. The TEIR fails entirely to address the applicability of SB610 (codified at California Public Resources Code Sections 21151.9, and Water Code Section 10631, 10657, 10910-12, and 10915) and SB221 (codified at California Business and Professions Code Section 11010, and Government Code Sections 65867.5, 66455.3, and 66473.7) to the project. Water Code section 10912 provides direction on the applicability of SB610. Water Code section 10912.a.(1-7) provide thresholds of applicability. In particular, sub-parts (4) and (7) may be triggered by the project. No discussion of the total number of existing service connections is offered and no analysis of service demand equivalents is presented.

L1-54

L1-55

L1-56

**Storm Drainage:**

1. The TEIR fails to address to provide any substantive information project storm drainage plans with exception of noting future requirements for the acquisition of a NPDES and CWA permits. No discussion of storm water detention or retention basis sizing is offered and no discussion of

L1-57

storm water management is noted beyond a statement that a Drainage Master Plan shall be prepared.

2. The document presents no information in regard to potential impacts to Yreka Creek and proposes no mitigation measures beyond a reliance on existing regulatory requirements dealing how the project will address potential impact to Salmon spawning habitat and anadromous fish.
3. No information is presented in regard to the management of pollutants from the surface parking areas (e.g. oils and petroleum product use) in the document.
4. The City is now subject to requirements from the State Water Resources Control Board regarding Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (also known as "MS4s"). Information is available on the Board's website at [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml). There is no information on how the project will comply with these regulations.

L1-57  
Cont.

L1-58

L1-59

L1-60

**Police and Fire:**

1. The analysis is supported only by verbal conversations with the Police and Fire Chief's respectively. The document does not appear to provide any system analysis for response time impacts for emergency events or to provide any analysis of water pressure or water storage.
2. The document appears to fail in analyzing any impacts associated with the need for specialized equipment (ladder truck; buildings exceeding two-stories; water monitors on existing fire trucks; etc.) and does not provide any detail in regard to emergency response planning, including fire equipment staging planning.
3. The document does not address emergency access to the project other than the entrance on Sharps Road for emergency response or evacuation.
4. Since part of the project site is located within a Very High Fire Hazard Zone, the project description should include mitigation measures such as fire sprinklers, hydrant locations and other fire prevention or suppression improvements as provided under State Building and Fire Codes

L1-61

L1-62

L1-63

L1-64

L1-65

**Transportation / Circulation:**

*General Notes and Observations:*

The City believes that the Traffic Impact Analysis (TIA) presented in the Tribal EIR is both inaccurate and incomplete in its analysis of area transportation impacts associated with the proposed project. Without an accurate TIA, The City believes that the potential traffic impacts are understated and the level resultant mitigation measures are misrepresented. Further, and perhaps more significantly to the applicant, the City of Yreka cannot rely on the TEIR as the CEQA document needed to support any of the off reservation improvements required by the proposed project. In real terms this means that the City will need to prepare its own CEQA document to facilitate the construction of off-reservation roadway improvements that will be needed to meet the needs of the proposed project. To avoid unnecessary delay while additional environmental analysis is completed, the City believes that the Tribe should revise, this time in conjunction with the City of Yreka, County of Siskiyou, the Siskiyou Fairground District and Caltrans, the Traffic Impact Analysis and that the TEIR be amended to reflect the actual impacts and recommend reasonable mitigation measures.

L1-66

*Chapter Specific Comments:*

1. Page 18 of the TIA, Appendix F of the TEIR, states that traffic counts were taken on June 20, 2013, "when all of the local area schools were in session". In fact both the College of the Siskiyou and the Yreka High School District ended classes nearly two weeks prior to the traffic counts. Similarly, all of the elementary schools were also out of session. While there may have been summer session for one or more of the schools, the summer traffic would be expected to

L1-67

- be a small fraction of the normal school year. The traffic counts must be re-taken in accordance with industry standard protocol and the analysis revisited.
2. The traffic generation assumptions used in the TIA did not include construction trips. As a result, the Air Quality and Greenhouse Gas analysis does not accurately reflect the construction impacts of the project. When the TIA is revised to correctly include the school trips, the TIA must also include construction trips to ensure impacts are accurate for the Air Quality and Greenhouse Gas analysis.
  3. It is reasonable to assume that many of the project trips will be weekend and holiday trips which also correspond to the peak commercial use in this rural community. The TIA must include weekend counts if for no other reason than to support the selection of the PM peak hour as the correct level of analysis. While AM/PM counts are traditional, they are not the only peak hours that can occur.
  4. As the proposed project has only one access it is vital that the TIA evaluate special events that might affect traffic on Sharps and Fairlane Roads such as the annual County Fair or other significant events. There is no evidence in the TIA or the TEIR that the Fairground District was contacted to determine the extent of special events that would affect traffic. During a special event the only access to the project could be blocked due to heavy traffic entering the fairground parking area(s) or accident. The TIA and the TEIR must evaluate access to the site with these factors taken into consideration.
  5. It is not credible that the current unsignalized single-lane configuration of Sharps Road and Fairlane Road is adequate to meet the needs of the proposed project. Figure 2 on page 19 and Figure 10 on page 46 of the TIA incorrectly imply turn lanes from Sharps Road onto Fairlane Road. No turn lanes exist today and none are proposed as improvements with the project or required as mitigation measures in the TEIR.
  6. Sharps Road is a narrow rural roadway of 20 feet and does not provide for a parking or emergency lane. Clearly the roadway will need to be reconstructed to meet the needs of the proposed project, yet neither the project description nor the TIA mention this need. The City is unable to reconstruct the roadway and there is no indication if sufficient right of way exists to expand to the intersection to meet the dedicated turn north and southbound lanes relied upon in the TIA.
  7. The TIA, at page 51 indicates that the proposed project's responsibility for improvements on the Interstate 5 is 75 percent, which is considered by the TIA as a 'fair share'. At this level of responsibility, the project will need to construct the physical improvements. Improvements to this interchange are not part of any adopted regional transportation program and are required only for the proposed project. Payment of a fair share fee neither provides adequate mitigation nor ensures that the improvement is constructed. As there is no funding mechanism or improvement program in place for this improvement, and no reasonable expectation that a program will be adopted by either the City of Yreka or Caltrans; and because the improvement is wholly within state right of way which is outside the jurisdiction of both the Tribe and the City of Yreka, the TEIR must consider that the improvement may not be constructed and therefore traffic impacts from the proposed project are **significant and unavoidable**. Of course this determination would require recirculation of the TEIR which would coincide with the preparation of an adequate TIA to support the document.
  8. Page 51 of the TIA recommends pedestrian improvements along Sharps Road, presumably to address the environmental issue of non-vehicular access to the Casino. There is no mention of pedestrian accessibility to the proposed project in the TEIR, and no mention of improvements to Sharps Road in accordance with the TIA recommendation. This omission violates CEQA and may also affect the assumptions made in the Air Quality and Greenhouse Gas emissions analysis.

9. The TIA fails to define or mention Main Street, which is also State Route 3, which parallels Interstate 5 and also connects with Moonlit Oaks Avenue. It is reasonable to assume that both City and regional traffic will use this facility to access the proposed project. The TIA incorrectly identifies Main Street/SR 3 as being within the City of Yreka's jurisdiction. While the roadway is within the corporate limits of the City, the right of way and roadway improvements, are owned, operated and maintained by Caltrans as a part of the statewide road system.
10. The TIA incorrectly states two different levels of service for Caltrans managed facilities. Page 21 of the TIA states LOS C, while page 23 states the threshold of LOS C and LOS D. It is unclear from the TIA which of the two LOS standards applies. Please revise the TIA accordingly.
11. The TIA trip distribution map shown as Figure 4 on page 30, implies that no traffic will leave the project, turn west on Moonlit Oaks Avenue and then south on Main Street/State Route 3. This suggests that none of the Scott Valley residents of the cities of Etna or Fort Jones, or even the residents of the tribal housing in the Scott Valley, will be visiting or working at the proposed project. This is clearly incorrect and needs to be rectified in the revised TIA and TEIR.
12. Even though nearly half of the County population lives south of the Moonlit Oaks Avenue interchange with I-5, only 15 percent of the proposed project's vehicle trips are assigned to this direction. Instead, a sizable 65 percent of project traffic assumed to travel north on I-5 to some destination, presumably Oregon. This is clearly incorrect and underestimates the impact of local traffic on the interchanges.
13. By assigning so much traffic to I-5, the implication in Figure 10 is that the local Yreka Residents will use I-5 to travel to the Casino instead of Main Street/SR 3 and Fairlane Road. This is incorrect and results in an inadequate analysis of traffic impacts on local roadways.

Because the TIA is inaccurate and incomplete, it follows that the TEIR section cannot be adequate for the purposes of CEQA. The following comments reflect the TEIR. Page 3.11-3 of the TEIR surprisingly fails to mention that the proposed project will be located on a cul-de-sac nearly 4,000 feet long without a secondary means of emergency ingress/egress. This results in a real threat to public safety, particularly in a high wildfire danger area like Yreka. Any other development of this magnitude would be required to have at least two all-weather access points capable of handling emergency equipment. The TEIR needs to be revised to reflect a new design consistent with state law regarding access.

14. The analysis of access on page 3.11.5 of the TEIR addresses only the LOS of the few intersections included in the TIA. The analysis completely fails to mention that the proposed project is at the end of a 4,000 foot cul-de-sac, or that Sharps Road is only 20 feet wide or that the project is located in an area of California where it snows regularly. The analysis of access in the TEIR is so incomplete and cursory that it fails to meet any standard of environmental review much less that of CEQA. A real analysis should be completed by a qualified traffic engineer to determine whether the single access point, with the current developed condition of Sharps Road, is adequate for the health and safety of visitors.
15. Main Street is included as part of the analysis yet is inexplicably missing from the definition. This is surprising, as the roadway not only caters to a significant amount of local traffic; it is also State Route 3 leading to Scott Valley and in the jurisdiction of CALTRANS. This means that no improvements can be made to the roadway without state approval and that a different level of service is applied to traffic impacts. Please revise the TEIR to include this roadway.
16. Table 3.11-4 on page 3.11-8 must include an estimate of construction workers to be consistent with the Air Quality and Greenhouse Gas analysis. Further, neither this table nor the TEIR estimate pedestrian or bicycle trips associated with the proposed project. As such, there is no evi-

L1-75

L1-76

L1-77

L1-78

L1-79

L1-80

L1-81

L1-82

L1-83



dence to support the conclusion that the project will not have an impact on pedestrian or bicycle access to the site.

L1-83  
Cont.

17. Impact 3.11.3 states that "All site access and off-reservation roadway improvements would be required to be developed pursuant to existing City standards, which would result in a less than significant impact under both phases of development." There are no statements in the project description or mitigation measures in the TEIR that require these improvements to occur. Further, the environmental impacts of making the required improvements are not included in the TEIR. The City therefore cannot approve any roadway modifications without requiring additional environmental analysis.

L1-84

18. Impact 3.11.5 provides only a cursory statement regarding emergency access based on levels of service in area roadways. There is no analysis of any kind in this impact statement, no indication of a long cul-de-sac that exceeds city and state standards, no mention of road width or slope in an area that regularly receives snowfall. This impact statement is not adequate under any responsible method of environmental analysis and essentially ignores the fact that if the roadway is blocked for any reason, several hundred people will be trapped at the proposed project.

L1-85

19. Neither the TEIR nor the TIA discusses the increased road maintenance that the project, as a new generator of significant traffic, will create, particularly on roads closest to the project.

L1-86

**Alternatives Analysis – Transportation/Circulation:**

The City believes that the TEIR fails to adequately present an adequate range of project alternatives and generally fails to meet that purpose and intent of an alternatives analysis at all. As stated in Section 15126.6 of the California Environmental Quality Act Guidelines: "Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." The TEIR appears to eliminate any potentially significant effects by either neglecting to analyze the impact in any meaningful or responsible fashion, or, by relying on the resources of other agencies like Caltrans and the City of Yreka, to construct or manage improvements needed to serve the needs of the project.

L1-87

1. As noted elsewhere in this letter, the project is located at the end of a two lane rural roadway with barely sufficient improvements to meet the needs of the existing developed areas along the road. This project will significantly increase the traffic on the roadway by locating several hundred people at the end of a cul-de-sac. This is a significant impact to both the physical roadway and to the safety of future visitors to the project. There is no alternative discussion showing a secondary access, or even an explanation of why that access would be infeasible, only a reliance on the average level of service during a PM peak hour during the mid week period. At a minimum there must be a discussion of a secondary access point to the facility.

L1-88

2. The TEIR states on page 4-2 that the proposed project constitutes a recreational facility and would not increase tourism to other recreational facilities. Presumably then the City has no economic reason to accept or approve of the proposed project since it will not benefit the City or community.

L1-89

3. The environmentally superior alternative identified on page 4-9 of the TEIR states that even though the reduced intensity alternative would lessen off-reservation impacts, it does not make as much money for the tribe therefore the proposed project is the environmentally superior alternative. Neither CEQA nor NEPA allow developer profit to be the determining factor in selecting an alternative. In fact CEQA Section 15126.6(b) states "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Re-

L1-90

sources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." By relying on profit alone, this TEIR section fails to provide a meaningful analysis of even the two poorly thought through alternatives included in this document.

L1-90  
Cont.

As stated at the beginning of this document, it is the opinion of the City that the TEIR is deficient in meeting a reasonable test of adequacy and does not provide a level of detail acceptable for the type of project proposed. Further, it is the opinion of The City that the document does not provide a sufficient level of detail to allow the City as a potential CEQA Lead Agency to utilize or rely on the analysis presented for construct physical improvements that may be necessary to support the project.

L1-91

The City recommends that the public comment period for the TEIR be extended to allow for incorporation of necessary studies and other additional information.

L1-92

The City thanks the Tribe for the opportunity to review and provide comment on the Tribal EIR document and looks forward to the opportunity to discuss this with the Tribe moving forward.

L1-93

Sincerely,



Steven W. Baker  
City Manager



# COUNTY OF SISKIYOU

## COUNTY ADMINISTRATIVE OFFICE

Tom Odom, County Administrator  
P.O. Box 750 • 1312 Fairlane, Yreka, CA 96097  
Phone: (530) 842-8005, Fax Number: (530) 842-8013  
www.co.siskiyou.ca.us

December 18, 2013

RECEIVED DEC 23 2012

Karuk Tribe  
Attn: Scott Quinn  
P.O. Box 1016  
Happy Camp, CA 96039

**Re: Karuk Tribe Casino Project**

Dear Mr. Quinn:

Thank you for this opportunity to review and comment on the Draft Tribal Environmental Impact Report (Draft TEIR) for the Karuk Tribe Casino project. This project would be located on approximately 60 acres in the City of Yreka, a portion of which is tribal trust land and a portion of which is held in fee title by the Tribe. The project, which would be accessed via a proposed extension of Sharps Road, would be developed in two phases. The initial phase would consist of a 36,497-square foot Class III gaming complex that includes a 13,800-square foot gaming floor with approximately 500 gaming machines and eight table games, a 120-seat restaurant and casino bar, and casino operation and support areas. This initial phase would also include development of approximately 556 parking stalls to serve the project. The second phase would add 20,000 square feet to the casino, including a 9,500-square foot gaming floor containing approximately 300 additional gaming machines and eight additional table games, a new 100-seat restaurant, and casino operation and support areas. Phase 2 would also include the construction of a three-story, 80-room, 48,000-square foot hotel adjoined to the casino, and development of approximately 500 additional parking stalls; however, because some of the parking stalls developed during Phase 1 would be consumed as a result of Phase 2 improvements, a total of 723 parking stalls would be available to serve the project.

Based upon the County's review of the Draft TEIR, the County offers the following comments:

Phase III

The Draft TEIR should clarify the scope and phasing of the project, including all anticipated future development. Although the Draft TEIR states that the proposed project includes only a casino and hotel and does not include a travel center,<sup>1</sup> an e-mail news update on November

L2-01

L2-02

<sup>1</sup> At pages 1-6 and 1-7 the Draft TEIR states: "One issue highlighted in the City's comment letter is no longer applicable to the Proposed Project. The City commented the Tribe had proposed to construct a

25, 2013, described a travel center as Phase III of the project. Any Phase III component of the project should be addressed and analyzed in the Draft TEIR.

L2-02  
Cont.

Transportation

The Draft TEIR estimates that the project would generate approximately 1,689 vehicle trips per day at build-out and approximately 159 vehicle trips during PM peak hour conditions. This equates to an average of approximately 1.2 vehicles per minute and 2.65 vehicles per minute during PM peak hour conditions. The Draft TEIR also acknowledges that, with the exception of a short segment of sidewalk located 300 feet west of the project site, Sharps Road and other area roadways lack adequate pedestrian facilities.

Although there are few residential developments in close proximity to the project site, it is anticipated that pedestrians would utilize area roadways to access the casino. This is in part because Siskiyou County STAGE buses utilize Fairlane Road, passing Sharps Road en route to other destinations. Given this close proximity to public transportation, it is likely that a number of future employees and patrons would utilize STAGE to travel to and from the casino. In addition, Hibbard Field and a portion of the Siskiyou County Fairgrounds are both accessed via access points along Sharps Road. Hibbard Field is a heavily utilized ball field that attracts numerous families during sporting events and, with the substantial increase in vehicles along Sharps Road, the risk to pedestrians would increase proportionately. Further, the Hibbard Field/Fairgrounds access point is utilized by large trucks with trailers associated with the horse facilities and race car speedway at the Fairgrounds.

L2-03

Given the current low volume of traffic along Sharps Road, the current access points function adequately. However, with a significant increase in traffic resulting from the casino, an increased potential for conflict would exist. For these reasons, the County recommends that mitigation be included in the Final TEIR to address the increased demand for pedestrian transportation facilities resulting from the project and to address the inadequate access points along Sharps Road. In particular, the County recommends that a STAGE stop be developed along Fairlane Road near the entrance to Sharps Road and that a sidewalk be constructed along the entire length of Sharps Road and along that portion of Fairlane Road to the STAGE stop. In addition, the Hibbard/Fairgrounds access point, as well as the other access points, should be evaluated to determine whether improvements are needed to bring the access points to current City standards to avoid potential traffic impacts resulting from the significant increase in vehicular trips on Sharps Road.

Emergency Services

At the time the NOP was released, the County commented that, in addition to assessing potential impacts to City departments, the TEIR should address potential impacts to departments/agencies that provide mutual aid to the City (e.g., Siskiyou County Sheriff's Department, California Highway Patrol, Cal Fire, etc.). However, with the exception of acknowledging that the Yreka Fire Department receives mutual aid from Cal Fire, the Draft TEIR provides no assessment of potential impacts to outside departments/agencies. As such,

L2-04

travel center, recreations vehicle park, and other complementary facilities to the casino, and the Draft TEIR should be inclusive in its evaluation. Since the Tribe initiated discussions with the City regarding development on the project site, the Tribe has revised its proposed development plans to include only the casino and hotel as described in Section 2.0. Therefore, this Draft TEIR evaluates impacts of all components of the Proposed Project."

it remains uncertain whether any outside departments/agencies may be adversely impacted as a result of the project.

Based on the lure of “easy money,” the potential overconsumption of alcohol, and the proximity to city limits and the interstate freeway, it is anticipated that there would be an increase in DUIs both inside and outside city limits and increased demand for police protective services that spans agency boundaries. In short, these impacts would not be felt by the Yreka Police Department alone. It is, therefore, requested that a more complete assessment of potential impacts to emergency service providers be provided in the TEIR.

L2-04  
Cont.

### Criminal Justice System

In response to the County’s comments on the NOP, the Draft TEIR includes a very brief assessment of the potential impact to the County’s criminal justice system, the result of which is a determination that any impact would be less than significant. The Draft TEIR fails to indicate how this determination was made.

The Siskiyou County District Attorney’s Office is stretched very thin, short on both attorneys and administrative staff. According to Siskiyou County District Attorney Kirk Andrus, he anticipates that the casino could have a significant impact on the County’s criminal justice system. For example, according to Amador County District Attorney Todd Riebe, after the Jackson Rancheria Casino Resort was developed, approximately 27 percent of the felonies in the County were directly related to the casino and, in general, casino-related crimes comprised approximately 20 percent of the district attorney’s caseload.

The Siskiyou County Superior Court is experiencing a funding crisis and is struggling to maintain its service levels. The Weed and Happy Camp branches of the Court, identified in the Draft TEIR as part of the court system, will be permanently closed effective January 6, 2014, due to insufficient funding. The Court operates with minimum staffing out of structures in Yreka that are functionally and physically deficient to meet current demands. The courthouse lacks holding cells and other security features for in-custody defendants, who share the same hallways with the public and court staff. Significant overcrowding has compelled the court to lease space in a nearby annex that is also deficient, with badly deteriorated electrical and plumbing systems. Both facilities are also seismically unsafe and inaccessible to people with disabilities.

L2-05

The Siskiyou County Jail is straining under the burdens of California’s “corrections realignment” and the transfer to state prisoners to local facilities. The jail is typically at maximum capacity with no ability to accommodate an increase in occupancy. Any increase in criminal activity attributable to the casino will result in criminals with lesser offenses being released into the community or those committing the lesser casino-related crimes escaping any punishment. Release of convicted criminals and reduced deterrence to commit future crimes impose real impacts on our community.

None of the above information is considered in the Draft TEIR. It is, therefore, requested that a more thorough analysis of potential impacts to the County’s criminal justice system (e.g., Siskiyou County District Attorney’s Office, Siskiyou County Superior Court, Siskiyou County Jail, and Siskiyou County Juvenile Hall) be developed. In particular, it is requested the TEIR include survey results from other rural counties with struggling economies,

similarly-sized populations, and casinos regarding impacts to their criminal justice systems since the casinos opened.

L2-05  
Cont.

Solid Waste

Although the County concurs with the assessment of potential impacts to the Yreka Transfer Station, it is important to note that the Yreka Transfer Station is no longer co-owned and operated by the City of Yreka. In fact, the facility has been under the sole ownership of the County since 2008. Furthermore, the Yreka Transfer Station is no longer an active landfill, as incorrectly described in the Draft TEIR, and has not been for several years. The Draft TEIR also indicates that some waste is transferred to the Anderson Landfill in Shasta County for disposal. While this may have been correct at the time the NOP was released and baseline conditions were established, since November 2013 solid waste has been transported to the Dry Creek Landfill in White City, Oregon for disposal. Accordingly, the landfill capacity issue should be reanalyzed using correct information.

L2-06

Light and Noise

Although the Draft TEIR indicates that “the Tribe would shield exterior luminaires or provide cutoff luminaires per Section 132 (b) of the California Energy Code,” Figure 2-2 (Phase I Architectural Rendering) on page 2-5 of the Draft TEIR also appears to indicate that at least four spotlights would be oriented skyward. This lack of consistency with regard to potential light pollution is somewhat confusing. As such, the concern remains that the casino has the potential to generate excessive night time lighting. This inconsistency should be addressed and, if necessary, properly mitigated in the Final TEIR.

L2-07

Water Resources

The Draft TEIR correctly identifies the potential for flooding to occur during both a 100-year and 500-year event along Yreka Creek and appropriately states that off-site drainage impacts would be significant if they “[e]xpose off-reservation people or structures to a significant risk of loss, injury or death involving flooding.” In the evaluation of potential impacts, the Draft TEIR analyzes the FEMA floodplain data from 2004 (Figure 3.8.-2). Unfortunately, this analysis is fundamentally flawed in that the current FEMA FIRM panel is dated January 19, 2011. In comparing the differences in mapped floodplains, there appear to be significant areas that have been added to the AO Zone since 2004. In addition, the drainage information lacks an analysis of the capacity of the culverts and ditches along Sharps Road. While the on-site drainage basin would retain stormwater from a 25-year storm event and all drainage infrastructure and associated facilities, including pipes, curbs, inlets and swales, would be sized for a 10-year, 24-hour storm event, no analysis of the capacity of the off-site culverts and ditches to accommodate the increase flows has been provided. Thus, the increase in stormwater flows above the retained flows appears to have the potential to impact properties, structures, and people located in the AO Zone, as detailed in the current FIRM. However, because the analysis provided is incomplete and fails to use current data, it is not possible to determine the significance of this risk.

L2-08

Intergovernmental Agreement

The County recognizes that some of the issues that are raised in this letter, as well as other concerns, may be more appropriately addressed in intergovernmental agreements between

L2-09

## Comment Letter L2 (Cont.)

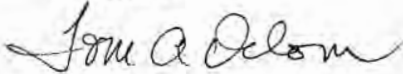
the Karuk Tribe and both the City of Yreka and Siskiyou County. We appreciate the Tribal Council initiating discussion with us on such an agreement. It will also be important to coordinate these agreements between the City and the County to the extent there is overlap in the delivery of public services or shared concerns about possible impacts of your project.

L2-09  
Cont.

If you have any questions regarding this matter, please contact me at (530) 842-8005.

L2-10

Sincerely,



Tom Odom  
County Administrator

cc: Brian Morris, County Counsel  
Greg Pucker, Director of Community Development Agency  
Siskiyou County Board of Supervisors

# **PRIVATE CITIZENS AND COMMERCIAL ENTITIES (P)**

---

*COMMENT LETTERS*



December 9, 2013

Karuk Tribe  
c/o Scott Quinn  
P.O. Box 1016  
Happy Camp, California 96039

RECEIVED DEC 10 2012

Dear Mr. Quinn:

Just for some background information, my family arrived in Siskiyou County in 1956. I attended school in Scott Valley and graduated from Etna High School in 1962. Marriage and a job out of this area kept me away until my return in 1999 to Yreka.

Since my return and the economic changes in our country, there have been several attempts to bring a casino to the Yreka area with at least three proposed sites. The current one you are proposing on tribal land behind the Siskiyou County Fairgrounds is of concern to me.

Yreka has become a struggling community for businesses. Starting at the north end of town, we have recently lost Ray's Market. In midtown the Surroundings Gift Store will be closing after the holidays, we have lost our book store, the shoe store, and Siskiyou Gallery is closing one side of their shop by the first of the year. The fountain in the Chamber of Commerce is closed, the theater is closed and up for sale, the Old Denny's Restaurant was taken over by another owner who attempted to make a restaurant with a 50-60's theme called Daddy-O's which is also closed, and we are losing one of our landmark hardware stores Cooley and Pollards. Moving toward the south of town Shop Smart is closing by the end of the year and the Old Boston Shaft sits empty across from the Shell Service Station. One of the oldest restaurants in town, Poor George's has cut its hours to being open six hours per day in an attempt to survive. Many shops sit empty with signs in the windows saying For Lease or For Sale. And the motels along the main street and the Holiday Inn north of town very seldom have a No Vacancy sign up. These are just a few examples of my concerns.

Considering the above, how can you and your tribe even consider bringing more competition to a community that is already struggling to serve its population. I feel the services you are stating that would be offered would be very destructive to those who are currently in business. Instead, I think we need to support filling some of the empty spaces we already have available in town and any business opportunities that may wish to occupy them. At least the monies earned by those businesses would go back into building up our community again to provide some of the services we have lost. Once that occurs and this community can spring back to thriving, then and only then should your casino be considered as a possibility for the city of Yreka

P1-01

P1-02

Thank you for receiving my concerns. I will be forwarding a copy of this letter to Steve Baker, the Yreka City Manager as well and will probably try to attend one of the monthly City Planning meetings concerning this matter. I can be reached at 916-719-0144, if you wish to speak to me about the contents of this letter.

Sincerely,



Wendy Wilson  
Yreka Resident

cc: Steve Baker, Yreka City Manager

2233 Murray Ave.  
Yreka, CA 96097-9016

Post marked 12/9/13

FW: Comments on the Casino TEIR

Page 1 of 1

**FW: Comments on the Casino TEIR**

Jaclyn Goodwin

Sent: Saturday, December 14, 2013 4:18 PM

To: Scott Quinn

Attachments: TEIRComments.docx (3 MB)

From: Gloria&Jerry Mosier [mosiers@att.net]  
Sent: Friday, December 13, 2013 1:32 PM  
To: Jaclyn Goodwin  
Subject: Comments on the Casino TEIR

Hello Jaclyn,

Below is a copy of my Casino TEIR comments I will put in the hard copy mail to the Karuk Tribe today. Please share it with Karuk Tribe members or leaders as appropriate. These comments primarily focus on ways for the Casino to support the "Human environment" and not unduly impair it. Many of them focus on social and cultural aspects, how people of tribal or other affiliations may be affected by the Casino's development and operation. NEPA implementing regulations (CEQ 1508.14) define the Human environment as:

"Human environment" shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See the definition of "effects" (Sec. 1508.8).) This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

It is this precious interrelationship of people (particularly Shasta, Karuk and Yreka citizens) with the proposed Casino environment that I feel the TEIR needs to address much more fully. I have hope for a healthy Casino and Human Family in our part of the world.

Jerry Mosier  
Yreka, CA

P2-01

Comments on the Karuk Tribe Casino Project  
Tribal Environmental Impact Report (TEIR)  
Jerry Mosier, Yreka CA, 12/12/13

Casino Planners,

Please give these comments serious consideration in your planning of the Casino Project. While the Casino development described in the TEIR shows potential, I am certain that for it to be successful it needs higher levels of quality in its site planning, design mitigations and its coordination with key partners. Only then should one expect it to reliably benefit local Native Americans and become a responsible neighbor in its host community of Yreka. Please consider the opportunities for improvement described the below:

- 1) **Native American Cultural Enhancement** - Since cultural enhancement is the ultimate purpose of the Casino, the TEIR should more clearly state how the Casino would celebrate and enhance the positive cultural identity and health of people native to this area, as well as supporting the well being of its hosting community. The TEIR should more carefully and completely develop the Casino's public relations, facility design and image, management operations, and its projected community activities and services to achieve the cultural enhancement necessary for its success.

Cultural Enhancement begins with respectful understanding and healthy relationships. "Job 1" of Casino proponents must be to strengthen these relationships, looking forward in time to foster productive relations and Casino support from essential parties, especially the Shasta people. Without the open support of many Shasta people, the Casino will appear as a selfish Karuk invasion into Shasta ancestral territory. Suggestions to achieve parts of this cultural enhancement goal include:

- Re-naming of the "Karuk Casino" in a way that unifies local tribe members
- Replace the TEIR's unimaginative "big-box-commercial-store" building design with a high quality, inspiring architectural expression of local Native American culture (even the County Juvenile Hall building on Sharps Road near the Casino site is an attractive and more appropriate architectural style for this Casino)
- Celebrate local Native American art and culture through inspiring, high quality exhibits throughout the Casino's design, including one or more major exhibits on the Shasta people and their legacy, their documented ancestral villages in and near Yreka, and the Shasta O-ko-ho'-l'-wah village within a mile of the Casino aside Greenhorn and Yreka Creeks. One fine example of Native American cultural enhancement is the brochure on the Shasta people "Who Came Before", posted on the City of Yreka's Parks website [http://ci.yreka.ca.us/sites/ci.yreka.ca.us/assets/files/Okohoiwah\\_Trail\\_Brochure\\_8-26-13.pdf](http://ci.yreka.ca.us/sites/ci.yreka.ca.us/assets/files/Okohoiwah_Trail_Brochure_8-26-13.pdf).

P2-01  
Cont.

P2-02

The Casino's planning and implementation could greatly enhance relations between all local Native Americans and their neighbors, but only if it applies socially sensitive operations and high quality facilities are adequately designed to welcome, respect and entertain people. Ideally, the Casino and its operations will be a shining example of a value deeply held by many local Native Americans: Their sacred reverence for the Creator, and for all of Creation as mere reflections of that Creator. Please pursue this Casino's development as an effective public example of such unifying principles.

P2-02  
Cont.

2) **Site Development** improvements to the TEIR plan are essential to more effectively conserve the project site's native oak woodland hillside and adjacent grasslands. TEIR maps show all Casino and Hotel structures to be located on a native oak woodland hillside (within "Trust" lands where buildings are legally authorized). Most of the adjacent parking areas to be located on relatively flat, open grasslands ("Fee" lands where Casino and Hotel buildings are not currently authorized). The TEIR's proposed placement of major casino/hotel buildings within a carved-out hillside results in many severe and adverse project impacts that cannot be fully mitigated. These impacts include:

P2-03

a) Elimination of over 6 acres of native hillside oak woodland habitat including about 90 mature oak trees, shrubs, forbs and rock outcrops (TEIR incorrectly states 30 oak trees would be removed).

b) Watershed Disturbance to unaltered native landforms that naturally absorb and convey storm water - the project's artificial landforms and impermeable ground surfacing that would concentrate flood waters through a system designed to function adequately only in relatively moderate (25 year) flood events rather than severe (100 year) flood events that are inevitable. The project's limited floodwater storage capacity is extremely likely to eventually impair local watercourses including Yreka Creek ¼ mile downstream, as well as its aquatic habitats for sensitive ocean-going salmon and steelhead trout populations.

P2-04

c) Extra Costs due to hillside construction and follow-up impact mitigations directed by federal NEPA law\* are both associated with the proposed hillside placement of casino and hotel buildings. Substantial landform cuts and fills would be created (about 90 vertical feet of cut and 40 vertical feet of fill across 6+ hillside acres, per TEIR Grading Plan Section A-A). Soil stabilization measures are also likely to be more difficult and costly on the steep landforms resulting from the proposed hillside casino/hotel/parking developments.

P2-05

\*Note: The National Environmental Policy Act (NEPA) is a law that directs federal agencies such as the BIA to avoid or minimize adverse effects to the human

environment. NEPA directs the minimizing of adverse effects through application of "mitigation" actions suitable for "repairing, rehabilitating or restoring the affected environment", "compensating for the impact by replacing or providing substitute resources or environments", etc.

P2-05  
Cont.

- d) Scenery enjoyed by the Yreka community would be impaired by the project's replacement of natural hillside scenery with abruptly steep cut and filled landforms, exceptionally large structures, parking areas, and nighttime "dusk to dawn" lighting contrasts to the night sky.

The hillside location selected for the Casino/Hotel structures makes up the backdrop for an infinite number of mostly residential, parkland and institutional viewpoints across approximately ¼ of Yreka's city limits. The project would directly impact scenic quality as viewed from these and other sensitive viewpoints: Hibbard Field, Siskiyou County Fairgrounds, Yreka Creek Greenway, College of the Siskiyou's, Greenhorn Park, Shasta Avenue Park; Oberlin, Fairlane and Sharps Roads, Interstate 5, and many residences in south, central and western Yreka. Due to the proposed Casino site's elevated southeastern location in the city, the project's developments will also impact and distract from most of the community's highly cherished views of Mount Shasta. See sample photos below.

P2-06

Such scenery impacts are not consistent with federal and state guidance (NEPA: "assure for all Americans... aesthetically and culturally pleasing surroundings"; California's CEQA: "take all action necessary to provide the people of this state with... enjoyment of aesthetic, natural, scenic and historic qualities,"). The TEIR's Table ES-1 which summarizes project impacts is inappropriately silent on all of the above socially important scenic impacts, then summarizes in Aesthetics section 3.2, that scenery impacts are less than significant, requiring no impact mitigation measures, and concludes the project would not have a substantial adverse effect on a scenic vista or scenic resources, nor would it adversely affect day or nighttime views in the area. These statements are incorrect, incomplete and mislead the reader. The TEIR's understated and unmitigated scenery impacts must be fully evaluated, and reconsidered to develop mitigations that appropriately conserve Yreka's native scenic legacy and aesthetic quality of life "Medicine" for its people.



**Yreka Creek View to Hillside Casino/Hotel location 1200 feet away (flat "Fee" lands are out of sight, to right of hill behind trees and off-site structures)**



**West Yreka View to Mount Shasta, with proposed Casino's hillside location immediately below Mount Shasta (above yellow building in center). Due to the Casino's hillside location in southeastern Yreka, hillside excavation, buildings, lighting and parking would impair many of Yreka's views to Mount Shasta. Location of the Casino structures on the flat "Fee" lands to the right of the hillside would greatly or completely reduce these impacts.**

It is clear that many adverse impacts result from hillside development of the Casino/Hotel buildings and parking areas. **I highly recommend consideration of a new Casino Project Alternative with a mitigation measure that pursues legal approval for the Fee lands to be legally converted to Trust lands, enabling the Casino/Hotel buildings to be constructed on nearly flat lands that are much more suitable for such land large scale land uses, and which would largely avoid or minimize the Casino's many adverse impacts to the environment and the Yreka community.**

P2-06  
Cont.

P2-07

**Other Site Development Mitigation Opportunities:**

**Native Habitats/Watershed**

**Purchase and/or Restoration of comparable Replacement Habitats within the Yreka community** (to compensate for oak woodland impacts and flood water storage impacts, purchase and restore lands within the adjacent Yreka Creek/Sharps Basin Floodplain, or the Greenhorn Park wild lands purchases or restorations, or local endangered Yreka Phlox habitat purchases)

P2-08

**Landscaping Plan** guided by a native plants restoration theme. Regardless of the Casino's site design configuration, a well designed and installed native plant landscape will provide ecological resilience, support native wildlife, and require less water and maintenance costs. It would also best illustrate the plant conditions that local Native Americans have lived in harmony with for thousands of years. Native oak trees should dominate the site, with occasional accents of native pine, incense cedar and juniper trees. Native oaks transplant very well, so sizable trees are of course most desirable and would most immediately give an established appearance to the site. Shaded parking is always appreciated by people, so plan for shady oaks to walk and park under.

**Steep cut slopes** proposed on the hillside Casino design have widely spaced benches used to convey storm water off the slopes. As a watershed/aesthetic mitigation, in all construct all sloping landforms with frequent flat benches, and fill them with healthy soil to function as planter beds that store water and support trees and other vegetation, thereby reducing erosion and scenery impacts. Either temporary or permanent irrigation systems will be necessary to establish and maintain desired plant conditions.

P2-09

**Scenic Quality**

Depending on the ultimate configuration of the Casino/Hotel/Parking facilities, there will be a need for screening vegetation to reduce scenery impacts (larger native evergreen incense cedar, juniper and pine trees, and larger native evergreen shrubs such as silk-tassel, Manzanita and Oregon Grape have high screening capability). It is likely there will be a need for tree screening along the western boundaries to soften Yreka views to the area and Mount Shasta beyond.

To prevent glare from polluting Yreka's night time scenery and starry skies, light sources should be shielded so they are never visible off-site, and are largely concealed on site. Surfaces of the Casino/Hotel structures can be softly washed with light for facility recognition and pedestrian enjoyment, but should not produce a harsh glare. Desired levels of brightness and excitement can be achieved by relatively small accents of color and light, without making the Casino and community look like 'Vegas.

P2-10

With Casino/Hotel building colors following the subtle greys, olives and browns of the site's oak woodland, in medium to darker tones, its off-site scenery impacts would be greatly reduced over the TEIR's light-toned rendering. Subtle natural tones of the hillside would also create more relaxing on-site conditions.

P2-11



**Architecture**

Attractive Casino and Hotel buildings need a variety of well-proportioned shapes, spaces, rooflines, surfaces and landforms to be attractive and give people aesthetic enjoyment. Architectural shapes and spaces of such public entertainment sites should be a direct reflection of the enjoyable uses of the site and its structures, and not merely the least cost business solution as proposed by the TEIR (a big box on a flattened and scarred hillside). As a positive example to consider, look at how welcoming Siskiyou County's Juvenile Hall architecture feels, functions, and fits into its setting (located on Sharps Road just west of the proposed Casino site).

Tasteful lighted signing that identifies the Casino, as a very important "first impression", should convey positive Native American respect for environments, and friendship with neighbors (the "friendship" basket pattern shown in the TEIR's Casino Rendering is a priceless symbol that can be more artfully presented using the principle "less is more").

P2-11  
Cont.

**In closing**

I thank you for giving these comments your serious consideration during future planning of the Casino. I would love for it to become a successful venture that benefits my Native American neighbors and friends, as well as the Yreka community that would host it. Please let me know if you have questions on my comments or wish to discuss the Casino plans further.

Sincerely,



530 842-4708

fyi – my comments are based on the following life experience: I am a Yreka/Global citizen, retired from 34 years of public service as a Klamath National Forest landscape architect; performing environmental planning, site planning and design; recreation, wild and scenic rivers, and scenery conservation; and forest ecosystem restoration. I serve as a volunteer for the Yreka Creek Greenway (since 1988) and serve on the Board of Directors for the Siskiyou Gardens, Parks and Greenway Association (sgpga.org). As a husband, parent and grandparent, I seek peace and wisdom for the One human family.

P2-12

RECEIVED DEC 23 2012

National Indian Gaming Commission  
General Counsel  
Washington, DC Regional Office  
1441 L Street NW, Suite 9100  
Washington, DC 20005

Karuk Tribe  
Attn: Scott Quinn  
P.O. Box 1016  
Happy Camp, CA 96039

Dear Mr. Quinn,

The Shasta People, having historical aboriginal title to the greater Yreka region, and the citizens of Siskiyou County are once again being subjected to the Karuk leadership's hostile take-over of water and property rights within our region. The proposed Karuk casino underscores the Karuk Tribe's continued and uninterrupted destruction of Siskiyou County by attempting to build once again, an illegal casino in Yreka, CA that will finance even more frivolous lawsuits, including the removal of green-energy hydroelectric dams along the Klamath River as stated in earlier Casino Gaming Compacts with the state of California. Profits from this casino, by design, will destroy even more families and communities throughout the already struggling Klamath Basin.

The Karuk Tribe's knowingly fraudulent attempts to "reservation shop and buy" an Indian Gaming Facility outside of historically documented Karuk ancestral lands, is fraudulent on its face alone. Combined with added gambling addiction, individual/community financial stress and increased crime rates, a casino in Yreka will most assuredly devalue the quality of life that so many Siskiyou County residents currently enjoy. Recently I visited a another casino in Northern California and witnessed many disadvantaged people dumping their money into the slot machines. What a social disaster.

Should the Karuk be allowed to ultimately build and operate a casino within the heart of Shasta territory disguised with promises of a few low paying jobs and inadequate infrastructure support, it will signal the end of an already stressed socio-economic, cultural and historical existence shared by Shasta People and Siskiyou County residents.

**Therefore, and amongst other reasons, I OPPOSE a Karuk Casino within Shasta Aboriginal Territory!**

Respectfully,

*Michael Stapleton* Michael Stapleton

Date:

12/18/2013

Address:

5104 French Creek Rd.

City and State:

Etua, CA 96027

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

P3-01

P3-02

P3-03

P3-04

P3-05

RECEIVED DEC 26 2012

December 23, 2013

Karuk Tribe Attn: Scott Quinn  
P.O Box 1016  
Happy Camp, Ca 96039

My name is Frank Borg and I'm with The Yreka Elk's Lodge. First of all, I applaud you for pursuing the casino project and I think it will be a good asset for Yreka and our surrounding area. I have been the bingo chairman for the Elk's Lodge now for about 15 years and The Elk's Lodge has been running bingo since the early 70's. We are a 5013c nonprofit organization and all funds raised from our bingo are used to help support many groups and our children's sports programs. I have not heard if the casino is going to have a Bingo Hall or not! This would be our only concern about the casino running a bingo program which would be very competitive and probably shut us down. As of our fiscal year April 1<sup>st</sup> 2012- March 31<sup>st</sup> 2013 we have paid out to our local charities the amount of \$25,225.25 and without those monies these groups that depend on us probably won't exist. Thank you for reading my concerns and I would like to keep in touch with you and if you have any questions feel free to contact me at the address below or my cell # 905-0160. Below, I'm providing you with a partial list of the charities that we support to give you an idea of what we do.

P4-01

P4-02

- New Flags for all schools that request one and City of Yreka (Interstate-5 Flag)
- Ducks Unlimited
- Montague Rotary
- Hub Community
- Far side Run (Veteran's Motorcycle Run)
- Kids Rodeo Belt Buckle
- C.H.E.A. Major Project (Rehab Program)
- Madrone Hospice
- Lane Street Project Men's Home
- Siskiyou Domestic Violence
- Veteran's Cemetery
- Veteran's Dinner
- Law Enforcement Dinner
- Kids Fishing Derby
- (JSS) Jackson Street School Essay Contest
- Jackson Street School Graduation
- JSS Basketball Tourney Boys and Girls
- JSS Track and Field
- (YHS) Yreka Union High School Football Program
- YHS Cross Country Team
- YHS Swim Team
- YHS Drama Club

P4-03

YHS Track and Field  
YHS Basketball Boy and Girls  
YHS Volleyball  
Montague School District  
Fort Jones Elementary  
Grenada 4H Club  
YMCA  
Chris Lopez Memorial Run Scholarships  
(FFA) Future Farmers of America  
Fairchild Medical Center Breast Cancer Fund  
Friends of Hibbard Field  
SPLASH City Pool Fundraiser  
Junior Livestock  
Sober Graduation YHS and Scott Valley High  
Hoop Shoot  
Soccer Shoot  
Babe Ruth Baseball  
Ponytail Softball  
Yreka Little League Baseball  
Youth Bowling  
Miner Power Sports Program  
Cheer Leaders JSS and YHS  
AAUW  
Fireworks Display  
Boy's Scouts Uniforms and Meeting Room  
Girl Scouts Fundraisers  
E.N.F. Elk's National Foundation Scholarships  
Yreka Adult School Scholarships  
Siskiyou County Employees scholarships  
Y.H.S. Scholarships  
Yreka Fire Department  
Toys for Tots  
Support Our Troops Gift Packs  
Adopt a Family Holiday Dinners  
Sheriff's Department DARE Program  
Sheriff's Department Explorer Program

Yreka Elk's Lodge Ph. (842-1980)  
Attn: Frank Borg Bingo Chairman  
332 W. Miner St  
Yreka, Ca. 96097

P4-03  
Cont.

RECEIVED DEC 27 2012

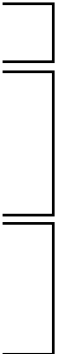
Mark Baird  
316 Lawrence Ln  
Yreka, Ca 96097

December 23, 2013

Karuk Tribe  
Attn: Scott Quinn  
P.O. Box 1016  
Happy Camp, CA 96039

To Whom it may concern;

I am adamantly opposed to the proposal to build a Karuk Tribal Gaming Casino on land located in Yreka California. There is no good what so ever, that will come from such an endeavor. The Karuk Tribe has no historic grounds for such an enterprise, the land in question being the tribal territory of the Shasta Nation. The Karuk Tribe gained its federal recognition as a result of fraud perpetrated upon the Shasta People and the United States Government by usurping a treaty signed by a Shasta Chief. Further proof of this fact lies in the Mcgee Diaries as well as the Military Dispatches of Fort Jones. None of these aforementioned publications mention Karuk Presence anywhere near Yreka. Yreka is located within Shasta Valley, near the Shasta River. The Karuks have no historic, moral or statutory presence in the area at all. When the Karuk received the land in question, the tribe made promises public promises that they would never build a gambling casino upon the land in question. Supervisor Bennett was present at the meeting where this exchange took place. Detrimental reliance upon verbal agreements are grounds for legal action. The community took the Karuk at their word in order to facilitate the building of housing for tribal families, all the while believing that no casino would ever be built upon the ground in question. No possible good can result from these lies and the fraud intended by the Karuk Tribe.

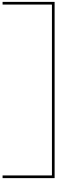


P5-01

P5-02

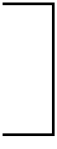
P5-03

The Karuk Tribe and their environmental group, the Riverkeepers have just concluded a successful lawsuit in order to protect the Coho Salmon from degraded water conditions in the Shasta River. A Casino in Yreka would significantly harm water quality in the very same river as well as Yreka Creek. The city of Yreka is facing major challenges to its waste water treatment plant as of the writing of this letter, and yet the Karuk propose to further degrade the water for the fish they claim are in such jeopardy. Further the Karuk claim their very survival as a native Americans hinge upon the Coho. Why do they propose to help to destroy this species.



P5-04

Socioeconomically the proposed casino would add nothing to our community except a few minimum wage service jobs. Sadly it would be taking money from people who could least afford to lose this money and add nothing to the productive value of the surrounding area. Increasing crime, gambling addiction, increases in alcohol abuse and property crimes would be all our community would have to look forward to, while the Tribal leadership located far down river would be immune to these effects.



P5-05

Environmental devastation, economic harm, and the social impacts to both the Karuk people as well as the community in general are reasons enough to put an immediate halt to this Casino.



P5-06

Sincerely,  
Mark Baird

Cc: National Indian Gaming Commission General Counsel  
Governor Jerry Brown  
Yreka City Council  
Siskiyou County Supervisors

Comments on the **Karuk Tribe Casino Project**  
Draft Tribal Environmental Impact Report (DTEIR)  
Jerry Mosier, Yreka CA, 12/26/13

RECEIVED DEC 27 2012

Casino Planners,

Please consider this as a supplement to the comments I sent to you December 12 (attached). My comments continue to address these two themes, Native American Cultural Enhancement and Site Development.

P6-01

Since the Casino DTEIR was recently made available electronically, I was able to better evaluate the Project and it's relationship to the Tribal-State Compact. The two themes above align with the following two Compact requirements below.

- 1) The Karuk Tribe is committed to **"improving the environment, education status, and the health, safety and general welfare of its members and local residents"** (Compact Preamble, page 2)
- 2) The Tribe and the State of California shall **"Foster a mutually respectful government-to-government relationship"** (Compact Section 1.0.a, page 4)

P6-02

**The DTEIR proposal falls short of meeting these commitments to both local residents and Shasta Native Americans.** It does this through its two critical omissions:

- 1) Failure to analyze and disclose the project's major impacts that would occur primarily within federally administered hillside "Trust" lands, and
- 2) The disrespectful absence of critically important social information, about the project's location being in the center of Shasta Native American territory and 50+ highway miles outside of the Karuk Tribe's aboriginal territory, instead of offering ways to celebrate the presence of all native people here in northernmost California, and how the Project would mitigate this important social/community impact (ie, native Shasta people are hosting Karuk tribal members and many other neighbors within their territory, and the DTEIR disrespectfully ignores this fact rather than publicly honoring the Shasta people to the fullest extent practical). The DTEIR should plainly show local tribal territories and Shasta villages in and near the proposed Casino site, as maps in this document demonstrate at a primitive level.

P6-03

P6-04

**Writers of the DTEIR intentionally chose not to describe the project's complete impacts,** and to instead only fulfill the Compact's minimum requirements to address "off-reservation" land issues where the impacts are relatively minor. As a result, the DTEIR presents a very incomplete and unbalanced picture of the proposed Project's actual impacts to the environment and local community, and fully ignores the presence of Shasta people also affected. A "mutually respectful government-to-government relationship" is not possible between the Karuk Tribe and the State (and its citizens and local residents) without a full disclosure and of project impacts and proposed mitigations to avoid, minimize and compensate for those impacts to the State's environment and citizens. Project proponents must proceed from the DTEIR with good

P6-05

faith refinements focused on respectful consideration of values held by all of the State's citizens and residents potentially affected.

P6-05  
Cont.

**Faithfully performing Compact commitments will require several substantial project design improvements and cultural enhancements suggested in my previous comment document (attached), to actually "improve the environment" and the "general welfare" of "local residents" (the native Shasta people and their neighbors). Most significant of these modifications is a very serious consideration of a project alternative that does NOT construct the Casino/Hotel on Yreka's prominent hillside within Trust lands. While this would delay the project 1-2 years, it would enable construction of a high quality facility in harmony with the environment and its local residents, which is essential to meet the Compact's foundational requirements above.**

P6-06

City of Yreka's General Plan (essentially ignored by the DTEIR Proposal)  
While Yreka's Plan legally applies to the relatively flat Fee lands and not the hillside Trust lands, it is obvious that, as clearly expressed by the Plan, **the citizens of Yreka have identified important community-wide environmental values for protection in order to maintain local quality of life.** Per the Compact's Preamble, the Tribe is committed to **improve the environment and the general welfare of local residents rather than impair it.** Yreka's environmental values that are to be improved, and constitute the conditions of their general welfare, are formally expressed at least in part within the following Yreka General Plan statements quoted in the DTEIR:

P6-07

"H.E.2.D **Maintain community character** through review of standards in the zoning ordinance for permitted uses with will help to insure compatibility with adjacent uses."  
(Note: The DTEIR proposal would certainly conflict with the community's Yreka General Plan intentions to maintain valued community character, which includes the natural oak woodland "Trust" hillside, adjacent relatively flat grassland habitats, and their open space/scenery attributes.

P6-08

"L.U.2.D The City shall provide a **lands use designation** for all land within its Sphere of Influence, and **may provide a designation for lands outside the Sphere of Influence, but that could have an impact on the future development of the City.**"  
(Note: The casino/hotel site on Trust lands is designated in the Yreka General Plan as R-1 Single Family Residential, where commercial-scale development is unsuitable largely because of its excessive slope and associated adverse impacts for larger-scale development).

P6-09

"LU.6.C **Consider views during project review and design**, maintaining visual access [to Yreka's valued scenery] whenever practical."  
(Note: Information about views to the project's most severe impacts on Trust lands is completely absent, and therefore the actual impacts to the local community are not respectfully disclosed to the State or its citizenry).

P6-10

“LU.6.E The City may purchase or **require**, as dedication during development requests, **open space easements for ridgelines and other scenic vistas.**”

(Note: the hillside portions of the Project area are where many of Yreka’s scenic vistas, including those to beautiful Mount Shasta, could most effectively be impaired).

P6-11

**The fact that the hillside parcel recently received Trust land status and technical legal immunity from the Yreka community’s General Plan requirements does not relieve the project from meeting its Compact obligations to protect the local State’s/resident’s valued character, environmental and aesthetic values. For the environment and welfare of the residents to be respectfully “Improved” per the Compact, impacts to these values must be avoided altogether, or when truly unavoidable, effective mitigations and compensation proportional to any impairment must be performed.**

P6-12

The DTEIR’s first Significance Criteria in section 3.3.3 indicates impacts are considered to be “significant” if they “Conflict with any off-reservation land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigation an environmental effect”. The Project’s re-design is necessary to minimize inconsistencies with local agency guidance such as Yreka’s General Plan and Siskiyou County’s Scenic Highways Element of its General Plan referenced later in this document, because they are indicators of the values that the Compact protects for the welfare of State and its residents (even if their protections are considered inapplicable through other legal requirements).

P6-13

The DTEIR’s impact statement 3.3.1 that there no conflicts with agency land uses is correct only in an artificially narrow legal sense, as it addresses only “off-reservation” impacts that conceal the project’s actual and much more severe project effects on the hillside Trust lands. Without the full effects identified and understood by the Tribe and State, respectful relationships cannot begin, or be maintained, because no one knows what the impacts are, or whether they are indeed respectful of each party’s value per the Compact.

**The DTEIR Aesthetics Analysis excludes the Project’s most severe Scenery impacts, on the hillside “Trust” lands**

The project’s scenery sensitivity and impacts are substantially understated in every section of the Aesthetics analysis. The significance criteria is structured to avoid reference and consideration to the Projects severe scenery impacts to the Yreka community.

Section 3.2.2 on Visual Character is incomplete since it only describes the less prominent “Off-Reservation” portions of the project area where relatively minor scenery impacts would occur. It excludes any written and photographic references to characterize the most scenic features of the project area on the hillside Trust lands, as well as where the most severe environmental, community character and scenery impacts would occur: the native oak woodland hillside Trust lands, where 90 vertical feet of cut and 40 feet of fill across 6+ acres would be overlaid by large Casino and Hotel buildings, and parking

P6-14



areas. Once again, this does not demonstrate a respectful relationship or concern for the welfare of the environment and the State's residents as required by the Compact. Please update the project analysis to adequately portray the casino/hotel site's environmental character, setting and widespread prominence within Yreka's numerous scenic vistas.

P6-14  
Cont.

Section 3.2.5 incorrectly infers that scenic vistas must be "designated" to have consideration, while the significance criteria for Aesthetics has no such requirement.

P6-15

The DTEIR should include references to, and pursue consistency with, the Scenic Highways Element of the Siskiyou County General Plan. It identifies Interstate 5 within Yreka as a "Scenic Highway", and in Sections III.2 and III.4, page 7 it identifies these objectives with direct relevance to the Casino's scenery impacts:

P6-16

"To conserve, enhance and protect scenic views observable from scenic routes without unduly restricting the primary uses of the lands involved."

"To preserve for all travelers the outstanding characteristics of Siskiyou County, primarily clean air and magnificent scenery, so that it may so remain, providing incentives for tourism, and to stabilize and increase property values and the economy of Siskiyou County."

One very direct and transparent way to adequately re-design this sensitive Project, minimize its impacts, and communicate the actual outcomes to the State and residents, is to utilize design services capable of accurate photo-realistic, computer-aided design simulations. With accurate and credible Casino's design simulations that display inviting quality design that respects the environment and its residents, the Project has very high odds to achieve consistency with the Compact meet everyone's positive expectations.

P6-17

Please evaluate these comments, the following maps, and my previous comments enclosed below. They are provided to help the project successfully satisfy the Tribal-State Compact requirements of "improving the environment, education status, and the health, safety and general welfare of its members and local residents" (Compact Preamble, page 2) and to "Foster a mutually respectful government-to-government relationship" (Compact Section 1.0.a, page 4) that can best sustain the desired short and long term benefits for the Karuk Tribe and the State's residents.

P6-18

Sincerely,

*Jerry Mosier*  
12/26/2013

Map of Shasta Native American Ancestral Territory

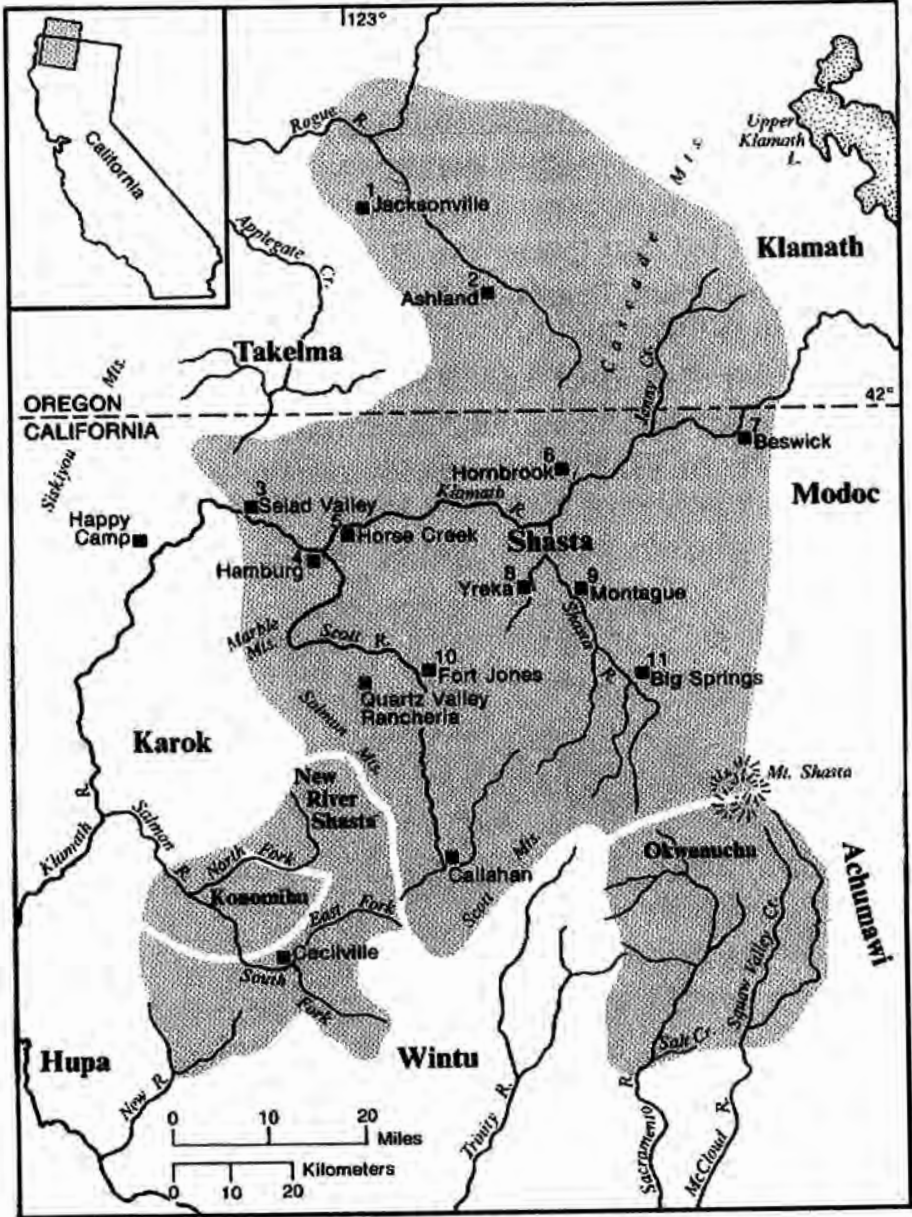
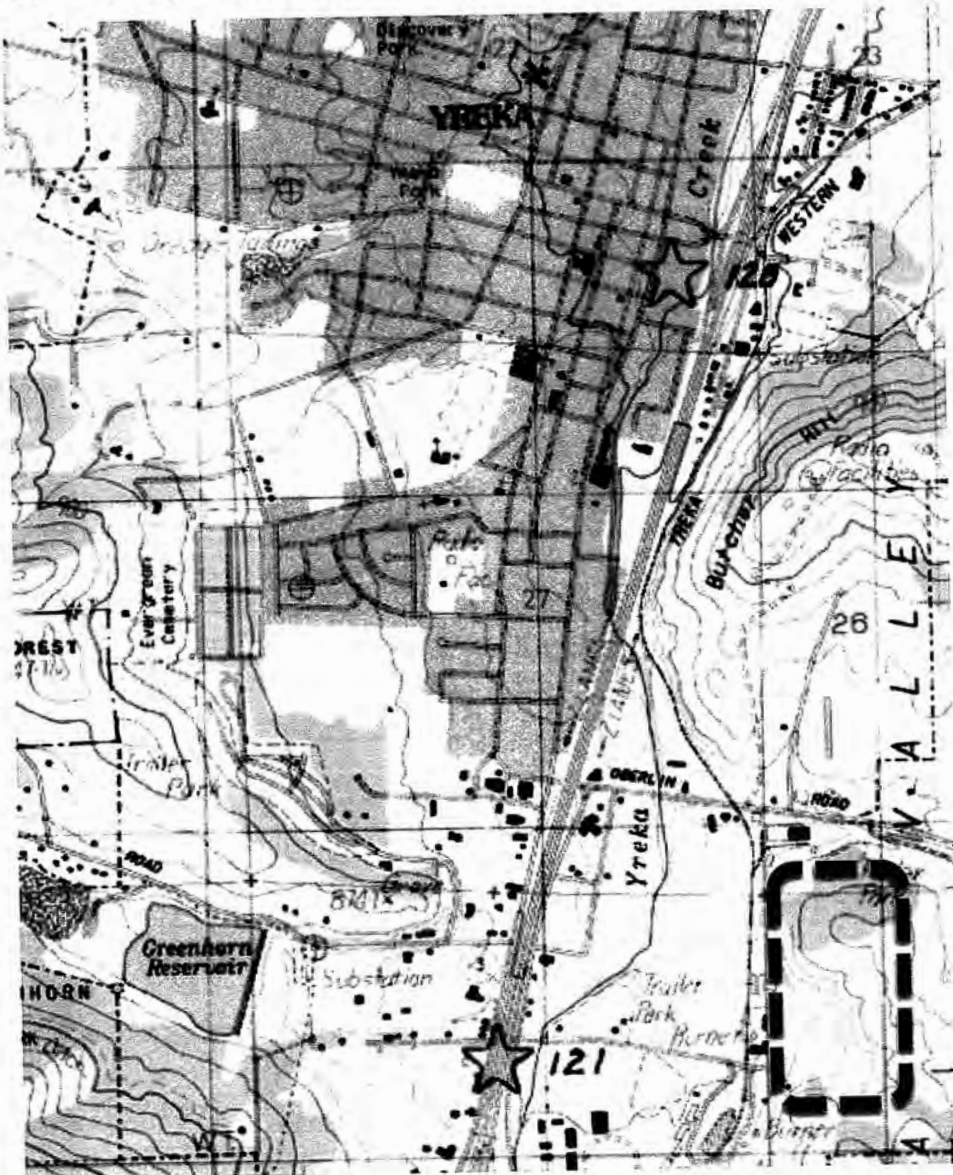


Fig. 1. Tribal territories with a few Shasta place-names: 1, *ikwahawa*; 2, *kwa-xa-xa* 'where the crow lights'; 3, *sam-ay?*; 4, *ayka* or *ahú?ay* 'down inside'; 5, *itiwákha*; 6, *u-kwa-yi-k*; 7, *če-čutúk*; 8, *Rusta*; 9, *čaráywa*; 10, *čunčastúk* or *Kwah-pá'-sah-se-rah* (Heizer and Hester 1970b).

P6-19

O-ko-ho'-i'-wah Shasta Village location in Yreka shown at Star #121 near map bottom, west of Proposed Casino location shown in Red. Four other Shasta historic village locations are also within Yreka City Limits, including K'usta/Star #120 shown on this map (per Shasta Villages by Heizer, Hester, Merriam). Hester referred to O-ko-ho'-i'-wah as the Shasta "Village on flat on Greenhorn Creek N. of Schoolhouse at forks of read 1 to 1.5 miles SW of Yreka (Merriam, ms; the village is also calaled Ko'-ho-l'-wah). (Present location near Sharps road by Oregon)" This map is a refined interpolation of the original Heizer/Hester map. Shasta Native Americans provided it to me in 2011.



P6-20

Map of Karuk Native American Ancestral Territory  
Proposed Casino location is 25+ air miles to the east

# KARUK ABORIGINAL TERRITORY



P6-21

Previously Submitted Comments on the Karuk Tribe Casino Project  
Tribal Environmental Impact Report (TEIR)  
Jerry Mosier, Yreka CA, 12/12/13 – 12/26/2013 updates in green text

Casino Planners,

Please give these comments serious consideration in your planning of the Casino Project. While the Casino development described in the TEIR shows potential, I am certain that for it to be successful it needs higher levels of quality in its site planning, design mitigations and its coordination with key partners. Only then should one expect it to reliably benefit local Native Americans and become a responsible neighbor in its host community of Yreka. Please consider the opportunities for improvement described the below:

- 1) **Native American Cultural Enhancement** - Since cultural enhancement is the ultimate purpose of the Casino, the TEIR should more clearly state how the Casino would celebrate and enhance the positive cultural identity and health of people native to this area, as well as supporting the well being of its hosting community. The TEIR should more carefully and completely develop the Casino's public relations, facility design and image, management operations, and its projected community activities and services to achieve the cultural enhancement necessary for its success.

Cultural Enhancement begins with respectful understanding and healthy relationships. "Job 1" of Casino proponents must be to strengthen these relationships, looking forward in time to foster productive relations and Casino support from essential parties, especially the Shasta people. Without the open support of many Shasta people, the Casino will appear as a selfish Karuk invasion into Shasta ancestral territory. Suggestions to achieve parts of this cultural enhancement goal include:

- Re-naming of the "Karuk Casino" in a way that unifies local tribe members such as how the "Seven Feathers Casino" does (perhaps "Three Tribes", denoting Karuk, Shasta, and Pit River Native Americans for example)
- Replace the TEIR's unimaginative "big-box-commercial-store" building design with a high quality, inspiring architectural expression of local Native American culture (even the County Juvenile Hall building on Sharps Road near the Casino site is an attractive and more appropriate architectural style for this Casino)
- Celebrate local northernmost California's Native American art and culture through inspiring, high quality exhibits throughout the Casino's design, including one or more major exhibits on the Shasta people and their legacy, their documented ancestral villages in and near Yreka, and the Shasta O-ko-ho'-l'-wah village within a mile of the Casino aside Greenhorn and Yreka Creeks. One fine example of Native American cultural enhancement is the brochure on the Shasta

Refer to  
Comment  
Letter P2

people "Who Came Before", posted on the City of Yreka's Parks website [http://ci.yreka.ca.us/sites/ci.yreka.ca.us/assets/files/Okohoiwah\\_Trail\\_Brochure\\_8-26-13.pdf](http://ci.yreka.ca.us/sites/ci.yreka.ca.us/assets/files/Okohoiwah_Trail_Brochure_8-26-13.pdf).

The Casino's planning and implementation could greatly enhance relations between all local Native Americans and their neighbors, but only if it applies socially sensitive operations and high quality facilities are adequately designed to welcome, respect and entertain people. Ideally, the Casino and its operations will be a shining example of a value deeply held by many local Native Americans: Their sacred reverence for the Creator, and for all of Creation as mere reflections of that Creator. Please pursue this Casino's development as an effective public example of such unifying principles.

- 2) **Site Development** improvements to the TEIR plan are essential to more effectively conserve the project site's native oak woodland hillside and adjacent grasslands. TEIR maps show all Casino and Hotel structures to be located on a native oak woodland hillside (within "Trust" lands where buildings are legally authorized). Most of the adjacent parking areas to be located on relatively flat, open grasslands ("Fee" lands where Casino and Hotel buildings are not currently authorized). The TEIR's proposed placement of major casino/hotel buildings within a carved-out hillside results in many severe and adverse project impacts that cannot be fully mitigated. These impacts include:
- a) Elimination of over 6 acres of native hillside oak woodland habitat including about 90 mature oak trees, shrubs, forbs and rock outcrops (TEIR incorrectly states 30 oak trees would be removed).
  - b) Watershed Disturbance to unaltered native landforms that naturally absorb and convey storm water - the project's artificial landforms and impermeable ground surfacing that would concentrate flood waters through a system designed to function adequately only in relatively moderate (25 year) flood events rather than severe (100 year) flood events that are inevitable. The project's limited floodwater storage capacity is extremely likely to eventually impair local watercourses including Yreka Creek ¼ mile downstream, as well as its aquatic habitats for sensitive ocean-going salmon and steelhead trout populations.
  - c) Extra Costs due to hillside construction and follow-up impact mitigations directed by federal NEPA law\* are both associated with the proposed hillside placement of casino and hotel buildings. Substantial landform cuts and fills would be created (about 90 vertical feet of cut and 40 vertical feet of fill across 6+ hillside acres, per TEIR Grading Plan Section A-A). Soil stabilization measures are also likely to be more difficult and costly on the steep landforms resulting from the proposed hillside casino/hotel/parking developments.

Refer to  
Comment  
Letter P2

**\*Note:** The National Environmental Policy Act (NEPA) is a law that directs federal agencies such as the BIA and DOI to avoid or minimize adverse effects to the human environment. NEPA directs the minimizing of adverse effects through application of "mitigation" actions suitable for "repairing, rehabilitating or restoring the affected environment", "compensating for the impact by replacing or providing substitute resources or environments", etc.

- d) Scenery widely enjoyed by the Yreka community would be impaired by the project's replacement of natural hillside scenery with abruptly steep cut and filled landforms, exceptionally large structures, parking areas, and nighttime "dusk to dawn" lighting contrasts to the night sky.

The hillside location selected for the Casino/Hotel structures makes up the backdrop for an infinite number of mostly residential, parkland and institutional viewpoints across approximately ¼ of Yreka's city limits. The project would directly impact scenic quality as viewed from these and other sensitive viewpoints: Hibbard Field, Siskiyou County Fairgrounds, Yreka Creek Greenway, College of the Siskiyou's, Greenhorn Park, Shasta Avenue Park, Seventh Day Adventist Church and School; Oberlin, Fairlane and Sharps Roads, Interstate 5, and many residences in south, central western and northwestern Yreka. Due to the proposed Casino site's elevated southeastern location in the city, the project's developments will also impact and distract from most of the community's highly cherished views of Mount Shasta. See sample photos below.

Such scenery impacts are not consistent with federal and state guidance (NEPA: "assure for all Americans... aesthetically and culturally pleasing surroundings"; California's CEQA: "take all action necessary to provide the people of this state with... enjoyment of aesthetic, natural, scenic and historic qualities,"). The TEIR's Table ES-1 which summarizes project impacts is inappropriately silent on all of the above socially important scenic impacts, then summarizes in Aesthetics section 3.2, that scenery impacts are less than significant, requiring no impact mitigation measures, and concludes the project would not have a substantial adverse effect on a scenic vista or scenic resources, nor would it adversely affect day or nighttime views in the area. These statements are incorrect, incomplete and mislead the reader. The TEIR's understated and unmitigated scenery impacts must be fully evaluated, and reconsidered to develop mitigations that appropriately conserve Yreka's native scenic legacy and aesthetic quality of life "Medicine" for its people.

Refer to  
Comment  
Letter P2



**Yreka Creek View to Hillside Casino/Hotel location 1200 feet away (flat "Fee" lands are out of sight, to right of hill behind trees and off-site structures).**



**West Yreka View to Mount Shasta, with proposed Casino's hillside location immediately below Mount Shasta (above yellow building in center). Due to the Casino's hillside location in southeastern Yreka, hillside excavation, buildings, lighting and parking would impair many of Yreka's views to Mount Shasta. Location of the Casino structures on the flat "Fee" lands to the right of the hillside would greatly or completely reduce these impacts.**

Refer to  
Comment  
Letter P2





**New Photo: Greenhorn Park View to the hillside oak woodland where the Casino/Hotel is proposed** (immediately above buildings and below/left from Goosenest Mountain). This commanding view from the park's Veteran's Memorial Trail, one mile from the proposed Casino, is very likely the most heavily used trail in Yreka.

It is clear that many adverse impacts result from hillside development of the Casino/Hotel buildings and parking areas. **I highly recommend consideration of a new Casino Project Alternative with a mitigation measure that pursues legal approval for the Fee lands to be legally converted to Trust lands, enabling the Casino/Hotel buildings to be constructed on nearly flat lands that are much more suitable for such land large scale land uses, and which would largely avoid or minimize the Casino's many adverse impacts to the environment and the Yreka community.**

Refer to  
Comment  
Letter P2

**Other Site Development Mitigation Opportunities:**

**Native Habitats/Watershed**

**Purchase and/or Restoration of comparable Replacement Habitats within the Yreka community** (to compensate for oak woodland impacts and flood water storage impacts, purchase and restore lands within the adjacent Yreka Creek/Sharps Basin Floodplain, or the Greenhorn Park wild lands purchases or restorations, or local endangered Yreka Phlox habitat purchases)

**Landscaping Plan** guided by a native plants restoration theme. Regardless of the Casino's site design configuration, a well designed and installed native plant landscape will provide ecological resilience, support native wildlife, and require less water and maintenance costs. It would also best illustrate the plant conditions that local Native Americans have lived in harmony with for thousands of years. Native oak trees should dominate the site, with occasional accents of native pine, incense cedar and juniper trees. Native oaks transplant very well, so sizable trees are of course most desirable and would most immediately give an established appearance to the site. Shaded parking is always appreciated by people, so plan for shady oaks to walk and park under.

**Steep cut slopes** proposed on the hillside Casino design have widely spaced benches used to convey storm water off the slopes. As a watershed/aesthetic mitigation, ~~in all~~ construct all sloping landforms with frequent flat benches, and fill them with healthy soil to function as planter beds that store water and support trees and other vegetation, thereby reducing erosion and scenery impacts. Either temporary or permanent irrigation systems will be necessary to establish and maintain desired plant conditions.

**Scenic Quality**

Depending on the ultimate configuration of the Casino/Hotel/Parking facilities, there will be a need for screening vegetation to reduce scenery impacts (larger native evergreen incense cedar, juniper and pine trees, and larger native evergreen shrubs such as silk-tassel, Manzanita and Oregon Grape have high screening capability). It is likely there will be a need for tree screening along the western boundaries to soften Yreka views to the area and Mount Shasta beyond.

To prevent glare from polluting Yreka's night time scenery and starry skies, light sources should be shielded so they are never visible off-site, and are largely concealed on site. Surfaces of the Casino/Hotel structures can be softly washed with light for facility recognition and pedestrian enjoyment, but should not produce a harsh glare. Desired levels of brightness and excitement can be achieved by relatively small accents of color and light, without making the Casino and community look like 'Vegas.

With Casino/Hotel building colors following the subtle greys, olives and browns of the site's oak woodland, in medium to darker tones, its off-site scenery impacts would be greatly reduced over the TEIR's light-toned rendering. Use of subtle natural tones of the hillside for exterior building surfaces would also create more relaxing on-site conditions.

Refer to  
Comment  
Letter P2

**Architecture**

Attractive Casino and Hotel buildings need a variety of well-proportioned shapes, spaces, rooflines, surfaces and landforms to be attractive and give people aesthetic enjoyment. Architectural shapes and spaces of such public entertainment sites should be a direct reflection of the enjoyable uses of the site and its structures, and not merely the least cost business solution as proposed by the TEIR (a big box on a flattened and scarred hillside). As a positive example to consider, look at how welcoming Siskiyou County's Juvenile Hall architecture feels, functions, and fits into its setting (located on Sharps Road just west of the proposed Casino site).

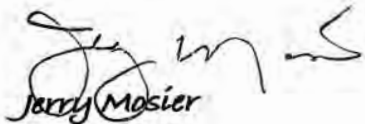
Tasteful lighted signing that identifies the Casino, as a very important "first impression", should convey positive Native American respect for environments, and friendship with neighbors (the "friendship" basket pattern shown in the TEIR's Casino Rendering is a priceless symbol that can be more artfully presented using the principle "less is more").

Refer to  
Comment  
Letter P2

**In closing**

I thank you for giving these comments your serious consideration during future planning of the Casino. I would love for it to become a successful venture that benefits my Native American neighbors and friends, as well as the Yreka community that would host it. Please let me know if you have questions on my comments or wish to discuss the Casino plans further.

Sincerely,



12/12/2013  
530 842-4708

fyi – my comments are based on the following life experience: I am a Yreka/Global citizen, retired from 34 years of public service as a Klamath National Forest landscape architect; performing environmental planning, site planning and design; recreation, wild and scenic rivers, and scenery conservation; and forest ecosystem restoration. I serve as a volunteer for the Yreka Creek Greenway (since 1988) and serve on the Board of Directors for the Siskiyou Gardens, Parks and Greenway Association (sgpga.org). As a husband, parent and grandparent, I seek peace and wisdom for the One human family.

December 26, 2013

Attn: Scott Quinn  
Karuk Tribe  
P.O. Box 1016  
Happy Camp, CA 96039

Comments: DTEIR - Casino Project

Mr Quinn,

There are several points of concern regarding the Tribes Casino project as described in the DTEIR, currently out for public comment. Although all of the items I raise issues with in this letter are mentioned in the text of the DTEIR and/or in comment letters from agencies and government entities, the description of the impact or the proposed mitigation (if any) doesn't do enough to illustrate the full breadth of the impact or propose a mitigation measure that addresses the issue completely.

P7-01

As the Tribe knows, the North Coast Regional Water Quality Control Board has instituted a Total Maximum Daily Load ("TMDL") program for the Shasta River drainage. Included in this mandatory environmental program are certain water quality parameters, including Temperature. Water Temperature is considered a significant impairment to the Shasta River and endangered native Salmon. The DTEIR discusses "storm runoff" in terms of screening suitable for containing vegetation and organic solids. However, it is completely silent on high temperature runoff and the impact on listed Salmon. The casino project must acknowledge and comply with all aspects of the Shasta River TMDL.

P7-02

The Transportation Impact Analysis is based on studies and standards that are well suited to an urban setting. However, using a single data point sample period (Wednesday afternoon) to extrapolate traffic impacts in a setting like Yreka doesn't, and shouldn't, give anyone confidence in these findings. Exit 773 is no doubt the busiest in the County. All retail outlets for groceries, fast food, clothing, JC Penny's, Wal-Mart, and access to State, Federal and County Government offices, as well as, the County Fair Grounds use exit 773. So, while Wednesday afternoon may be useful in Sacramento (where Kittelson & Associates, Inc.) is located, it isn't a good or reasonable data point for estimating traffic impacts in Yreka. I have lived here long enough to know that the "Connection Shopping Center" is busiest the first Saturday of the month, every month. Additionally, events at the Fairgrounds (especially during the Fair) can overwhelm the traffic intersections in the Project area. Finally, there currently proposals for an RV park and truck stop being added to the project area. There is no indication that these two traffic-impacting enterprises have been included in the analysis.

P7-03

Finally, and of greatest concern to me, is the fact that the Tribe's recent aggressive legal actions against the agricultural businesses in the County have caused, and are causing, irreparable harm to the last remaining cornerstone of our rural economy. I have no qualms with a casino. My concern is that the economic clout the Tribe will enjoy with a casino business will lead to continued attacks on the economic interests for the rest of the County. Whatever the reason, I don't want to see good news for the Tribe become bad news for non-Tribal residents.

P7-04

Regards,



Tom Wetter  
15039 Lake Shore Dr  
Weed, CA 96094

Cc: Brian Dahle, California State Assembly; Michael Kobseff, Siskiyou County Board of Supervisors;  
David Leland, NCRWQCB; Richard Marshall, President - SCWUA

# SHASTA INDIAN NATION



P.O. Box 195 Macdoel, CA 96058

RECEIVED DEC 26 2012

December 22, 2013

Karuk Tribe  
Attn: Scott Quinn  
Post Office Box 1016  
Happy Camp, CA 96039

Subject: Tribal Environmental Impact Report – Karuk Casino

Dear Mr. Quinn:

Thank you for the opportunity to provide comment on the Tribal Environmental Impact Report (TEIR) for the proposed development of a Karuk casino in Yreka, California. My general comment is there was a lack of consultation with any Shasta band and particularly the Shasta that are indigenous to the Yreka area during the development of the TEIR. It is important the record reflects accurate history of the area so the atrocities experienced by Shasta people are not marginalized. Our specific comments follow:

- Page 3.12-6. As correctly noted in the TEIR, Karuk speakers were living in the Yreka area beginning in the “historic” era, specifically in the early 1950s. Karuk tribal members are known to have been born in Yreka around 1932.
- Page 3.12-6. The TEIR relies on Stephen Dow Beckham’s 2012 study to establish a Karuk connection to the area. While it is factually correct to state that Karuk resettled at Yreka as noted above, failure to note Yreka as traditional Shasta territory is an oversight. Every anthropological study of the Shasta, which includes Roland B. Dixon (1907), Alfred L. Kroeber (1925), Erminie Wheeler Voegelin (1942), Catherine Holt (1946), Robert F. Heizer and Thomas R. Hester (1970), Shirley Silver (1978), Robert Winthrop (1986), and Brian I. Daniels (2003), has identified the city of Wyeka (incorporated as Yreka in 1857) as inhabited by Shasta speaking natives at the time of historic contact with Euro-Americans. Wyeka is a Shasta word, from which the word Yreka is derived.

P33-01

P33-02

P33-03

P33-04

## Comment Letter P33 (Cont.)

- Page 3.12-6. The indigenous people of the Shasta Valley are the Shasta people whose history is noted in the cultural resource section. However, the TEIR does not specifically identify Shasta people as such. The TEIR also does not identify pre-contact Shasta village sites that existed along Yreka Creek or those pre-contact and historic village sites that exist in the vicinity of Yreka. P33-05
- Page 3.12-8. The cultural resources narrative mentions two archaeological sites within one mile of the project site that may have prehistoric and historic components, including house pits. Although multiple lists of historic resources were consulted, Shasta people with specific historic knowledge of the project area were not contacted. P33-06
- Page 3.12-10. The potential impact is described as unlikely and the TEIR contemplates mitigation measures to reduce potential impacts to previously unknown cultural resources. The Mitigation Measures section specifically discusses the procedure that will be used by the Karuk Tribe during the construction process, but it does not, at present, propose the use of Shasta monitors, an oversight which must be corrected. P33-07

### Recommendations:

1. Amend the TEIR to reflect the accurate history of the City of Yreka. P33-08
2. Employ a Shasta cultural monitor during the construction process to correctly identify artifacts, historical, and archaeological resources. A Shasta cultural monitor was employed by the Karuk Tribe during the construction of Karuk Tribal Housing in Yreka. P33-09
3. Follow the recommendations of the Shasta cultural monitor when addressing the disposition of cultural or paleontological materials during the construction process. P33-10

Thank you again for the opportunity to provide comment on the TEIR. Please do not hesitate to contact me if you have questions.

Sincerely,



**Janice Crowe**  
Chairman

KARUK GAMING

12/27/13  
Karuk Tribe  
Att. Scott Quinn  
P.O. Box 1016 Happy Camp CA. 96039

RECEIVED DEC 30 2013

Regarding the Karuk Tribe Draft Tribal Environmental Impact Report, (TEIR) for the Karuk Tribe Casino Project.

By the Karuk Tribe s own admission of fact, 2004 map of tribal territory they were never in the Yreka area. The Karuk tribe trust lands in Yreka and Happy Camp cannot be truly restored, therefore unlawful to engage in gaming in either location.

How does Shasta aboriginal land be restored as Karuk lands?  
The Karuk Tribe has no ties to the land above Clear Creek on the Klamath River. They did not sign Treaty R. nor are they descendants of Treaty R. signors.  
The Karuk Tribe has never established a legal tribal role pursuant to federal requirements.  
The Karuk Tribe is an illegal Tribe as they and the Federal government have no credible tribal role.

The Karuk Tribe in 1979 based their Federal Recognition on the communities of Orleans, Happy Camp and Yreka as their restored lands within their aboriginal Territory. In 1851 Redick McGee, treaty commissioner with the President of the United States treaty making party states that the native language changed to to a different language when they left Clear creek upstream on the Klamath river. Clear Creek is six miles down river from Happy Camp, home to Henry Joe, Chief of the Shasta living there. The Treaty making party signed Treaty R. with the Shasta on November 04, 1851 in Scott Valley, the Karuks never signed Treaty R. committing fraud including it in their Federal Recognition. In 1970 the Siskiyou County Indian Association (SCIA) was operating as an 50c3 non-profit organization for the benefit of any Siskiyou County Indians, regardless of tribal affiliations which did not include Orleans Ca. The Karuk Tribe presented to the Bureau of Indian Affairs that the S.C.I.A. Was theirs This claim by the Karuk Tribe is fraudulent, as Happy Camp and Yreka is Shasta and Orleans is in Humboldt County Ca.. By claiming SCIA in Yreka and Happy Camp within Shasta Nation Indian Lands and Orleans outside of Siskiyou County, the Karuk Tribe is fraud from their inception. It is clear that the Karuk tribe was not an entity known as the SCIA in Yreka.

Professor Bright states "Treaty R. from Scott Valley is a problem for him". Because Professor Bright has studied the Karuk language for years, and he did not understand the names on the TREATY R. WITH THE UPPER KLAMATH, SHASTA AND SCOTT'S RIVER, 1851. November 4,

Bright: "The Treaty supplementary" to Treaty Q. clearly refers to the Karuk!  
California Native American Culture Places

P34-01

P34-02

SB 18 refers to Public Resources Code 5097.9 and 5097.995 to define cultural places:

The Shasta Nation will not be able to protect and preserve our cultural places. The National Historic Preservation Act as a national policy includes a section 106 review process that requires consultation to mitigate damage to "historic properties" As described in the National Register Bulletin 38, whenever any agency directs a project activity or program using any federal funds or requiring a federal permit, license or approval, a section 106 review is required.

NEPA requires every federal project to include in an Environmental Impact Statement documentation of environmental concerns, Presidential Executive order 13007, Indian Sacred Sites," ensures that federal agencies are as responsive as possible to the concerns of Native American Tribes regarding their cultural places.

Public Resources Code 5097.9, which mandates noninterference of free expression or exercise of Native American religion on public lands, promotes preservation of certain Native American cultural places by ensuring tribal access to these places.

The Karuk Tribe's use and the recognition thereof of Treaty R. as the Karuk Tribe's Treaty, places in its entirety the Shasta Nation custom and culture in imminent peril of destruction.

SB 18 uses the term ( a non federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.)

The Shasta Nation is duly authorized by the NAHC as the contact Tribe for all of Siskiyou County and Shasta County.

**HISTORICAL CONNECTIONS**

In the 2004 opinion NIGC, noted that the Yreka parcel was located within the cessation area of a treaty that was signed on November 4, 1851, you recognize that there were other signatories other than the Karuk Tribe. Treaty R. is in it's entirety Shasta people. The Karuk Tribe and BIA submitted false evidence, without historical proof of accuracy or connection to Happy Camp or Yreka. Therefore lying to congress, a felony action.

There is no evidence of historical connection between the Karuk Tribe and the vicinity of the Yreka trust property. The recent oral testimony with no basis of fact that was included is biased and fraudulent also.

**TRIBAL SOVEREIGNTY**

A tribe is Sovereign, it does not receive it's power from the federal government, but gives up rights to the government in a ratified treaty, the Shasta Nation has not given up any tribal rights or authority. The Shasta Nation aboriginal lands remain Shasta Indian Lands.

Federal officials acting without congressional authorization are not capable of waiving tribal immunity. The Supreme Court in Seminole then addressed the argument that, even if the state could not be sued, a suit for injunctive relief could be maintained against the governor or other state officials under the doctrine of Exparte Young. Young enjoins the fiction that a state officer acting in violation of federal law does not really act for the state, and therefore can be enjoined.

P34-03

P34-04

P34-05



It is the federal -tribal relationship and not the tribe that is terminated by statute or otherwise. The Shasta Nation will be exercising it's tribal sovereign authority over our aboriginal territory (unextinguished title lands), in a lawful manner.

P34-05  
Cont.

Treaty R. has never been ratified, therefore The Shasta Nation has never been incorporated into the United States, retaining unextinguished title, **Commerce Clause of the Constitution**. The Secretary of Commerce and the Secretary of the Interior have no dealings with a tribe "not" on the list of recognized tribes. The Secretaries have no authority over the Shasta Nation.

P34-06

In conclusion the NIGC and the California Indian Gaming Commission has no legal evidence of the Karuk Tribes historical connection to Happy Camp and Yreka, The Shasta Nation Sovereignty cannot be compromised by NIGC, CIGC for an alien tribe.

Federal law requires that Nepa, Presidential order 13007 Indian Sacred Sites and the National Historic Preservation Act as a national policy includes a 106 review process.

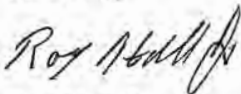
NIGC and CIGC assumption that inaccurate Karuk Tribal oral history takes precedent over all applicable federal and state law and Shasta tribal sovereignty. NIGC and CIGC is assuming they have Congressional power to abrogate a tribe, or tribal sovereignty of the Shasta Nation.

P34-07

The Shasta Nation is respectively asking the NIGC and CIGC to reconsider their decision to allow Karuk gaming on the Yreka parcels located upon Shasta Indian Lands, in consideration of this document, supporting law, and the Shasta Nation. Treaty R. is a "Nullity", however it establishes a tribal land base with tribal sovereignty and Reserved Treaty rights of the Shasta with 5<sup>th</sup> Amendment protections of a "takings of property".

If we do not receive a reply from you within ten working days you are in agreement with this letter in it's entirety.

Sincerely,



Roy Hall, Jr.  
Chief, Shasta Nation

Rex Cozzalio  
4041 Copco Rd  
Hornbrook, CA 96044

RECEIVED JAN 08 1

December 23, 2013

Karuk Tribe  
Attn: Scott Quinn  
P.O. Box 1016  
Happy Camp, CA 96039

Re: EIR Public Comment - Proposed Karuk Gaming Casino in Yreka, CA

Dear Mr. Quinn,

Sadly, while fully believing in free and equal enterprise, and having as much Native American blood as many seated on the Karuk Council, there are numerous conditions existing within the referenced proposal that find me critical of the proposal as circumstances stand.

Gaming was made legally possible on tribal lands as a grand experiment, creating normally illegal exclusionary business monopoly in locations where Gaming is otherwise ruled 'illegal' as detrimental to society, ostensibly and exclusively to enhance the economic condition of tribal members. Implemented at a time that inequities, inequality, and prejudices were already largely past, that experiment has dreadfully failed in virtually all long term objectives and for everyone excluding a profiting few. Now entrenched through motivation of greed, instead of enhancing long term advancement of majority Tribal members, that national experiment has generally resulted in reversion, creating incentive for many to remain dependent; a privileged few to personally profit; fomenting 'them against us' social interactions driving a wedge between the Tribe and their regional brothers; incentivizing intentional alteration of regional history for personal benefit; and fostering an environment of corruption, crime, selective advantage, entitlement, and cultural isolation. As with virtually all of the affected regional people, there is not a single culture in my genetic background which at some point in history has not been either the oppressor or the wrongfully oppressed, and to instill resentment and division in youth presently no more regionally oppressed than everyone else is truly to incite war within oneself. In spite of Gaming's often detrimental Tribal consequence, the facts of nationally evident corruption and collusionary profit appear to preclude legislative reversal of that failed experiment. Since the bureaucracy and legislature is therefore unlikely to consider reason and consequence, it is incumbent on the Karuk People to determine their personal responsibilities and direction.

P35-02

However, even though a decision for unequal personal benefit and profit may prevail, there are still several legal and ethical issues that remain. Legislative intent was always for a Gaming exception to occur only on Tribal aboriginal lands. The region of the proposed casino is definitely and irrefutably NOT Karuk aboriginal land. That the BIA may have previously allowed lands to be owned in the region under Tribal Trust for residential purpose and proximity to services is drastically different than granting Gaming determination over lands which were the aboriginal possession of the Shasta Tribe. To build a casino on those lands is in direct conflict with the purpose, intent, and provision of the Tribal Gaming exception. If any gaming was to be allowed in that region, it is the Shasta who ethically have exclusive rights, federally recognized or not. Additionally, even if some extremely obtuse rationale were used to circumvent that inescapable fact, the provisions for 'mitigating' known consequential damages occurring to the region are completely inadequate. For a Council that has chosen to reap personal economic reward through endless

P35-02

P35-03

environmental lawsuits upon and to the destruction of their regional families, and to which end funds under this project are promised to additionally pursue, it appears odd that so little is allowed for 'mitigating' known major impacts of a casino to the region, impacts which the Karuk Council would likely never accept from others under current Council policies. The EIR fails to adequately address added impact estimates to crime, social environment, infrastructure, and the natural environment. Particularly regarding 'salmon habitat' which, given bureaucratic incentive, the Karuk Council has vociferously and aggressively sacrificed many of the affected region to advance their position of 'salmon protection' as 'paramount', this proposal seems to hypocritically minimize added salmon impacts in water use and 'contamination' of Yreka Creek and the Shasta River. Prior and current Tribal lawsuits against this same region for which the Council professes extensive 'historical' knowledge ironically has suddenly found the Council quite tolerant of their own profiting impacts in the region concerned, an area which in reality they were historically never privy and historically showed little equivalent regard when they were damming salmon migration in the lower Klamath. In effect, for selective benefit regardless of regional cost, it appears that the Tribal Council is more than willing to vary and manipulate the interpretations of 'sovereign nation', 'federal obligation', 'historical accuracy', and 'community cooperation'.

P35-03  
Cont.

P35-04

There are many other issues, but since the political and economic intent appears predetermined, as evidenced by the short response time allowed, the Karuk media release of 'little opposition', the lack of published e-mail submission addresses, and the EIR for this project, though undoubtedly created on computer, made unavailable online to the general public but rather relegated to the 'sharing' of a printed copy at 4 possible locations in the entire County. Most of my experientially knowledgeable Karuk friends are adamantly opposed to the historically inconsistent opportunistic 'environmental' direction taken by a profit motivated Council and extend that concern to the motivational intent and impact of a casino upon the people, its youth, and the quality and sustainability of the community in which we live. A Karuk casino, particularly in the proposed location, does not appear to equitably pursue the long term needs and social benefit of any except for those as determined by a seemingly non-representative select few, and the corporate interests to which they will likely be allied and which reap the greatest unaccountable reward in a legislated monopoly. Aside from yet another inequity engendered, there is no history, evidence, regional understanding, or assurance in the Governor's media promise of 'economic and sustainable benefit to the community and Tribal members' in his politically determined directive. Rather there is much evidence and history which now speaks against that long term holistic benefit.

P35-05

P35-06

To be truly 'cooperative' and inclusive of community when considering this unique abrogation of intended laws and rights of regional residents in the execution of the proposed casino location, the aboriginal rights should first be negotiated and resolved to the satisfaction of the Shasta peoples, with any final implementation of a casino knowledgably approved by a vote of both the affected area residents and the Karuk people themselves. If crushing the lives and future survival of those people to secure advantage to designated Karuk members is NOT the intention of the Karuk Council, please reconsider the Council's current policy approach and direction. Securing Tribal position through any means other than equally based inclusive community approval and mutual benefit will inescapably tear at the bonds of regional family and friends long forged in the fire of common hardship.

P35-07

Sincerely,

Rex Cozzalio

Cc: National Indian Gaming Commission General Counsel  
Governor Jerry Brown  
Yreka City Council  
Siskiyou County Supervisors

# CHAPTER 3.0

---

## RESPONSES TO COMMENTS

Responses to comments are organized below in two sections. General comments about the project and issues that were raised by multiple commenters are addressed in **Section 3.1**. **Section 3.2** provides individual responses to each comment. Once an issue is addressed, either in the General Responses (**Section 3.1**) or in an individual response to a comment (**Section 3.2**), subsequent comments are referred to the initial comment and subsequent response. Identical letters reference the initial letter and associated responses.

### **3.1 GENERAL RESPONSES**

#### ***3.1.1 NON SUBSTANTIVE COMMENTS/EXPRESSIONS OF OPINION***

##### **Summary of Comments**

Some of the comments received do not raise substantive environmental issues and instead provide contextual information related to the Proposed Project, such as a summary of the project description or legal definitions. Other comments were statements of information related to the commenter, such as contact information. A few comments were expressions of gratitude for the opportunity to comment or of opinions either for or against the Proposed Project.

##### **Response**

To warrant a detailed response in the Final Tribal Environmental Impact Report (Final TEIR), comments must fulfill two minimum requirements: 1) the comments must raise a substantive environmental issue, and 2) they must be related to either the decisions to be made by Karuk Tribe (Tribe) based on the Draft Tribal Environmental Impact Report (Draft TEIR) and Final TEIR (collectively, the TEIR) or to the expected result of these decisions. Responses have not been provided to comments that do not raise substantive environmental issues; however, all comments are in the administrative record for the project and will be considered by the Tribe in making its decision.

#### ***3.1.2 CULTURAL RESOURCES AND LEGAL AUTHORIZATION FOR PROJECT***

##### **Summary of Comments**

Several of the comments received stated that the project site is within Shasta aboriginal territory. A few comments state that the Tribe has no ties to the project site or surrounding land, and therefore a casino for the Tribe should therefore not be authorized.

## Response

Comments noted. The project site is owned by the Tribe, and the portion of the project site upon which the casino and hotel would be constructed is held in trust by the federal government for the Tribe. In 2012, the National Indian Gaming Commission determined that the trust lands encompassing the project site are “restored lands” under the Indian Gaming Regulatory Act (IGRA) for gaming purposes [IGRA Section 20(b)(1)(B)(iii), 25 U.S.C. § 2719(b)(1)(B)(iii)]. Accordingly, the TEIR was developed in accordance with the requirements of the Tribal-State Gaming Compact (Compact) between the State of California and the Tribe to enter into Class III gaming pursuant to IGRA. To date, the Compact has been signed by the Governor and it is awaiting ratification by the State Legislature. The Tribe has the legal authority to game on the project site once the conditions of the Compact have been met, which includes certification of the Final TEIR and completion of Intergovernmental Agreement (IGA) negotiations with the City of Yreka (City) and Siskiyou County (County).

The cultural resources of the project site, including its connection to the Tribe, are discussed in Section 3.12 of the Draft TEIR. As stated in Section 3.12.2 of the Draft TEIR, “according to an 1851 unratified treaty between the United States (U.S.) and the Upper Klamath, Shasta, and Scott’s River Tribes of Indians, the project area lies within the lands identified therein for the signatory tribes.” Section 3.12.2 of the Draft TEIR also discusses the significance of the project site to the Tribe:

The Karuk have had a significant historical relationship to the Yreka area since before federal record keeping for the area began (Hay and Shyloski, 2012). Historian Stephen Dow Beckham has compiled documentation demonstrating that a sizeable population of Tribal members have lived and worked in the Yreka area during the historic era. Historically, the Karuk Tribe has consisted of the communities at Happy Camp, Orleans, and Siskiyou (Yreka). Of particular relevance to the Yreka connection, the Bureau of Indian Affairs made payments to schools throughout Siskiyou County for the enrollment of Karuk children during the 1920s (Hay and Shyloski, 2012). Karuk tribal members recall attending Tribal council meetings in Yreka at least as far back as the early 1950s, and interviews conducted by Beckham documented current Tribal members who were born in Yreka as far back as 1932, attended schools there, and took local jobs after returning from World War II or the Korean War. The Karuk Tribal Housing Development was constructed with Department of Housing and Urban Development assistance approximately 20 years ago on the parcel adjacent to the east of the Proposed Project.

No revisions to the Draft TEIR are required to address the potential off-reservation impacts to cultural resources associated with implementation of the Proposed Project.

## 3.2 INDIVIDUAL RESPONSES

### *STATE COMMENT LETTERS (S)*

#### RESPONSE TO COMMENT LETTER S1 – CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 2

S1-01 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

S1-02 As noted in Section 1.3 of the Draft TEIR, the Tribe received a comment letter from California Department of Transportation (Caltrans) requesting early review of the Transportation Impact Analysis (TIA). However, the request was received after completion of the draft TIA, and the Tribe determined that early release of the TIA to solicit comments from Caltrans prior to release of the Draft TEIR would result in delays in the TEIR process. The TIA is included within the Draft TEIR (Appendix F) and was released to Caltrans for review at the start of the public comment period. Caltrans provided **Comment Letter S1**, and the Tribe has addressed comments contained therewith in this Final TEIR.

S1-03 Comment noted. As described in the TIA (Appendix F of the Draft TEIR), trip distribution patterns to and from the project site were estimated by evaluating the existing roadway network, existing travel patterns from counts, nearby population centers of likely patrons for the Proposed Project, and current land use patterns. Based on comments received on the Draft TEIR, the Tribe has revised Mitigation Measure 3.13.1 in the Final TEIR as follows:

In coordination with Caltrans and the City, the Tribe would provide fair-share funding improvements to the intersections of I-5 Ramps and State Route 3 as agreed upon between the Tribe and Caltrans where the LOS exceeds LOS C in the cumulative condition either through an IGA with Caltrans or other means that will include periodic monitoring. Improvements necessary to obtain an acceptable LOS at this intersection may include either of the following:

1. Conversion of the intersection into a single-lane roundabout; or
2. Conversion of the intersection to a signalized intersection.

S1-04 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

#### RESPONSE TO COMMENT LETTER S2 – GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE

The purpose of this letter from the State Clearinghouse was to provide the Tribe with all comment letters from State agencies received at the State Clearinghouse regarding the Proposed Project. This letter is considered part of the administrative record but is not bracketed as a comment letter as it does not include comments on the Draft TEIR.

The only letter received at the State Clearinghouse was from Marcelino Gonzalez, Local Development Review Coordinator at Caltrans, District 2 dated December 20, 2013. This letter was a copy of the letter sent by Marcelino Gonzalez of Caltrans, District 2 to the Tribe. The letter was received by the Tribe on December 26, 2013 and is included in the Final TEIR as **Comment Letter S1**. Refer to **Comment Letter S1** in **Section 2.0** of the Final TEIR for bracketed comments, and refer to **Comment Letter S1** in **Section 3.2** of the Final TEIR for responses to individual comments.

***LOCAL COMMENT LETTERS (L)***

**RESPONSE TO COMMENT LETTER L1 – CITY OF YREKA, CITY MANAGER’S OFFICE**

- L1-01 Comment noted. The TEIR is a document prepared in compliance with the Compact for which the Tribe is responsible for developing and approving as one of the conditions for implementation of a gaming-related project. The TEIR meets the adequacy requirements specified in the Compact.
- L1-02 As discussed in Section 1.0 of the Draft TEIR, the Draft TEIR was prepared pursuant to the requirements of the Compact to provide the public and government agencies with information about the potential off-reservation environmental effects of the Proposed Project. As stated in Section 2.0 of the Draft TEIR, implementation of the Proposed Project will require issuance by the City of a Grading Permit for deposition of excess fill from the trust parcel on the fee parcel and issuance of a Conditional Use Permit (CUP) by the City for development of the parking lots on the fee parcel. Because the City must approve issuance of the above-mentioned permits, compliance with the California Environmental Quality Act (CEQA) is required for these components of the Proposed Project that would occur on the fee parcel. CEQA does not apply to the development on the trust parcel, including the development of the casino and hotel. It is at the discretion of the City whether or not the TEIR can be used to fulfill its environmental review requirements under CEQA for the approvals referenced above.
- L1-03 As discussed in Section 4.0 of the Draft TEIR, a reasonable range of alternatives are described and evaluated within the Draft TEIR in accordance with Section 11.1 of the Compact. Section 11.1 (b) of the Compact states:

The TEIR shall also describe a range of reasonable alternatives to the Project or to the location of the Project, which would feasibly attain most of the basic objectives of the Project and which would avoid or substantially lessen any of the Significant Effects on the Environment, and evaluate the comparative merits of the alternatives; provided that the Tribe need not address alternatives that would cause it to forgo its right to engage in the Gaming Activities authorized by this Compact on its Indian lands. The TEIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison.

The project site is the only suitable location for development of the Proposed Project. As stated in Section 4.2 of the Compact, the Tribe can only develop a casino on lands held in trust for the Tribe and on lands for which a positive gaming lands determination option has been rendered by the NIGC. The proposed gaming site, shown in Figure 1-3 of the Draft TEIR, is held in trust by the federal government for which a positive gaming lands determination option has been rendered by the NIGC. Only the project site allows for the development of a casino to meet the objectives of the Tribe. Therefore, no alternative locations were evaluated.

Section 4.0 of the Draft TEIR evaluates a Reduced-Intensity Alternative (RIA), reflecting approximately 75 percent of the Proposed Project, and a No Action Alternative as alternatives to the Proposed Project. The RIA alternative was selected for analysis within the TEIR as it would attain most of the basic objectives of the Proposed Project, although to a lesser extent, while reducing the potentially-significant cumulative impact to the roadway network identified under the Proposed Project. The No Action alternative does not achieve any of the objectives of the Proposed Project. Pursuant to the Compact, the Draft TEIR contains sufficient descriptive information concerning each alternative to allow meaningful evaluation, analysis, and comparison among the alternatives and Proposed Project. The Compact does not require the TEIR evaluate a range of on-site gaming options or associated off-site development alternatives. Based on the location of the project site and adjoining land uses, alternative access routes could be costly and/or infeasible to develop. Furthermore, alternative access routes would not result in a reduction of potential off-reservation impacts and therefore do not constitute an alternative to the project as defined in the Compact. Based on a review of the transportation network and potential impacts associated with the anticipated trip generation, no roadway improvements would be required to implement the Proposed Project (as the only recommended improvement concerns the cumulative future setting of Phase II), and no alternative roadway improvements could therefore be incorporated as an alternative as defined by the Compact. To meet economic forecasts and the project objectives as presented in Section 2.2 of the Draft TEIR, the casino would need to operate 24-hours a day, consistent with similar-sized gaming facilities.

L1-04 Comment noted. As stated in the response to **Comment L1-02**, the TEIR has been prepared to meet the requirements in Section 11.0 of the Compact. The mitigation presented within the Draft TEIR uses the avenues available to the Tribe through the Compact and TEIR process that may differ from the typical CEQA process. For example, the Tribe is required to negotiate an IGA with the City and County to mitigate impacts identified in the TEIR as well as to provide compensation for public services provided by the local agencies. Section 11.4 of the Compact specifically states that the Final TEIR must be completed prior to completion of the IGA process to ensure the potentially-significant impacts and mitigation measures presented in the Final TEIR are adequately addressed during the IGA process. An example of this mitigation approach is presented in Section 3.10.3 of the Draft TEIR. The Draft TEIR assumes a potentially significant



impact to the City's water and wastewater systems would occur, and the following mitigation measure is presented:

During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the City for any new, upgraded, or expanded water or wastewater treatment facilities needed due to operation of the Proposed Project. This service agreement shall include, but is not limited, to the following:

An agreement for compensation that is to be fair share payments for new, upgraded, or expanded water supply and wastewater conveyance facilities as necessary to serve development of Phases I and II, including development of appropriately sized infrastructure to meet Proposed Project flows. Such improvements shall be sized to maintain existing public services at existing levels.

By addressing the impact in the TEIR and providing specific requirements within the mitigation measure to compensate for any new, upgraded, or expanded water or wastewater facilities sized to maintain existing public service levels, the potentially-significant impact would be reduced to a less-than-significant level. The mitigation is adequate to meet the mitigation requirements of the Compact.

- L1-05 The August 19, 2013 letter was sent in response to the Tribe's Notice of Preparation (NOP) of a Draft TEIR. The NOP was released on July 22, 2013 and, pursuant to Section 11.2 of the Compact, initiated a 30-day comment period that ended on August 21, 2013. The purpose of the NOP was to provide federal, State, and local government agencies; interested parties; and the general public with information about the Proposed Project, including a general description, proposed location, and probable off-reservation environmental effects. The public is given the opportunity to recommend off-reservation environmental issues and reasonable mitigation measures that the Tribe should explore in the Draft TEIR. The August 19, 2013 letter requested the Draft TEIR study impacts related to the police department; emergency services; the fire department and related services; stormwater flow; and off-site drainage. Additionally, the August 19, 2013 letter requested the Tribe prepare a regional traffic impact study; a study of the fire flow, flow duration, and storage capacity of the City's water system, including the need for improvements prior to implementation of the Proposed Project; a study of the City's wastewater collection system and wastewater treatment plant (WWTP) including the need for improvements prior to implementation of the Proposed Project; and a study to evaluate alternatives for connection to the City's water and wastewater systems. The Draft TEIR addresses these impacts related to police department (Section 3.10); emergency services (Section 3.10); the fire department and related services (Section 3.10); stormwater flow (Section 3.8 and Appendices C and E); and off-site drainage (Section 3.8 and Appendices C and E). Additionally, the Tribe prepared a TIA study for the Proposed Project (Appendix F of the Draft TEIR). For comments

related to the study of City wastewater and water services, refer to the responses to **Comments L1-54** and **L1-55**, respectively. For comments related to a study of alternatives to connections to City water and wastewater services, refer to the response to **Comment L1-53**.

L1-06 There is no Phase III of the Proposed Project, and the Tribe does not have approved projects in the vicinity of the Proposed Project. The cumulative environment is accurately presented in Section 3.13 of the Draft TEIR. Any future projects would be required to comply with corresponding regulatory requirements for environmental review.

L1-07 As stated in the response to **Comment L1-02**, the TEIR is not a CEQA compliance document, and the requirements of CEQA do not apply. The acreages presented within the project description in Section 2.0 and throughout the Draft TEIR are consistent. Section 2.0 of the Draft TEIR provides the various acreages associated with development of Phases I and II of the Proposed Project. The project description clearly states the difference between areas of disturbance and the resulting development footprint. These acreages associated with the development of the project are described in Section 2.0 of the Draft TEIR and include:

- The 60-acre project site, which includes 10 acres of the trust parcel and 50 acres of the fee parcel (page 2-2);
- The total area that would be disturbed during grading activities in Phase I, which is approximately 14.25 acres (page 2-7);
- The footprint of Phase I development on the project site, which is approximately nine acres (page 2-3);
- The footprint of Phase II development on the project site, which is approximately five acres (page 2-11);
- The footprint of full build-out development on the project site, which is approximately 14 acres (page 2-11);

Due to the nature of assessment of off-reservation impacts, the scope of the analysis may vary with each resource section of the Draft TEIR. The acres considered for each resource assessment are dependent upon the potential for off-reservation impacts and the associated component of the project development. For example, impacts to biological resources are limited to the area of disturbance on the off-reservation (fee parcel) portion of the project site whereas impacts to slope stabilization must be evaluated across the entire project site as a slope failure on the trust parcel may impact off-reservation resources. Text was updated in Section 3.5.3 of the Final TEIR to correct a rounding error related to the number of acres within the development footprint on the fee parcel.

It is unclear as to the source of the confusion about the number of parking spaces presented in the Draft TEIR as the number of parking spaces is solely discussed in the Section 2.0 and is not

provided in the text in Section 3.0. As discussed in Section 2.4.1 of the Draft TEIR, “Phase I of the Proposed Project would include on-site development of approximately 556 parking stalls located primarily west and south of the casino.” As discussed in Section 2.4.2 of the Draft TEIR:

The casino expansion and hotel to be constructed during Phase II would be developed over parking lot areas constructed during Phase I, thereby reducing the number of parking stalls. An addition of approximately 500 parking stalls would be developed during Phase II on the adjacent fee parcel south of the southern parking lot developed during Phase I. The total net number of parking spaces that would serve the Proposed Project would be 723.

The alternative analysis presented in Section 4.0 is the only other location within the document where the numbers of parking spaces are provided. As discussed in Section 4.2.1 of the Draft TEIR, “The RIA would be similar to the Proposed Project except the casino, the Phase II casino expansion and hotel, and all associated facilities would be reduced to reflect approximately 75 percent of the Proposed Project...[and] the number of parking spaces would be reduced to 542 spaces.” The numbers provided in Table 4-1 indicate 723 parking spaces at full build-out of the Proposed Project and 542 spaces at full build-out of the RIA, which is consistent with Section 2.0 of the Draft TEIR.

- L1-08 The Tribe is committed and required to ensure the Proposed Project is developed and operated in compliance with applicable codes, regulations, and requirements under the corresponding laws. The Tribe will comply with all applicable local and State codes, regulations, and requirements for development on the Tribe’s fee lands. Such codes, regulations, and requirements are not applicable to the Tribe’s trust lands. The Proposed Project cannot proceed without complying with all applicable laws; therefore compliance of the Proposed Project with applicable laws is assumed and including a statement in the Draft TEIR to that effect is unnecessary.
- L1-09 Comment noted. The TEIR is a planning level document, and the project description provides the necessary level of detail required to assess the potential off-reservation environmental impacts of each proposed alternative. Where exact project components would not be determined until the engineering site design is conducted, the project description presents such uncertainties utilizing such terms as “feasible.” This term is utilized twice in the project description provided in Section 2.0 of the Draft TEIR. The first instance states that, “where feasible, recycling areas would be located adjacent to solid waste collection areas.” Until final designs are completed, the Tribe cannot commit to ensuring all solid waste collection areas will have adjacent recycling containers. The second use of the term is in relation to the Tribe’s commitment to incorporating sustainable building strategies into the Proposed Project. As with the recycling containers, the exact method of incorporating these strategies cannot be determined until final design and engineering of the project are conducted. However, Section 2.4 of the Draft TEIR does provide a list of practices

that would be incorporated, such as designated parking for low-emitting, alternative fuel, and carpool/van pool vehicles as well as bicycle racks. The phrase “near balanced” relates to the grading of the site for Phase II. While, as discussed in Section 2.4.2 of the Draft TEIR, a preliminary grading plan has been developed for the project site and is included as Appendix C to the Draft TEIR, the excavation and fill volumes for the project are preliminary estimates. According to the calculations and incorporating rounding, the site would be nearly balanced between the grading demands and excavation and fill volumes for Phases I and II of the Proposed Project. The information in Section 2.0 of the Draft TEIR provides adequate detail to inform the public of the scope of the Proposed Project and allows the Tribe to take a hard look at potential off-reservation impacts.

- L1-10 “Trust lands” refer to lands held in trust by the U.S. for the Tribe for which the Tribe is the jurisdictional governing body. For the purpose of discussion in the TEIR in compliance with the Compact, trust lands are considered “on-reservation.” Conversely, “off-reservation” refers to all lands that are not held in trust by the U.S. for the Tribe. Off-reservation lands include land owned by other governments (i.e. the City, the County, etc.), owned in fee by private citizens, and owned in fee by the Tribe, also referred to as “fee lands.” Text was added to Section 1.0 of the Final TEIR for clarification.
- L1-11 As discussed in Section 1.0 of the Draft TEIR, the TEIR is developed in accordance with the requirements of the Compact. The scope of the TEIR is established by the Compact, which requires that a TEIR consider all of the potential off-reservation environmental impacts that are listed in the Off-Reservation Environmental Impact Analysis Checklist (Checklist) attached to the Compact. A copy of the Checklist is included as Appendix A of the Draft TEIR. The TEIR is not required to evaluate significance criteria contained within Appendix G of the CEQA Guidelines as CEQA is not applicable; refer to the response to **Comment L1-02** for further discussion.

Regarding the comment stating that the impact analyses in Impact 3.2.1 and Impact 3.2.2 do not match their respective impact statements, it is unclear as to how this determination was made by the commenter. From Section 3.2.3 of the Draft TEIR, Impact 3.2.1 states, “The Proposed Project would not have a substantial adverse effect on a scenic vista.” The analysis that immediately follows discusses scenic vistas. Impact 3.2.2 states, “The Proposed Project would not substantially damage off-reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings adjacent to a state scenic highway.” The analysis that immediately follows discusses impacts to trees, rock outcroppings, historic buildings, and the general character of scenic resources in the vicinity of the project site. Therefore, the impact analyses under Impact 3.2.1 and Impact 3.2.2 are consistent with their respective impact statements.

- L1-12 During Phase I, approximately five acres would be developed on the trust parcel and approximately four acres would be developed on the fee parcel, for a total development footprint of approximately nine acres. During Phase II, approximately one additional acre would be developed on the trust parcel (a portion of the Phase II footprint would overlay areas previous developed during Phase I) and approximately four additional acres would be developed on the fee parcel, for a total additional development footprint of approximately five acres. Therefore, the footprint of full build-out development on the project site is approximately 14 acres, with approximately 6 acres on the trust parcel and 8 acres on the fee parcel. Text in Section 3.2.3 has been updated to correct a rounding error that erroneously reported the development footprint on the fee parcel as seven acres. Refer to the response to **Comment L1-07** for further discussion as to the acres that would be impacted by implementation of the Proposed Project. For comments related to an explanation as to what aspects of the project are being analyzed and what aspects of the project are not required to be analyzed, refer to the response to **Comment L1-11** above. The off-reservation impacts of the Proposed Project as dictated by the Checklist are required to be analyzed.
- L1-13 As discussed in the analysis in Impact 3.2.3 in Section 3.2.3 of the Draft TEIR, the exterior lighting of the Proposed Project would increase off-reservation nighttime illumination; however, this lighting would be consistent with the existing facilities in the vicinity of the project site. Existing lighting includes security lighting from the various buildings and storage areas, parking lot lighting, and individual lighting from the Waiiaka Trailer Haven RV Park and scattered, rural residences. The baseball field and Siskiyou County Fairgrounds contribute a substantial amount of direct and indirect lighting when operated during the evening. Nighttime lighting related to the buildings developed during Phases I and II of the Proposed Project would consist of landscape lighting, wall/building mounted lighting, and other similar lighting used to highlight the casino and hotel with minimal impact to surrounding receptors. The Tribe would shield exterior lights or provide cutoff lights per Section 132(b) of the California Energy Code, contain interior lighting within each source, allow no more than 0.01 horizontal foot candles to escape 15 feet beyond the site boundary, and automatically control exterior lighting from dusk to dawn to turn off or lower light levels. Further, there are no historic buildings in the vicinity of the project site. Therefore, with the incorporation of the required lighting design conditions and development within an existing commercial corridor with existing nighttime lighting, lighting associated with the Proposed Project (Phases I and II) would not adversely affect day or nighttime views in the area or views of historic buildings, resulting in a less-than-significant impact.
- L1-14 The emissions sources associated with the Proposed Project are attributed to the development on trust land and are thereby not under the jurisdiction of the California Air Resource Board (CARB); therefore, support by CARB of the air quality model is not required. The attributable emissions are regulated by the Clean Air Act under the jurisdiction of the U.S. Environmental Protection Agency (USEPA), which recognizes and supports use of the Urban Emissions 9.2.4,

2007 (URBEMIS) air quality model. Additionally at the time of development of the Draft TEIR and corresponding air quality analysis, the California Emissions Estimator Model (CalEEMod) was being finalized for use and various versions were released over several months. CalEEMod version 2011.1.1 was released in March 2011 with an improved version of the model, CalEEMod version 2013.2, released in July 2013. This was immediately followed by release of the CalEEMod version 2013.2.1 in September 2013 to correct the modified ROG running loss equation for on-road vehicles to match emission factors. CalEEMod version 2013.2.2 was later released to ensure the most accurate emissions calculations. Given the shortcomings of the CalEEMod versions 2011.1.1, 2013.2, and 2013.2.1 and the fact that the Proposed Project is ultimately within the jurisdiction of the USEPA, the most recent version of URBEMIS was used to estimate project-related emissions. Model runs for the Draft TEIR were completed in August of 2013, which was prior to the release of CalEEMod versions 2013.2.1 and 2013.2.2.

- L1-15 The air quality analysis in Section 3.4 of the Draft TEIR provides realistic emission estimates for the Proposed Project. The construction analysis shows the results of the URBEMIS air quality model, which used site-specific data, where available, and URBEMIS default input data. Since the emissions assessed within the TEIR are attributable to the trust land development, conformance to Assembly Bill (AB) 32 is not required. The climate change analysis provided in Section 3.13 of the Draft TEIR evaluates compliance with the federal reporting level, which is a reasonable significance threshold for a project's greenhouse gas (GHG) emissions.
- L1-16 The URBEMIS model includes both a fine grading and a mass grading disturbed area of 10 acres, equaling a total graded area of 20 acres. The URBEMIS model is therefore over-estimating the total graded area by 5.75 acres and therefore over-estimates fugitive dust emissions from the Proposed Project. Even with this over-estimation, off-reservation impacts to air quality from the Proposed Project would be less than significant.
- L1-17 The commenter is correct that the anticipated construction equipment list in Table 2-3 of the Draft TEIR does not match the construction equipment list in the URBEMIS Output Files (Appendix D of the Draft TEIR). The URBEMIS model could not accommodate the exact construction equipment listed in Table 2-3 of the Draft TEIR; however, the hours of use of each piece of construction equipment was modified in the URBEMIS model to account for this discrepancy. The URBEMIS model calculates construction project-related criteria pollutant and GHG emissions based on the emission factor, load, and hours of use of a particular piece of construction equipment. Although not every piece of construction equipment listed in Table 2-3 of the Draft TEIR was used in the URBEMIS model, the construction equipment that was included had similar emission factors and loads of the pieces of construction equipment not available for incorporation into the model runs. More importantly, the hours of use is significantly greater in the URBEMIS model than shown in Table 2-3 of the Draft TEIR and therefore compensates for any pieces of construction equipment not included in the URBEMIS

model. The total hours of operation shown in Table 2-3 of the Draft TEIR are 1,770 whereas the total hours of operation used in Phase I of the URBEMIS air quality model provided in Appendix D of the Draft TEIR is over 4,500 hours. Therefore, the URBEMIS model results are conservative as the project-related Phase I emissions are overestimated.

- L1-18 Comment noted. Input values to the URBEMIS model are conservative in that they are often overestimated to ensure a comprehensive and exhaustive analysis of impacts to air quality. Project-related fugitive dust emissions estimates are conservative due to estimating fugitive dust emissions from five additional acres. Fugitive dust emissions, which are shown in the URBEMIS Output Files in Appendix D of the Draft TEIR as particulate matter 10 (PM<sub>10</sub>) and 2.5 microns in size (PM<sub>2.5</sub>) are not greater than the federal *de minimis* threshold of 100 tons per year and therefore are a less-than-significant impact.
- L1-19 Refer to the response to **Comment L1-17** for a discussion on how the model runs on the URBEMIS model were adjusted to compensate for construction equipment identified in Table 2-6 of the Draft TEIR that could not be incorporated into the model runs. The total hours of operation in shown in Table 2-6 of the Draft TEIR is 1,920 whereas the total hours of operation used in Phase II of the URBEMIS Output Files shown in Appendix D of the Draft TEIR is over 4,500 hours. Therefore, the URBEMIS model results are conservative as the project-related Phase II emissions are overestimated.
- L1-20 and L21 The URBEMIS Output Files provided in Appendix D of the Draft TEIR show a total completion time of 10 months for Phase I and of 10 months for Phase II. All Proposed Project emissions were taken into account within the construction year of 2014. Analysis of the impact to air quality is on a tons per year basis; therefore, the timeline of construction used in the model is acceptable as all the emissions are accounted for within one annual cycle. For both phases, mass grading of Phase I begins on January 1, 2014 and paving (the final construction activity) was scheduled to be completed on October 31, 2011. Because emissions factors decrease in the future, a conservative start date of January 1, 2014 was used for both Phases I and II of the Proposed Project. This analysis provides a conservative estimate of emissions from the construction of the Proposed Project, and therefore project-related emissions were not underestimated due to the construction timeline.
- L1-22 The emissions sources associated with the Proposed Project are attributed to the development on trust land and are thereby not under the jurisdiction of the Siskiyou County Air Pollution Control District. Therefore, consultation with the Siskiyou County Air Pollution Control District to determine significance criteria for GHG would be inappropriate. The 25,000 metric tons per year reporting threshold for GHG emissions was issued by the USEPA in its Final Mandatory Reporting of Greenhouse Gases Rule and, as this is the only quantitative threshold issued by the

USEPA, it is a reasonable significance threshold for evaluating the Proposed Project's impacts related to climate change.

L1-23 Comment noted; refer to the response to **Comment L1-14** with regards to the URBEMIS air quality model. As shown in Table 3.13-3 of the Draft TEIR, GHG emissions from electricity usage, wastewater/water conveyance, and solid waste were calculated and taken into account when determining the project's GHG emissions and the potential impact of the Proposed Project as related to climate change.

L1-24 There is no Impact 3.4-17 contained within the Draft TEIR. Impact 3.4.2 is on page 3.4-17 of the Draft TEIR; it will be assumed for this response that the commenter is referring to Impact 3.4.2. Additional language has been added to Section 3.4.3 of the Final TEIR to clarify the less-than-significant impact determination for Impact 3.4.2.

L1-25 Comment noted. Additional language has been added to Section 3.4.3 of the Final TEIR to clarify that, due to low construction emissions and the project site's location within an attainment area, the Proposed Project is assumed not to conflict with or obstruct implementation of an off-reservation air quality plan, violate the national ambient air quality standards (NAAQS) or California Ambient Air Quality Standards (CAAQS), or contribute to a projected off-reservation air quality violation as related to criteria air pollutant (CAP) emissions.

L1-26 Comment noted. The text has been corrected in Section 3.5.1 of the TEIR to correctly reference the National Oceanic and Atmospheric Administration (NOAA). It is unclear what text the commenter is referring to regarding the Bald and Golden Eagle Protection Act as the text referenced in the second half of the comment does not appear on page 3.5-2 of the Draft TEIR; it is assumed the commenter is referring to the text on page 3.5-1. Text has been added to Section 3.5.1 of the TEIR to complete the discussion of the Bald and Golden Eagle Protection Act.

L1-27 and L1-28 As stated in Section 3.5 of the Draft TEIR, the following information sources were reviewed to determine whether the fee parcel of the project site has the potential to provide habitat for special status plant species:

- Aerial photography of the project site and vicinity;
- Topographic map of the Yreka and Montague quads;
- National Wetlands Inventory (NWI) Online Mapper (USFWS, 2013a);
- U.S. Fish and Wildlife Service (USFWS) species list, dated April 29, 2013, of federally listed special status species with the potential to occur on or be affected by projects on the Yreka and Montague quads (the Montague quad was reviewed since the project site occurs on the eastern boundary of the Yreka quad) (USFWS, 2013b);



- California Native Plant Society (CNPS) inventory, dated April 29, 2013, of special status plants known to occur within the Yreka and Montague quads and the surrounding 10 quads (CNPS, 2013);
- California Natural Diversity Database (CNDDDB) Rarefind software query, dated April 2, 2013, of special status species known to occur within the Yreka and Montague quads and the surrounding 10 quads (CDFW, 2013); and
- CNDDDB map of known species occurrences within a five-mile radius of the project site.

The habitat, elevation, and range requirements for each special status species were assessed and compared to those occurring within the fee parcel and off-reservation vicinity of the project site. If these criteria were not met, it was determined that the special status plant species did not have the potential to be present on the fee parcel and in the off-reservation vicinity of the project site. Based upon the information search and site surveys, it was determined the fee parcel and off-reservation vicinity of the project site represents potential habitat for the following:

- Special status plants
  - Woolly balsamroot (*Balsamorhiza lanata*) (bloom season: April through June)
  - Greene's mariposa lily (*Calochortus greenei*) (bloom season: June through August)
  - Ashland thistle (*Cirsium ciliolatum*) (bloom season: June through August)
  - Peck's lomatium (*Lomatium peckianum*) (bloom season: April through June)
  - Shasta orthocarpus (*Orthocarpus pachystachyus*) (bloom season: May)

Focused botanical surveys were conducted on the fee parcel and off-reservation vicinity of the project site on June 27 and 28, 2013. These surveys were conducted to assess the suitability of on-site habitats to support these special status plants and to survey for four of the five potential special status plants (Woolly balsamroot, Greene's mariposa lily, Ashland thistle, and Peck's lomatium). Most habitats on the project site have been disturbed to some extent, especially the nonnative grassland and ruderal/developed habitats that constitute the area of disturbance of the Proposed Project; therefore, they are less likely to support special status plants. Reference sites were not visited prior to the June 2013 surveys because most of the CNDDDB records for these species within a 5-mile radius of the project site are over 30 years old or are inaccessible because they are on private property (CDFW, 2013). The survey dates coincided with the blooming period for four of the five special status plant species that potentially occur on the project site: Woolly balsamroot, Greene's mariposa lily, Ashland thistle, and Peck's lomatium. These species were not observed during the June surveys. The botanist also observed a relative absence of native-plant associations combined with a high influence of non-native grassland species associations during the survey. In conjunction with the results of the focused survey, it was

determined that the target special status plant species did not have the potential to occur on the project site.

The June surveys did not include the blooming period for Shasta orthocarpus, which generally blooms in May. Mitigation Measure 3.5.1 requires a focused pre-construction survey for Shasta orthocarpus during the blooming period for this species. This survey will be conducted according to the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2009). In response to comments received on the Draft TEIR, Mitigation Measure 3.5.1 of the Final TEIR has been revised to include focused botanical surveys within the oak woodlands adjacent to proposed areas of disturbance for Woolly balsamroot and Peck's lomatium.

- L1-29 Refer to the response to **Comment L1-11** for a discussion of the regulatory documents that guide analysis in the TEIR.
- L1-30 The text on page 3.7-3 of the Final TEIR has been updated to correctly refer to the California Department of Resources Recycling and Recovery (CalRecycle).
- L1-31 It is unclear in the comment which Hazardous Material Business Plan (HMBP) the commenter is referring to. Relevant to the Proposed Project, no department of the County is responsible for a HMBP. The Siskiyou County Public Health Department is designated as the Certified Unified Program Agency (CUPA) and, as such, is responsible for overseeing the reporting of all facilities located in the County that use or store any hazardous materials, including those facilities that are required to submit a HMBP. Text was added to Section 3.7.1 of the Final TEIR to clarify that the Siskiyou County Public Health Department oversees enforcement of HMBP requirements.
- L1-32 No activities or developments have occurred on the trust parcel since the Phase I ESA was completed that had the potential to release a hazardous material and the conclusions of the initial Phase I ESA are therefore still applicable. Text was added to Section 3.7.2 of the Final TEIR to provide clarification. In addition, as discussed in Section 3.7.2 of the Draft TEIR, an updated records search for hazardous materials database listings of incidents within and near the project site was conducted in 2008.
- L1-33 Section 4.0 of the Final TEIR presents the Mitigation Monitoring and Reporting Program (MMRP) for the Proposed Project in **Table 4-1**. As shown in **Table 4-1**, the Tribe would be the entity responsible for implementing Mitigation Measure 3.7.1 and would do so prior to construction of Phase I and prior to construction of Phase II of the Proposed Project.
- L1-34 "Feasible and when reasonable" refer to standard operating procedures (SOPs) that are capable of being implemented, effected, or accomplished and would not exceed the limit prescribed by

reason or sound judgment. The Tribe would be the entity responsible for implementing Mitigation Measure 3.7.2 and would do so prior to construction of Phase I and prior to construction of Phase II of the Proposed Project, as shown in **Table 4-1** in **Section 4.0** of the Final TEIR, which presents the MMRP for the Proposed Project.

- L1-35 The area of vegetation to be cleared from staging areas, welding areas, or other spark-producing areas as required will be of sufficient size to act as a firebreak; the size of the cleared area will be consistent with standard construction industry protocol for development in an area at risk of wildland fires. The extent feasible for a firebreak is determined based on what is capable of being cleared for a firebreak as well as the minimum necessary area to be cleared to fulfill the function of a firebreak. For questions related to the responsible party and timing of implementation of Mitigation measure 3.7.2 subpart (g), refer to the response to **Comment L1-34**.
- L1-36 Refer to the response to **Comment L1-10**.
- L1-37 The TEIR does not state that the development of a parking lot on the fee parcel is or is not compatible with the surrounding lands designated as low-density residential (LDR). The Checklist directs the TEIR to evaluate adherence to applicable land use plans, policies, and regulations when evaluating impacts to land use. As stated in Section 3.3.2 of the Draft TEIR, the City designates the fee parcel as Light Industrial (M-1), and parking lots are permitted land uses upon approval and validation of a CUP. Therefore, the parking lot proposed for the fee parcel is consistent with the City's land use designation. As further stated in the Checklist, a significant impact to land use would occur if the Proposed Project would "conflict with any off-reservation land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect." Presumably, the City has determined that a development of a parking lot on the fee parcel is compatible with the land use designation of LDR for the land located adjacent to the southern border of the project site as the City is the entity that designated land uses with the intent of avoiding or mitigating an environmental effect. Regardless, a parking lot does present some incompatibilities with LDR as a parking lot constitutes a commercial development and would attract additional traffic, noise, and people. An approximately 900-foot wide area of open space would exist between the southern edge of the parking lot and the northern edge of the adjacent south parcel designated as LDR. This area would act as a buffer between the two land uses and would alleviate any conflict in land use. Further, as stated in the analysis of Impact 3.3.1 of Section 3.3 of the Draft TEIR, the Tribe will be required to apply for a CUP for development of a parking lot on the fee parcel. Compliance with CUP conditions would reduce impacts to land use plans associated with the development on the fee parcel to a less-than-significant level.
- L1-38 The Draft TEIR does not state nor imply that approval of a CUP and other City permits will satisfy compliance with the provisions of CEQA; Impact 3.3.1 of Section 3.3 of the Draft TEIR

states “the approval and validation of a Conditional Use Permit and other City permits will *require* compliance with the provisions of CEQA” (emphasis added). As designed, the parking lot on fee lands cannot be developed without a CUP and other City permits (e.g. Grading Permit); as discussed in Section 3.3 of the Draft TEIR, the approval and validation of these permits by the City triggers the need to comply with CEQA. One purpose of CEQA is to ensure that any project that requires local or State approval gives consideration to environmental affects. Therefore, the City’s compliance with CEQA will ensure impacts to land use associated with the Proposed Project are addressed.

L1-39 As discussed in Section 3.9.3 of the Draft TEIR, anticipated noise associated with construction of Phases I and II of the Proposed Project were assessed using Caltrans Guidelines (Caltrans, 2009) and anticipated increases in the ambient noise level due to stationary sources during the operation of Phases I and II of the Proposed Project (heating, ventilation, and air conditioning; parking lot noise; and delivery truck noise) were estimated using known noise levels from comparable projects. Off-reservation vibration noise levels for construction and operation of the Proposed Project were assessed using Caltrans Guidelines (Caltrans, 2004). Anticipated traffic noise associated with Phases I and II of the Proposed Project were determined using the Caltrans 2009 Technical Noise Supplement; text was added to Section 3.9.3 of the Final TEIR for clarification of the source. Using noise data provided from Caltrans and comparable projects to estimate the anticipated noise associated with Phases I and II of the Proposed Project is acceptable methodology as it provides information at a level of detail that can be used to evaluate the impacts of the Proposed Project; therefore, additional noise analysis is not warranted.

L1-40 As discussed in Section 3.9.1 of the Draft TEIR, local noise standards, specifically those contained within the City General Plan (2003), do not apply to the trust land but do apply to land owned in fee by the Tribe. Refer to the response **to Comment L-10** for a discussion as to trust land sovereignty. Likewise, State standards apply only to the fee parcel whereas federal standards are applicable to the trust parcel; text was added to Section 3.9.1 to clarify the applicability of State and federal noise standards in the Final TEIR. Therefore, only noise generated on or by activities associated with the fee parcel are subject to local, including State and City, noise standards.

Section 3.9.3 of the Draft TEIR evaluates how the noise anticipated to be generated by construction and operation of Phases I and II of the Proposed Project compares with applicable noise standards. Construction and operational activities on or associated with the fee parcel would be subject to City noise standards. As discussed in Impact 3.9.1 of the Draft TEIR, construction on the fee parcel would be exempt from noise standards put forth in Table 5-5 of the General Plan pursuant to Noise Policy 9 of the General Plan, and implementation of Mitigation Measure 3.9.1 would ensure compliance with General Plan Noise Policies 10 and 11.

Operational noise includes noise from traffic and from on-site sources. As discussed in Impact

3.9.1 of the Draft TEIR, the General Plan does not specify traffic noise level standards for additional traffic noise generated by new noise generating uses such as the Proposed Project. Regardless, traffic from operation of either phase of the Proposed Project would result in a worst-case-scenario noise level of 62.4 A-weighted decibels (dBA), Equivalent Continuous Sound Level (Leq) at approximately 50 feet from Sharps Road. This noise level would be within the traffic noise level standards for new developments affected by existing traffic in the City (General Plan Noise Policy 1), which specifies a maximum outdoor day-night average noise level (Ldn) level of 65 dBA for transient lodging (e.g. the Waiiaka Trailer Haven RV Park), office buildings, commercial buildings, and industry (e.g. the various facilities located along Sharps Road) and a maximum outdoor Ldn level of 70 dBA for parks/playgrounds (e.g. the baseball field). The on-site operational noise source on the fee parcel would be slow moving and idling vehicles, opening and closing doors, and conversation; vehicle noise would produce the most noise and would be approximately 60 dBA, Leq at 50 feet from the source. Industrial facilities are located adjacent to the fee parcel parking lot; therefore the noise of approximately 60 dBA, Leq would also be less than the General Plan (Noise Policy 7) requirement of 65 dBA, Leq. At 400 feet, noise from the parking lot would be 51 dBA, Leq based on a noise attenuation value of 3.0 dBA, Leq per doubling of the distance (Caltrans, 2009). Beyond the industrial land uses, the nearest noise receptors are office and commercial buildings located approximately 600 feet or farther from the fee parcel parking lot; the noise standard for these facilities is 55 dBA, Leq per Noise Policy 7 of the General Plan. Therefore, Phases I and II are in compliance with the noise standards contained within the City General Plan.

L1-41 Refer to the response to **Comment L1-40**.

L1-42 As shown as the bottom of Tables 3.9-6 and 3.9-7 of the Draft TEIR, the source is shown as an abbreviated citation of “Caltrans, 2009” which refers to the following full citation contained in Section 6.0:

California Department of Transportation (Caltrans), 2009. Technical Noise Supplement. Available online at <http://www.dot.ca.gov/hq/env/noise/index.htm> Accessed March, 2010.

Caltrans did not complete a noise level evaluation for the Proposed Project but Caltrans did prepare the above document which contains data relevant to the Proposed Project. All noise calculations were determined using sources contained in Section 6.0.

L1-43 **Section 4.0** of the Final TEIR presents the MMRP for the Proposed Project in **Table 4-1**. As shown in **Table 4-1**, the Tribe would be the entity responsible for implementing Mitigation Measure 3.9.1 and would do so during construction of Phase I and during construction of Phase II of the Proposed Project.

L1-44 The Caltrans 2009 Technical Noise Supplement was used to determine the noise calculations; text was added in Impact 3.9.1 of the Final TEIR to clarify the source of this information.

L1-45 The text was updated in Impact 3.9.1 of the Final TEIR to clarify Noise Policy 1 refers to all traffic, not just existing traffic.

L1-46 As stated in Impact 3.9.1, the Draft TEIR presents the analysis exactly per the request of the commenter:

The General Plan specifies traffic noise level standards for new developments affected by traffic in the City (General Plan Noise Policy 1) and specifies non-transportation noise level standards for new noise generating uses such as the Proposed Project (General Plan Noise Policy 7) (Yreka, 2003). However, the General Plan does not specify traffic noise level standards for additional traffic noise generated by new noise generating uses such as the Proposed Project. Therefore, no local noise ordinances or standards are applicable.

Regardless, traffic from operation of either phase of the Proposed Project would result in a noise level of 62.4 dBA, Leq at approximately 50 feet from Sharps Road, which is the worst case scenario. This noise level would be within the traffic noise level standards for new developments affected by existing traffic in the City (General Plan Noise Policy 1), which specifies a maximum outdoor Ldn level of 65 dBA for transient lodging, office buildings, commercial buildings, and industry and a maximum outdoor Ldn level of 70 dBA for parks/playgrounds. For traffic noise, Ldn and peak hour Leq are estimated to be approximately similar (Yreka, 2003). The Waiiaka Trailer Haven RV Park (transient lodging), a baseball diamond (playground/park), and some office, commercial, and industrial facilities are all located approximately 50 feet from Sharps Road, at which distance the noise level would be 62.4 dBA, Leq during operation of the Proposed Project. Operational traffic noise attributable to Phases I and II of the Proposed Project would result in a less than significant impact.

L1-47 Per the Checklist and with respect to traffic noise, the Draft TEIR is required to evaluate if the Proposed Project would result in:

- An exposure of off-reservation persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- A substantial permanent increase in ambient noise levels in the off-reservation vicinity of the project; or

- A substantial temporary or periodic increase in ambient noise levels in the off-reservation vicinity of the project.

Impacts 3.9.1, 3.9.3, and 3.9.4 of the Draft TEIR evaluate Phases I and II of the Proposed Project with respect to the above list. No local general plan or noise ordinance, or applicable standards of other agencies put forth any requirements related to interior noise levels at residential units; therefore, such analysis is not required and was not conducted within the Draft TEIR.

- L1-48 As discussed in Section 3.9.2 of the Draft TEIR, the Karuk Tribal Headstart is the nearest sensitive receptor to the proposed loading docks and would be located approximately 1,000 feet to the east; the text in Impact 3.9.1 has been updated to specify the sensitive noise receptor. The Caltrans 2009 Technical Noise Supplement explains that an attenuation value of 24.0 dBA is appropriate at a distance of 1,000 feet; a citation was added to the text in Impact 3.9.1 to clarify the source of this information.
- L1-49 The Caltrans 2009 Technical Noise Supplement was used to determine the noise calculations; text was added in Impact 3.9.1 of the Final TEIR to clarify the source of this information.
- L1-50 As stated under the Methodology in Section 3.9.3 of the Draft TEIR, “off-reservation vibration noise levels for construction and operation of the Proposed Project were determined using Caltrans guidelines (Caltrans, 2004).” Text was added to Impact 3.9.2 of the Final TEIR to clarify the source of this information.
- L1-51 As discussed in Significance Thresholds in Section 3.9.3 of the Draft TEIR, “excessive groundborne vibrations are defined as those that are equal to or exceed 0.5 PPV at the nearest off-reservation non-residential structure and exceed 0.1 PPV at the nearest off-reservation residence (Caltrans, 2004).” Text was added to Impact 3.9.2 of the Final TEIR to clarify the source of this information.
- L1-52 Perception of noise depends on various factors, such as time of day, a stationary or moving source, and existing ambient noise conditions. While a change in sound of 7 to 10 dBA typically elicits extreme concern, it does not always indicate extreme concern. In the case of the worst-case-scenario traffic noise increase of 7.4 dBA Leq, the noise source would vary in frequency and duration as the source would be mobile and noise levels would only increase by 7.4 dBA Leq when traffic volumes peak. Most importantly, the increase of 7.4 dBA Leq would not cause the ambient noise level in the vicinity of the project site to exceed the applicable federal and local standards (refer to analysis in Impact 3.9.1 of the Draft TEIR); therefore, a determination of a less-than-significant impact is appropriate.

- L1-53 Comment noted. Refer to the response to **Comment L1-03** for a discussion as to what is required by the Compact for alternative analysis in the Draft TEIR. Connection to and service from the City's water and wastewater system remains a realistic option, and, as described in Section 3.10.3 of the Draft TEIR, all associated impacts of the Proposed Project would be reduced to a less-than-significant level. Therefore, nothing in the Compact requires the TEIR provide analysis of alternative water and wastewater services. Furthermore, in accordance with Section 11.7 of the Compact, the TEIR serves as the vehicle to address off-reservation impacts within the IGA p. Since the TEIR concludes that off-reservation impacts to water and wastewater systems are potentially significant and provides recommended mitigation, the IGA process must address these impacts. Furthermore, an IGA cannot be approved until 55 days after the approval of the Final TEIR by the Tribe, and therefore additional time is available to address these issues during the IGA process.
- L1-54 The Draft TEIR describes the City WWTP in Section 3.10.2 of the Draft TEIR, including existing use and remaining capacity, as identified in the Water and Wastewater Technical Study (included as Appendix H to the Draft TEIR). As discussed in Sections 3.10.2 and 3.10.3 of the Draft TEIR, it is assumed that since maximum dry weather flow into the City WWTP is approximately 0.9 million gallons per day (mgd) and the facility has a permitted capacity of 1.3 mgd, the WWTP has the treatment and disposal capacity to accommodate the Proposed Project, which would generate approximately 0.066 mgd of peak day flow at full build-out (operation of Phase II). Further, there are no current violations at the City's WWTP; the contents and quality of wastewater produced by either phase of the Proposed Project would be consistent with contents and quality of wastewater currently treated by the City's facilities, and therefore no changes or modifications to the City's National Pollutant Discharge Elimination System (NPDES) permit would be required. Therefore, the WWTP has the adequate capacity, including handling the associated increase in effluent, to accommodate the Proposed Project.

The Draft TEIR does not analyze the physical ability of the City to collect and treat wastewater flows from the Proposed Project related to infrastructure and entire system capacity because this information was requested of the City but not made available to the Tribe. As stated in Section 3.10.3 of the Draft TEIR, the Tribe submitted a letter on June 12, 2013 to the City Director of Public Works presenting the Proposed Project's utility demand and requesting the associated capacity analysis pursuant to City General Plan PF.1.1.D. To date, no response has been received from the City. As stated in analysis of Impact 3.10.6 of Section 3.10.3 of the Draft TEIR, if upgrades, expansions, and/or new wastewater facilities, including the conveyance system, are needed to treat wastewater from the Proposed Project consistent with the requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) such projects and any associated additional compensation from the Tribe would be addressed in the IGA. Mitigation Measure 3.10.2 of the Draft TEIR specifies that the Tribe shall enter into a service agreement, which includes fair share payments, to reimburse the City for any new, upgraded, or expanded



wastewater treatment facilities needed due to operation of the Proposed Project as part of the IGA. Since the IGA process has begun between the Tribe and the City, the City has initiated a detailed hydraulic analysis to ensure adequate flow capacity is available for the selected connection option. Therefore, the mitigation measures included with the Draft TEIR are adequate and no revisions to the Draft TEIR are necessary.

- L1-55 Water supply data was based on information obtained from the City of Yreka 2010 Urban Water Management Plan (Tully and Young, 2011), as cited in Section 3.10.2 of the Draft TEIR; water supply data was also obtained from information published on the City's website (Yreka, 2013b) and from the Draft Water and Wastewater Utility Rate Study prepared by PACE Engineering in 2013. As stated in Section 3.10.2, the City's water right (Permit 15379, application 22551) allows withdrawal of 9.7 million mgd (Yreka, 2013b), and the City's water system is capable of treating 10.5 mgd (Tully and Young, 2011). As stated in Section 3.10.3 of the Draft TEIR, the Tribe submitted a letter on June 12, 2013 to the City Director of Public Works presenting the Proposed Project's utility demand and requesting information regarding capacity pursuant to City General Plan PF.1.1.D. To date, no response has been received from the City. As stated in analysis of Impact 3.10.7 of Section 3.10.3 of the Draft TEIR, if upgrades, expansions, and/or new wastewater facilities, including the conveyance system, are needed to supply water to the Proposed Project, such projects and any associated additional compensation from the Tribe would be addressed in the IGA. Mitigation Measure 3.10.2 of the Draft TEIR specifies that the Tribe shall enter into a service agreement, which includes fair share payments, to reimburse the City for any new, upgraded, or expanded water facilities needed due to operation of the Proposed Project as part of the IGA. Since the IGA process has begun between the Tribe and the City, the City has initiated a detailed hydraulics analysis to ensure adequate flow volume, pressures, and storage are available for the selected connection option. Therefore, the mitigation measures included with the Draft TEIR are adequate and no revisions to the Draft TEIR are necessary.
- L1-56 As stated in the response to **Comment L1-02**, development of the casino and hotel would occur exclusively on Tribal trust lands for which gaming activities have been approved. Accordingly, outside of specific requirements included within the Compact, State regulations do not apply to the construction or operation of the facilities located on trust lands. The development of the parking lot on fee lands would be constructed and operated in accordance with City and applicable State requirements. The development of a parking lot does not require analysis under Senate Bill (SB) 610 or associated requirements under SB 221 because it does not meet the definition of a qualifying project under California Water Code Section 10912(a).
- L1-57 The Draft TEIR provides an in-depth discussion of storm drainage plans, including stormwater detention facilities that are a part of the project design, in Sections 2.4, 3.8, and 3.10. As stated in Section 2.4 of the Draft TEIR:

The facilities developed during Phase I would be constructed such that stormwater drainage remains on site and does not exceed flows from a 10 minute duration and a 10 year event (Phase I  $Q = 18.45$  cubic feet per second [cfs]). Stormwater detention facilities would be installed during construction of Phase I of the Proposed Project and would be designed as outlined below:

- Phase I storm detention on-site infrastructure would be designed for a 25-year storm event for a volume of 17,900 cubic feet. Storm drainage would be directed to drainage facilities and routed to detention structures as necessary to meet the above outlined detention volumes. Detention basins would be designed to meet these storage volumes with one foot of freeboard as outlined in the City of Yreka Storm Drainage Design and Evaluation Criteria.
- All trust parcel drainage would be detained on the trust parcel in detention basins located under the parking area. Discharge from the detention basin would be directed to the existing drainage ditch that bisects the fee parcel.
- All drainage facilities including pipes, curbs, inlets, and swales would be sized for a 10 year, 24 hour storm event.

The facilities developed during Phase II would be constructed such that storm drainage remains on site and does not exceed flows from a 10 minute duration and a 10 year event (Phase II  $Q = 23.59$  cfs). The stormwater detention facilities that would be constructed during Phase I of the Proposed Project would be upgraded or expanded as necessary during construction of Phase II to address the additional stormwater drainage from the additional impervious surfaces developed as a part of Phase II construction. The stormwater detention facilities to be constructed during Phase II would be designed as outlined below:

- Phase II storm detention on-site infrastructure would be designed for a 25-year storm event for a volume of 6,400 cubic feet. Storm drainage would be directed to drainage facilities and routed to detention structures as necessary to meet the above outlined detention volumes. Detention basins would be designed to meet these storage volumes with one foot of freeboard as outlined in the City of Yreka Storm Drainage Design and Evaluation Criteria.
- All drainage from the full build-out footprint would be detained on the trust parcel in detention basins located under the parking area. Discharge from the detention basin would be directed to the existing drainage ditch that bisects the fee parcel.

- All drainage facilities including pipes, curbs, inlets, and swales would be sized for a 10 year, 24 hour storm event.

Potential impacts associated with stormwater drainage are discussed in Impacts 3.8.1, 3.8.3, and 3.8.5 of Section 3.8.3; and Impact 3.10.8 of the Draft TEIR. Mitigation Measures 3.6.1, 3.7.1, 3.8.1, and 3.8.2 of the Draft TEIR are included to ensure impacts to off-reservation resources associated with stormwater drainage from the Proposed Project result in less-than-significant impacts. There is no mention of preparing a Drainage Master Plan in the Draft TEIR.

L1-58 Analysis in Impact 3.8.1 in Section 3.8.3 of the Draft TEIR reads, “stormwater from the project site drains to Yreka Creek and ultimately to the Klamath River, and elevated concentrations of sediments and pollutants may violate the water quality standards of these water bodies.” Analysis in Impact 3.8.1 of the Draft TEIR further discusses that, “the City grading permit required for the fee parcel during Phases I and II would include provisions to reduce soil erosion via stormwater, thereby reducing off-reservation impacts.” Further, the analysis in Impact 3.8.1 of the Draft TEIR states that, “because construction of Phases I and II of the Proposed Project would occur on trust and fee land, the federal and State regulatory requirements for water quality discussed above in Section 3.8.1 are both applicable. Mitigation Measures 3.6.1 and 3.7.1 of the Draft TEIR are proposed to ensure the required Storm Water Pollution Prevention Plans (SWPPPs) would include Best Management Practices (BMPs) that will reduce the impact of Phases I and II of the Proposed Project on water quality.” Additionally, as noted by the commenter, Mitigation Measure 3.8.1 of the Draft TEIR is included to minimize impacts on Coho salmon in the Yreka Creek drainage basin. Finally, Mitigation Measure 3.8.2 of the Draft TEIR is included to ensure that stormwater is filtered for pollutants and sediments deposited prior to entry into Yreka Creek.

Therefore, the Draft TEIR not only contains a discussion of the potential impacts to Yreka Creek, it also proposes various mitigation measures to reduce the impact of the Proposed Project on the water quality of Yreka Creek, which will in turn prevent impacts to Coho salmon populations. The commenter is correct that the Draft TEIR relies on existing regulatory requirements to protect water quality. These regulatory requirements, including the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act, are designed to protect the water quality of surface water and therefore reliance on these regulations for such is appropriate. Additionally, the mitigation measures contained in the Draft TEIR specify certain BMPs to be included in the regulatory documents (e.g. the SWPPPs) to be developed in compliance with federal and state laws; these specific BMPs further ensure the protection of water quality in Yreka Creek and downstream. Lastly, the Draft TEIR includes as Mitigation Measure 3.8.2 a requirement to implement a rain garden type filter, which is a structural mitigation measure and does not rely on existing regulatory requirements, to filter stormwater for pollutants and sediments prior to movement off-site and entry into Yreka Creek.

- L1-59 As stated in Impact 3.8.1 of Section 3.8.3 of the Draft TEIR, “operation of Phases I and II of the Proposed Project would result in vehicular traffic on the project site, which could introduce pollutants such as fuels, motor oil, and heavy metals to parking lot areas.” The possible pollutants that could be associated with stormwater runoff from the impervious surfaces, including the parking lots, developed during Phases I and II of the Proposed Project were detailed in Impacts 3.7.1 and 3.7.2 of Section 3.7.3 and in Impact 3.8.1 of Section 3.8.3 of the Draft TEIR.
- L1-60 Text was added to Section 3.8.1 of the Final TEIR to describe the City’s required compliance with the Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s). Project design features and implementation of Mitigation Measures 3.6.1, 3.7.1, 3.8.1 and 3.8.2 of the Draft TEIR would ensure the Proposed Project would not violate any water quality standards, including those put forth in the Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s).
- L1-61 A large portion of the analysis regarding police and fire services is based on verbal conversations with the police and fire chiefs, as the citations indicate in Section 3.10 of the Draft TEIR; analysis regarding police and fire services is also based data from the CAL FIRE website (2007), the City General Plan (2003), and the Yreka Police Department Needs Assessment Report prepared by Siskiyou Design Group Inc. (2012). As stated in Section 3.10.2 and in Impact 3.10.1 in Section 3.10.3 of the Draft TEIR, the Fire Chief Allen Jones with the Yreka Volunteer Fire Department (Yreka FD), which would be the primary provider of fire protection services to the project site, reports that staffing and equipment are currently adequate. Therefore, it is anticipated that implementation of Phases I and II of the Proposed Project would not significantly impact to area response times; text was added to the analysis in Impact 3.10.1 of the Final TEIR for clarification.
- L1-62 Refer to the response to **Comment L1-54**.
- L1-63 The Checklist requires the Draft TEIR evaluate if the Proposed Project would “result in substantial adverse physical off-reservation impacts associated with the provision of new or physically altered off-reservation governmental facilities, the construction of which could cause significant off-reservation environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, or other off-reservation public facilities.” As the analysis provided in Impact 3.10.1 of the Draft TEIR concludes, “the Proposed Project would generate a demand for fire protection services; however, this demand would not require the construction of new or expanded facilities and thereby would not cause significant off-reservation environmental impacts.” Therefore, no mitigation measures related to fire protection services are necessary. However, pursuant to Section 11.7(a)(2) of the Compact, issues related to funding mechanisms for public services,

including needs for specialized firefighting equipment or development of new plans, are to be addressed in the IGA.

- L1-64 As described in Section 2.4 of the Draft TEIR, “the entrance to the project site would be located at the east terminus of the existing Sharps Road.” This entrance point would provide emergency access to the project site, including for emergency response and evacuation. The Phase I and Phase II parking lots and internal circulation on the project site, depicted in Figure 2-1 and 2-3 of the Draft TEIR, would allow for maneuverability in the event of an emergency such that a secondary access point is not necessary.
- L1-65 As stated in Section 2.4, “The Compact requires and the Tribe has designed the gaming facility to meet or exceed the requirements of the California Building Code (CBC) and the Public Safety Code applicable to the City as set forth in Titles 19 and 24 of the California Code of Regulations, including all fire...related codes in effect at the time of construction...Additionally, the Tribe will take all necessary steps per the requirements of the Compact to reasonably ensure ongoing availability of sufficient and qualified fire suppression services to the gaming facility.” This includes implementation of sprinkler systems and fire-resistant construction, as discussed in Impact 3.10.1 in Section 3.10 of the Draft TEIR.
- L1-66 Supportive evidence and discussion leading to the conclusions stated in this comment are provided later in the letter, are bracketed as separate **Comments L1-67 through L1-86**, and are responded to below. Comment noted; however, without supportive evidence and discussion, a detailed response cannot be provided. The commenter also states that the traffic analysis as presented is insufficient for CEQA; refer to the response to **Comment L1-02**.
- L1-67 Comment noted, and the discussion on page 18 of the TIA erroneously states that the existing traffic volume levels were collected on June 20, 2013. As shown in the traffic count data sheets included as Appendix 1 of the TIA (Appendix F of the Draft TEIR), the date of collection of the traffic counts was actually June 4, 2013. This date was two days before the end of the school year for the Yreka School District. Therefore, the traffic counts utilized within the TIA accurately depict the existing peak hour traffic conditions.
- L1-68 Construction trips associated with the Proposed Project were included in the air quality and GHG analysis, as shown in the URBEMIS Output Files (Appendix D of the Draft TEIR). Evaluations of impacts of the Proposed Project related to air quality and GHG are provided in Sections 3.4 and 3.13 of the Draft TEIR.
- L1-69 The weekday PM peak hour was selected as this is typically the largest peak hour of the background traffic. Background traffic counts during the weekend peak hour are relatively less compared to the weekend peak hours. Therefore, utilization of the weekday peak hour represents

a more conservative approach. With the Proposed Project's minimal impacts to the level of service (LOS) of local roadways during the weekday peak hour, review of additional peak hours (such as weekends) is not warranted.

- L1-70 As discussed above, the TIA utilized the weekday PM peak hour to assess background traffic as this is typically the largest peak hour. The implementation of Phase II of the Proposed Project would result in minimal impacts to the LOS of local roadways. Further analysis of potential special events at surrounding facilities (e.g. the Siskiyou County Fairgrounds) was not determined to be necessary. The impact to traffic and transportation due to a special event would depend on various factors, such as the type of event, anticipated attendance, and weather. Further, the entity sponsoring or hosting the special event would be responsible for implementing special traffic control measures. The Tribe is willing to work with the special event sponsor or host to coordinate special traffic control measures as it is in the best interest of the Proposed Project to ensure access to the project site at all times, including during special events at other venues.
- L1-71 The commenter states that a portion of the analysis is not credible, but does not provide justification for such a conclusion. Sharps Road creates a "T" intersection with Fairlane Road such that traffic headed west on Sharps Lane cannot continue straight through the intersection with Fairlane Road and must turn either left or right, as shown in Figures 2 and 10 of the TIA provided as Appendix F to the Draft TEIR. As described in Section 3.11.2 of the Draft TEIR, "Sharps Road has two 12-foot travel lanes with no paved shoulders in the vicinity of the project site." However, at the intersection of Sharps Road and Fairlane Road, the paved area is widened to approximately 60 feet, creating a pocket right-turn lane, as depicted in Figures 2 and 10 of the TIA. The single west-bound lane of Sharps Road is a left-turn lane at the intersection of Sharps Road and Fairlane Road.
- L1-72 As discussed in Section 3.11.3 of the Draft TEIR, significant impacts to the off-reservation circulation system would occur if construction or operation of the Proposed Project would conflict with the applicable measures of effectiveness for the performance of the off-reservation circulation system or conflict with the applicable standards for off-reservation roads or highways. As stated in the Analysis Methodologies of Section 3.11.2 of the Draft TEIR, "for the purpose of the TIA and this Draft TEIR, operating conditions experienced by drivers are described in terms of levels of service (LOS)." Use of the LOS as a measure of effectiveness as well as to assess conflict with the applicable standards for off-reservation road is appropriate as LOS standards are the primary evaluation tool used by the City for roads within its jurisdiction (General Plan Policy C1.2). Therefore, because the LOS of B would be maintained at the intersection of Fairlane Road and Sharps Road at full build-out of the Proposed Project, the impact to this portion of the existing circulation system would be less than significant, as stated in Impact 3.11.2 in Section 3.11.3 of the Draft TEIR.

- L1-73 Through the IGA process, it is anticipated that the Tribe will provide reasonable funding to facilitate the improvements necessary to maintain an acceptable LOS at the I-5 Northbound Ramps and Moonlit Oaks Avenue intersection, which is clearly indicated by Mitigation Measure 3.13.1 of the Draft TEIR, which states, “in coordination with Caltrans and the City, the Tribe would provide fair-share funding improvements to the intersection of I-5 Ramps and State Route 3 where the LOS exceeds LOS C in the cumulative condition either through an IGA with Caltrans or other means.” The exact funding mechanism and development of an improvement program for the improvement would be determined either through IGA process or by other means. As indicated by **Comment S1-04** contained within **Comment Letter S1** received from Caltrans, Caltrans is looking “forward to working with the Tribe in addressing the off reservation traffic impacts and the improvements necessary to improve access to the gaming complex and related facilities” (**Section 2.0, Comment Letter S1**). Caltrans is aware of the needed improvements, and, as discussed in the TIA included as Appendix F of the Draft TEIR, “Caltrans endeavors to maintain a target LOS at the transition between LOS ‘C’ and LOS ‘D’ on State highway facilities, which includes the I-5 Northbound Ramps and Moonlit Oaks Avenue intersection” (Caltrans, 2002). Therefore, this potential impact is reduced to a less-than-significant level.
- L1-74 Refer to the response to **Comment L1-02**. The recommendations by the traffic engineer are strictly for the benefit of the Tribe and do not represent mitigation for an identified significant off-reservation impact in accordance with the Checklist.
- L1-75 Comment noted. Refer to the response to **Comment S1-03** which addresses a similar issue raised by Caltrans. Caltrans noted that no further revisions to the TIA would be required if requested mitigation were incorporated into the Final TEIR. The requested revisions to Mitigation Measure 3.13.1 have been incorporated into the Final TEIR.
- L1-76 Comment noted. As described on page 23 of the TIA, “Caltrans endeavors to maintain a target LOS at the transition between LOS ‘C’ and LOS ‘D’ on State highway facilities.” Because the transition between the two levels is used, the TIA and Draft TEIR conservatively used a LOS “C” as the impact significant criteria for roadways under the jurisdiction of Caltrans.
- L1-77 through L1-79 Comment noted. Refer to the response to **Comment S1-03**. The trip distribution was formulated using various sources, include marketing demographics for potential patrons, and accurately depicts a plausible distribution scenario for traffic that would be generated by the Proposed Project.
- L1-80 and L1-81 For comments related to emergency access, refer to the response to **Comment L1-64**. For comments related to the applicability of CEQA, refer to the response to **Comment L1-02**.

- L1-82 The analysis of impacts of the Proposed Project related to traffic presented in the Draft TEIR, including the revision to Mitigation Measure 3.13.1 in the Final TEIR discussed in response to **Comment S1-03**, is sufficient for the purpose of providing the Tribal Council with adequate detail to constitute a hard look at the potential off-reservation impacts of the Proposed Project. The roadways that were defined in Section 3.11.2 of the Draft TEIR were limited to the off-reservation roadway network that provides access to the Proposed Project site; therefore, Main Street/State Route 3 (SR-3) was not defined. As stated in Section 3.11.2 of the Draft TEIR, “identification of the off-reservation roadway intersections to be included in the TIA was based on a series of scoping discussions with Caltrans and the City to determine which intersections would require analysis in this Draft TEIR.” The South Main Street and Fort Jones Road/Oberlin Road intersection was determined to be necessary to include in the analysis. The LOS criteria of C for the South Main Street and Fort Jones Road/Oberlin Road intersection presented in Table 3.11-6 of the Draft TEIR is consistent with City and Caltrans standards (refer to the response to **Comment L1-76** for a discussion of Caltrans LOS criteria). Therefore, no revision to the TEIR is necessary.
- L1-83 An evaluation of the impact of construction worker trips and delivery of construction materials and equipment during construction of Phases I and II of the Proposed Project is provided in Impact 3.11.1 of Section 3.11.3 of the Draft TEIR, including a qualitative analysis of anticipated construction worker trips. Pedestrian and bicycle trips associated with the Proposed Project are discussed in Impact 3.11.4 along with an evaluation of the impact of the Proposed Project on off-reservation pedestrian and bicycle facilities.
- L1-84 Text was added to Section 2.4 of the Final TEIR to further describe the proposed connection of the project site to Sharps Road. As stated in Impact 3.11.3 in Section 3.11.3 of the Draft TEIR, “all site access and off-reservation roadway improvements would be required to be developed pursuant to existing City standards, which would result in a less than significant impact under both phases of development.”
- L1-85 Refer to the response to **Comment L1-64**.
- L1-86 The Tribe would not be the lead agency with the authority to authorize or conduct road maintenance to roads located off-reservation. The property tax paid by the Tribe for the fee parcel currently supports road maintenance operations and would continue under the Proposed Project. Any additional funding mechanisms deemed appropriate by both the Tribe and City and/or Caltrans would be addressed in the IGA.
- L1-87 For comments related to how the analysis of alternatives presented fails to meet the purpose and intent of an alternatives analysis, refer to the response to **Comment L1-03**. For comments related to CEQA regulations, refer to the response to **Comment L1-02**.



- L1-88 Refer to the response to **Comment L1-64**.
- L1-89 It is unclear where the commenter read this information or how the commenter came to the conclusion that the Proposed Project would not benefit the City or community. The commenter cites page 4-2 in their comment; text on page 4-2 in Section 4.2 of the Draft TEIR states, “The RIA would constitute a recreational facility thereby increasing the recreational facilities serving the area and would not increase tourism to other recreational facilities to the extent that substantial physical deterioration of a facility would occur or be accelerated.” Further, as Impact 3.3.4 in Section 3.3.3 states, “The Proposed Project would likely increase the use of existing off-reservation neighborhood and regional parks or other recreational facilities; however, increased use would not be to the extent that substantial physical deterioration of a facility would occur or be accelerated.” The inference from these statements is that the Proposed Project and RIA would increase use of other recreational facilities in the area; however, the level of increase would not be such that substantial physical deterioration of a facility would occur or be accelerated.
- L1-90 For a discussion as to why CEQA regulations are not applicable to the analysis contained in the TEIR, refer to the response to **Comment L1-02**. The environmentally superior alternative is the alternative that generally meets the Tribe’s objectives and would cause the least impact to the off-reservation natural and physical environment. The RIA is therefore the environmentally superior alternative as it would result in slightly reduced off-reservation impacts as compared to the Proposed Project and generally meets the project objectives, albeit to a lesser extent than the Proposed Project. The Proposed Project would meet all project objectives, off-reservation environmental impacts would be reduced to less-than-significant levels after mitigation, and no significant and unavoidable impacts have been identified. Therefore, the Proposed Project is the preferred alternative. Text has been updated in Section 4.4 of the Final TEIR to provide clarity.
- L1-91 For a discussion related to adherence to CEQA standards, refer to the response to **Comment L1-02**. Pursuant to Section 11.1(a) and (b) of the Compact, the purpose of the Draft TEIR is twofold: 1) to provide detailed information about the significant effects on the environment that the Proposed Project may cause, including each of the matters set forth in the Checklist, and 2) to provide mitigation measures to reduce such impacts. The Draft TEIR includes a description of the existing physical environmental conditions in the vicinity of the project site as well as relevant regulatory setting (Section 3.0); all significant direct and indirect as well as short-term and long-term impacts (Section 3.0); mitigation measures, including an evaluation of their feasibility and effectiveness in reducing significant effects to a less-than-significant level (Section 3.0); alternatives to the Proposed Project (Section 4.0); direct growth-inducing impacts (Section 3.0); and a summary table that highlights all potential impacts and associated mitigation measures to reduce impacts to a less-than-significant level (Table ES-1 in the Executive Summary). Additionally, Section 1.0 presents and details the background, purpose, and process of a TEIR and Section 2.0 provides the project description, including the project objectives and project

design. Hence, the Draft TEIR provides a comprehensive and adequate evaluation of the potential impacts associated with the Proposed Project as it contains everything required per the Compact and presents an acceptable level of detail and analysis.

L1-92 Pursuant to Section 11.3 of the Compact, the Tribe shall provide:

- (4) (a) Notice of a period of forty-five (45) days during which the Tribe will receive comments on the draft TEIR.

The purpose of the comment period is to provide federal, State, and local government agencies; interested parties; and the general public an opportunity to review and provide feedback on the Draft TEIR. Pursuant to Section 11.4 of the Compact, the Tribe is required to include the following in the Final TEIR:

- (d) The responses [to comments received on the Draft TEIR] which shall include good faith, reasoned analysis, of the Tribe to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Tribe.

It is not necessary to extend the comment period on the Draft TEIR to respond to comments received or to incorporate additional studies or information. Therefore, the comment period will not be extended.

L1-93 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

RESPONSE TO COMMENT LETTER L2 – COUNTY OF SISKIYOU, COUNTY ADMINISTRATOR’S OFFICE

L2-01 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

L2-02 Refer to the response to **Comment L1-06**.

L2-03 As discussed in Section 3.11.2 of the Draft TEIR, the only pedestrian facilities existing in the vicinity of the project site is a short segment of sidewalk located 300 feet west of the project site; no Class II bicycle lanes are present in the immediate vicinity of the project site. As stated in Impact 3.11.4 in Section 3.11.3 of the Draft TEIR, operation of the Proposed Project would result in additional vehicle trips along the study roadway network but would not adversely impact the existing performance of the off-reservation pedestrian and bicycle facilities as there are no facilities within the immediate vicinity, aside from the short segment of sidewalk, and no planned bicycle or pedestrian improvements for the immediate vicinity. Implementation of Phase I and Phase II of the Proposed Project would not generate a large number of new pedestrian trips or

bicycle trips along public roads in the area; therefore, the impact to off-reservation pedestrian and bicycle facilities would be less than significant. However, the increased traffic on Sharps Road may pose a conflict for traffic entering the current access points for the Siskiyou County Fairgrounds and/or baseball field. The Tribe will work with the City and/or County to evaluate existing access points along Sharps Road to determine if improvements are needed to bring the access points to current City standards.

As noted in the TIA (Appendix F of the Draft TEIR), mass transit service within the City is provided by the Siskiyou Transit and General Express (STAGE) transit agency. However, there are no STAGE bus terminals within the vicinity of the project site. Therefore, it is unlikely that employees and/or patrons of the Proposed Project would utilize the STAGE transit system to access the project site, and the Proposed Project would have a less-than-significant impact on the performance of the local mass transit system. However, employees and/or patrons of the Proposed Project may wish to utilize mass transit, and the Tribe will therefore work with the City and/or County to address associated concerns. This may include development of a STAGE bus terminal along Sharps Road or along Fairlane Road near its intersection with Sharps Road and associated pedestrian facilities. Because the use of STAGE services does not relate to a significant physical environmental impact, such public service uses are better addressed during the IGA process.

- L2-04 As discussed in Section 3.10 of the Draft TEIR, the City's public service agencies and departments, including the Yreka FD and the Yreka Police Department (Yreka PD), would be the primary providers of public safety and emergency response services given the location of the project site whereas the County's departments; including the District Attorney, County Superior Court, Public Defender, Probation Department, County Jail, and other court services; would be the primary providers of criminal justice services. The Checklist requires the Draft TEIR evaluate if the Proposed Project would "result in substantial adverse physical off-reservation impacts associated with the provision of new or physically altered off-reservation governmental facilities, the construction of which could cause significant off-reservation environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, or other off-reservation public facilities." For the purpose of determining if the Proposed Project would result a physical impact on the environment related to public services, the evaluation was limited to the primary providers of these services in the Draft TEIR. Since all impacts would be either less than significant or less than significant with mitigation (Impacts 3.10.1, 3.10.2, 3.10.5, and 3.10.10), further evaluation of the potential for physical impacts to the environment related to public services from secondary and other providers is not necessary. The funding mechanisms and organizational aspects for providing public services from all providers, including agencies such as the County Sheriff's Department and the California Highway Patrol, will be determined during IGA discussions between the Tribe, City, and County, as noted by the commenter in **Comment L2-09**.

L2-05 As discussed above in the response to **Comment L2-05**, the Draft TEIR requires an evaluation of the potential of the Proposed Project to increase demands on public services, including the criminal justice system, such that new or physically altered off-reservation governmental facilities would be required to meet said demands, the construction of which could cause significant off-reservation environmental impacts. As stated by the commenter and acknowledged in Section 3.10.3 of the Draft TEIR, the Proposed Project could result in additional arrests and criminal cases which would increase the case load for the Siskiyou County District Attorney's Office; however, this would not result in the need to expand or construct new facilities. The additional arrests could also result in, as stated by the commenter, either criminals with lesser offenses being released into the community or those committing the lesser casino-related crimes escaping any punishment as the Siskiyou County Jail is at or near capacity; however, this would not constitute a physical impact on the environment as the government facility would not be expanded nor would a new facility be constructed. The funding mechanisms and associated public safety concerns related to providing criminal justice services to the Proposed Project will be determined during IGA discussions between the Tribe, City, and County, as noted by the commenter in **Comment L2-09**.

The commenter states that the Siskiyou County Superior Court building is functionally and physically deficient to meet existing demands. The additional arrests and criminal cases that could result from operation of the Proposed Project would exacerbate these conditions. The Tribe will negotiate compensation with the County for criminal justice services to be provided for both phases of the Proposed Project as required by the Compact. The Tribe will determine via consultation with the County a fair and equitable amount of compensation for criminal justice services. However, due to the lack of existing agreements, a potentially significant impact to the County criminal justice system could occur given the potential for an increase in arrests and criminal cases during operation. To reduce potential impacts to a less-than-significant level, the following mitigation measure is proposed:

#### Mitigation Measure

3.10.3 During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the County criminal justice system for additional service demands caused by the operation of the Proposed Project. This service agreement shall include, but is not limited to, the following:

- a) An agreement for compensation that is to be fair share payment for any additional staffing and/or operating space as the parties agree is needed to serve development of Phases I and II, allowing the County to maintain public services at existing levels as well as reduce potential off-reservation environmental impacts.

- b) The agreement shall be reviewed periodically by the Tribe and the County.

Text has been added to Section 3.10.2 of the Final TEIR to update the existing setting of the County Superior Court and to Section 3.10.3 of the Final TEIR to update the impact analysis and specify Mitigation Measure 3.10.3.

- L2-06 Text has been revised in Section 3.10.2 of the Final TEIR to reflect that the County has been the sole owner of the Yreka Transfer Station since 2008 and that the Yreka Transfer Station is only a transfer station and not an active landfill. Since the release of the Draft TEIR, the Anderson Landfill no longer receives solid waste from the Yreka Transfer Station. Solid waste from the Yreka Transfer Station is now transferred to the Dry Creek Landfill located in White city, Oregon for disposal. The Dry Creek Landfill has a maximum permitted capacity of 52 million tons and a maximum permitted disposal area of 250 acres. Presently, the landfill has disposed of 4.4 million tons of solid waste in a 60-acre area. The Dry Creek Landfill reports it has the capacity to accommodate the estimated 1.07 tons of solid waste generated per day by operation of the Proposed Project at full build-out (Fortier, 2014).
- L2-07 The four spotlights shown in Figure 2-2 of the Draft TEIR are intended for the architectural rendering only. The four spotlights would not be a part of the final project design.
- L2-08 Comment noted; an updated flood rate insurance map (FIRM) was reviewed in response to the comment. The area along Yreka Creek that is within the AO Zone has been expanded compared to the previous FEMA FIRM developed in 2004. Regardless, the project site is still located outside of a 100-year floodplain, and therefore Phases I and II of the Proposed Project would not result in any development within a FEMA-defined 100-year floodplain. Additional analysis as to the capacity of stormwater drainage infrastructure is not necessary.
- L2-09 Comment noted.
- L2-10 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

***PRIVATE CITIZENS/COMMERCIAL ENTITIES COMMENT LETTERS (P)***

**RESPONSE TO COMMENT LETTER P1 – WENDY WILSON**

- P1-01 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.
- P1-02 Economic impacts of the Proposed Project are beyond the scope of the Draft TEIR. The scope of the Draft TEIR is specified in the Compact; refer to the response to **Comment L1-91** for a discussion of what is required to be included in the Draft TEIR. As to why a casino project is being considered, refer to the project objectives listed in Section 2.2 of the Draft TEIR:

- Improve the socioeconomic status of the Tribe by providing a revenue source that would be used to accomplish the following:
  - Strengthen the Tribal government;
  - Fund a variety of social, housing, governmental, administrative, cultural, historical, educational, health and welfare services, and programs to improve the quality of life of Tribal members; and
  - Provide capital for other economic development and investment opportunities;
- Provide additional recreational amenities to the community and tourists along the Interstate 5 (I-5) corridor;
- Provide employment opportunities to the Tribe and non-Tribal community; and
- Allow Tribal members to obtain economic self-sufficiency.

P1-03 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

#### RESPONSE TO COMMENT LETTER P2 – JERRY MOSIER

P2-01 Comment noted. As discussed in response to **Comment L1-02**, the Draft TEIR was prepared pursuant to the requirements of the Compact to provide the public and government agencies with information about the potential off-reservation environmental effects of the Proposed Project. The Proposed Project does not require a federal action and therefore is not subject to the National Environmental Policy Act (NEPA). The Draft TEIR addressed the potential impacts of the Proposed Project to off-reservation resources, including those impacts that may affect people and consequently the interrelationships between those people and the Tribe to the extent required by the Checklist. For example, Section 3.10 of the Draft TEIR addresses the impact the Proposed Project may have on the Yreka Police Department, which could affect all City residents.

P2-02 Comment noted.

P2-03 Pursuant to the Compact, the purpose of the Draft TEIR is to evaluate off-reservation impacts to biological resources; therefore the impact of the Proposed Project to biological resources on the trust land is not within the scope of the Draft TEIR. The commenter also states the Draft TEIR erroneously refers to the removal of 30 oak trees when in fact 90 oak trees would be removed. Although not specified by the commenter, it is assumed the commenter is referring to the entire project site including the trust and fee parcel; the Draft TEIR only discusses removal of trees on the fee parcel. As stated in Impact 3.2.2 in Section 3.2.3, “the portion of development on the fee parcel for Phases I and II would require the removal of no more than 30 trees.”

P2-04 Comment noted. Stormwater and associated off-site flooding impacts are addressed in Section 3.8 of the Draft TEIR.

- P2-05 Comment noted. NEPA does not apply to the analysis within the TEIR as there are no discretionary decisions by federal agencies.
- P2-06 Refer to the response to **Comment L1-13** for a discussion of impacts of the Proposed Project related to lighting. Existing views of the project site are discussed in Visual Character of the Off-Reservation Environment in Section 3.2.2 of the Draft TEIR. Analysis of the impact of the Proposed Project on aesthetic resources is provided in Section 3.2.3 of the Draft TEIR pursuant to the significance criteria provided in the Compact. As discussed therewith, the Proposed Project would not have a substantial adverse effect on a scenic vista (Impact 3.2.1) and would not substantially damage off-reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings adjacent to a state scenic highway (Impact 3.2.2).
- P2-07 Refer to the response to **Comment L1-03** for a discussion of suitable location for development of the Proposed Project. Pursuing a fee-to-trust transfer of the fee parcel is not part of the Proposed Project as designed. There are no significant unavoidable or irreversible impacts that would result from implementation of the Proposed Project as designed on the trust parcel.
- P2-08 Comment noted. As discussed in Sections 3.5.3 and 3.8.3 of the Draft TEIR, all impacts to biological and hydrological resources would be less than significant with incorporation of mitigation measures and therefore purchasing/restoration of comparable replacement habitats is not warranted.
- P2-09 Recommendation noted. The Tribe appreciates the recommendations presented by the commenter to further reduce the environmental impact of the Proposed Project.
- P2-10 The recommendation contained within the comment is consistent with the project design as stated in Section 2.4:
- In accordance with the CALGreen Code, the Tribe would shield all exterior luminaires or provide cutoff luminaires per Section 132 (b) of the California Energy Code, contain interior lighting within each source, allow no more than 0.01 horizontal foot candles to escape 15 feet beyond the site boundary, and automatically control exterior lighting dusk to dawn to turn off or lower light levels. These provisions will apply to all lighting except emergency and nighttime security lighting in compliance with the CALGreen Code.
- P2-11 Recommendation noted.
- P2-12 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

RESPONSE TO COMMENT LETTER P3 – MICHAEL STAPLETON

P3-01 through P3-04 For comments related to the cultural significance of the project site to the Tribe and Shasta Indian Nation as well as the legality of the proposed casino, refer to **General Response 3.1.2**, Cultural Resources and Legal Authorization for Project, above. For comments related to the economic and socioeconomic impacts of the Proposed Project, these comments are noted but are beyond the scope of the Draft TEIR. The scope of the Draft TEIR is specified in the Compact; refer to the response to **Comment L1-91** for a discussion of what is required to be included in the Draft TEIR.

P3-05 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

RESPONSE TO COMMENT LETTER P4 – FRANK BORG, YREKA ELK'S LODGE

P4-01 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

P4-02 As discussed in Section 2.4 of the Draft TEIR, the Phase I casino complex would consist of approximately 13,800 square feet (sf) of gaming floor containing approximately 500 gaming machines and 8 table games. The Phase II casino expansion would add approximately 20,000 sf to the north side of the casino building. Approximately 9,500 sf of the expansion would be used for gaming to accommodate approximately 300 additional gaming machines and 8 additional table games. A bingo hall is not included in the project design.

P4-03 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

RESPONSE TO COMMENT LETTER P5 – MARK BAIRD

P5-01 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

P5-02 Refer to **General Response 3.1.1**, Cultural Resources and Legal Authorization for Project, above.

P5-03 The comment is not related to evaluating the potential environmental impacts of the Proposed Project and therefore is beyond the scope of the Draft TEIR. No response is required.

P5-04 As discussed in Sections 3.6.3, 3.7.3, and 3.8.3 of the Draft TEIR, all impacts related to water quality would be reduced to a less-than-significant level. For additional discussion related to the analysis of the Proposed Project's impact on surface water quality contained within the Draft TEIR, refer to the response to **Comment L1-58**. The commenter goes on to say that City WWTP is facing challenges, and the Proposed Project would further degrade the water quality. It is assumed the commenter is implying that connection of the Proposed Project to the City WWTP would degrade the effluent leaving the WWTP. As stated in Impact 3.8.1 in Section 3.8.3 of the Draft TEIR, "the contents and quality of wastewater produced by Phases I and II of the Proposed



Project would be consistent with contents and quality of wastewater produced at other commercial facilities served by the City’s WWTP, and therefore no changes or modifications to the City’s NPDES permit would be required.” Connection of the Proposed Project would not alter the makeup of wastewater received at the WWTP and thereby would have no impact on water quality downstream from the WWTP. However, this assumes the WWTP has the capacity to treat the increased volumes resulting from the Proposed Project. Refer to the response to **Comment L1-54** for a discussion related to evaluating the capacity of the City WWTP.

P5-05 For comments related to the economic and socioeconomic impacts of the Proposed Project, these comments are noted but are beyond the scope of the Draft TEIR. The scope of the Draft TEIR is specified in the Compact; refer to the response to **Comment L1-91** for a discussion of what is required to be included in the Draft TEIR. For comments related to the potential increased crime due to the Proposed Project, refer to the response to **Comment L2-05**.

P5-06 Supportive evidence and discussion leading to the conclusions presented in this comment are provided earlier in the letter, are bracketed as separate **Comments P5-02** through **P5-05**, and are responded to above. Comment noted; however, without supportive evidence and discussion, a detailed response cannot be provided.

#### RESPONSE TO COMMENT LETTER P6 – JERRY MOSIER

P6-01 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

P6-02 Supportive evidence and discussion leading to the conclusions contained within this comment are provided later in the letter, are bracketed as separate **Comments P6-03** through **P6-21**, and are responded to below. Comment noted; however, without supportive evidence and discussion, a detailed response cannot be provided.

P6-03 The commenter is correct that impacts to trust lands were not discussed within the Draft TEIR. The Compact requires the TEIR analyze only off-reservation impacts. Refer to the response to **Comment L1-10** for further discussion as to the definitions of off-reservation and trust land. Refer to the response to **Comment L1-02** for further discussion as the purpose and legal documents guiding development of a TEIR.

P6-04 Refer to **General Response 3.1.2**, Cultural Resources and Legal Authorization for Project, above.

P6-05 Refer to the response to **Comment P6-03**.

P6-06 Refer to the response to **Comment P2-07**.

P6-07 through P6-11 As stated throughout Section 3.0 of the Draft TEIR, the General Plan does not apply to trust land but does apply to land owned in fee by the Tribe. The objectives, goals, and policies contained within the City General Plan are for areas within the City boundaries or the City's sphere of influence, and the trust parcel is not within the City boundaries or the City's sphere of influence. The Draft TEIR includes General Plan policies relevant to off-reservation resources as described in the Checklist in each resource section of Section 3.0. Further, the Draft TEIR includes an assessment of potential impacts and applicable General Plan policies in every impact analysis discussion.

P6-12 The commenter is correct that the Tribe is committed to protecting and enhancing environmental and aesthetic resources, as stated in the Compact. The Tribe is also committed to trying to achieve the objectives of the Proposed Project, which are also authorized by the Compact. Therefore, as demonstrated in the Draft TEIR, the Tribe designed a project and has included mitigation measures to ensure all impacts of the Proposed Project are reduced to a less-than-significant level.

P6-13 For comments related to consistency of the Proposed Project with various aspects of the City General Plan, refer to the response to **Comments P6-07** through **P6-11**. For comments related to analysis in the Draft TEIR of only off-reservation impacts, refer to the response to **Comment P6-03**.

For comments related to conflicts of the Proposed Project with the objectives for scenic highways contained within the Scenic Highways Element of the County General Plan (1974), the project site is partially visible from I-5 as discussed in Section 3.2.2 of the Draft TEIR. However, I-5 is not identified as a scenic highway through Yreka by the Scenic Highways Element of the County General Plan nor as eligible for designation as a scenic highway through Yreka by Caltrans. I-5 is identified as a scenic highway (County, 1974) and as eligible for designation as such (Caltrans, 2013) from the Oregon border to its intersection with SR-3, which is approximately 1.7 miles north of the project site, and from its confluence with SR-97 in Weed, which is approximately 25 miles south of the project site, to its confluence with SR-89 south of Mt. Shasta. Therefore, the objectives referenced in the comment are not applicable to the Proposed Project.

Figure 1-1 of the Draft TEIR correctly shows that the intersection of I-5 and SR-3 is north of the project site; however the Draft TEIR erroneously described the intersection as being south of the project site. Text has been corrected in Section 3.2.1 of the Final TEIR to reflect that the intersection of I-5 and SR-3 is approximately 1.7 miles north of the project site. Text has been added to provide clarity of the analysis of Impact 3.2.1 on page 3.2-5 of the Final TEIR.

P6-14 Refer to the response to **Comment P2-06**.

- P6-15 The commenter refers to Section 3.2.5; no such section is in the Draft TEIR and it is assumed the commenter is referring Section 3.2.3. For the purpose of analysis in the TEIR, a scenic vista is defined as a view designated as a scenic vista by a local, State, or federal government agency. Scenic views and resources in general are evaluated by the subsequent significance criteria, which requires a project not substantially damage off-reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. The analysis of impacts to general scenic resources is contained in Impact 3.2.2 in Section 3.2.3.
- P6-16 Refer to the response to **Comment P6-13**.
- P6-17 Comment noted.
- P6-18 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.
- P6-19 through P6-21 The comment contains a figure that is included by the commenter as additional evidence to support **Comments P6-01** through **P6-18**. Comment noted.

The commenter included as an attachment to **Comment Letter P6** a letter from the commenter to the Tribe dated December 12, 2013 that contained comments on the Draft TEIR. The December 12, 2013 letter is cataloged as **Comment Letter P2**. **Comment Letter P2** is bracketed in **Section 2.0**, and responses to comments are included above in the response to **Comment Letter P2**. The commenter added some additional text to the December 12, 2013 letter before re-submitting it as an attachment to **Comment Letter P6**. The additional text was primarily minor details; it did not change the general intent of each comment nor did it add any additional individual comments to the December 12, 2013 letter cataloged as **Comment Letter P2**. Therefore, for responses to the comments contained in the attachment to **Comment Letter P6**, refer to the responses to **Comment Letter P2**.

#### RESPONSE TO COMMENT LETTER P7 – TOM WETTER

- P7-01 Supportive evidence and discussion leading to the conclusions contained within the comment are provided later in the letter, are bracketed as separate **Comments P7-02** through **P7-04**, and are responded to below. Comment noted; however, without supportive evidence and discussion, a detailed response cannot be provided.
- P7-02 As stated in Section 3.8.2 of the Draft TEIR:

In the case of surface water bodies, the list also includes a priority schedule for the development of TMDLs. In January 2005, the Oregon Department of Environmental Quality, the NCRWQCB, and the USEPA, Regions IX and X, signed a Memorandum of Agreement (MOA) setting a deadline of March 2006

for public release of a complete TMDL package for the Klamath River. The TMDL for temperature, dissolved oxygen, nutrients, and microcystin impairments was adopted in September 2010. The Klamath River HU, Shasta Valley hsa is currently 303(d) listed for organic enrichment/low dissolved oxygen and water temperature (SWRCB, 2011); the project site is within this area. The degraded water quality is the result of a combination of agricultural tailwater and stormwater runoff, dairy operations, hydromodifications, flow regulation and modification, habitat modification, dam construction, removal of riparian vegetation, drainage and filling of wetlands, and some municipal point source dry and/or wet weather discharge (SWRCB, 2011).

The Draft TEIR discusses the potential impacts of the Proposed Project to water quality in Yreka Creek and downstream waterbodies, including the Shasta River, in Sections 3.6.3, 3.7.3, and 3.8.3. Implementation of Mitigation Measures 3.6.1, 3.7.1, and 3.8.1 will ensure the SWPPPs to be developed by the Tribe for Phases I and II of the Proposed Project will include BMPs that will protect water quality from impacts related to construction of the Proposed Project. The stormwater detention facilities that are a part of the project design and the implementation of Mitigation Measure 3.8.2 will protect water quality from impacts related to operation of the Proposed Project. Collectively, these measures will ensure that stormwater drainage related to the Proposed Project does not violate water quality standards, including the Shasta River TMDL for temperature.

P7-03 Refer to the response to **Comment S1-03**. The commenter also states that traffic related to the proposed RV park and truck stop should be included in the analysis; refer to the response to **Comment L1-06**.

P7-04 Refer to the response to **Comment P5-05**.

#### RESPONSE TO COMMENT LETTERS P8 THROUGH P32

The text in the body of these letters is exactly the same in every letter. These letters are, with the exception of minor text omissions, an exact copy of **Comment Letter P3**. Refer to **Comment Letter P3** in **Section 2.0** of the Final TEIR for bracketed comments, and refer to the responses above to **Comment Letter P3** for responses to individual comments.

#### RESPONSE TO COMMENT LETTER P33 – CHAIRMAN OF THE SHASTA INDIAN NATION

P33-01 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

P33-02 through P33-03 Comment noted.

P33-04 Refer to **General Response 3.1.2**, Cultural Resources and Legal Authorization for Project, above.

P33-05 Comment noted. Refer to **General Response 3.1.2**, Cultural Resources and Legal Authorization for Project, above.

P33-06 The commenter states that Shasta people were not contacted regarding two archaeological sites located in the vicinity of the project site. Comment noted.

P33-07 Comment noted. Depending on the type of discovery, a professional archaeologist, paleontologist, the County Coroner, and/or Native American representatives/Most Likely Descendants would be contacted in the event of any discovery of historical, archaeological, or paleontological resources or of human remains during the construction of the Proposed Project.

P33-08 Refer to **General Response 3.1.2**, Cultural Resources and Legal Authorization for Project, above.

P33-09 Refer to the response to **Comment P33-07**.

P33-10 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

#### RESPONSE TO COMMENT LETTER P34 – CHIEF OF THE SHASTA INDIAN NATION

P34-01 through P34-07 For comments related to the significance of the project site to the Shasta Indian Nation and Karuk Tribe, to the legal authority for the Karuk Tribe to conduct gaming on the trust parcel of the project site, and to general historical and cultural questions, refer to **General Response 3.1.2**, Cultural Resources and Legal Authorization for Project, above. Comments related to the legality of the Karuk Tribe and the tribal rights and authority of the Shasta Indian Nation are noted but are beyond the scope of the TEIR.

#### RESPONSE TO COMMENT LETTER P35 – REX COZZALIO

P35-01 Refer to **General Response 3.1.1**, Non Substantive Comments/Expressions of Opinion, above.

P35-02 Refer to **General Response 3.1.2**, Cultural Resources and Legal Authorization for Project, above.

P35-03 The comment refers to the EIR; it is assumed the commenter is referring to the Draft TEIR. The Draft TEIR provides an appropriate and complete evaluation of all resource areas contained within the Checklist as required by the Compact, including as related to crime, the social environment, infrastructure, and the natural environment. For further discussion of legal documents guiding the development of the Draft TEIR, refer to the response to **Comment L1-02**.

P35-04 Refer to the responses to **Comments L1-58** and **P5-04**.

P35-05 The Tribe released and publicized the release of the Draft TEIR in accordance with Section 11.3 of the Compact, which requires:

- (a) Within no less than thirty (30) days following the receipt of the Notice of Preparation by the State Clearinghouse and the City and County, the Tribe shall file a copy of the draft TEIR and a Notice of Completion with the State Clearinghouse, the State Gaming Agency, the City, the County, and the California Department of Justice, Office of the Attorney General. The Tribe shall also post the Notice and a copy of the draft TEIR on its website. The Notice of Completion shall include all of the following information:
  - (1) A brief description of the Project;
  - (2) The proposed location of the Project;
  - (3) An address where copies of the draft TEIR are available; and
  - (4) Notice of a period of forty-five (45) days during which the Tribe will receive comments on the draft TEIR.
  
- (b) The Tribe will submit ten (10) copies each of the draft TEIR and Notice of Completion to the City and County, which will be asked to post public notice of the draft TEIR at the offices of the City Manager and the County Board of Supervisors and to furnish the public notice to the public libraries serving the City and County. The City and County shall also be asked to serve in a timely manner the Notice of Completion to all Interested Persons, which Interested Persons shall be identified by the Tribe for the City and County, to the extent it can identify them. In addition, the Tribe will provide public notice by at least one of the procedures specified below:
  - (1) Publication at least one time by the Tribe in a newspaper of general circulation in the area affected by the Project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas; or
  - (2) Direct mailing by the Tribe to the owners and occupants of property adjacent to, but outside, the Indian lands on which the Project is to be located. Owners of such property shall be identified as shown on the latest equalization assessment roll.

The Tribe prepared the Notice of Completion (NOC) in accordance with Section 11.3(a), as presented above. The Tribe submitted copies of the Draft TEIR and NOC to the State Clearinghouse, the State Gaming Agency, the City, the County, and the California Department of

Justice, Office of the Attorney General. The Draft TEIR and NOC are available electronically on the Tribe's website at <http://www.karuk.us/>. The Tribe submitted 10 hard copies of the NOC and 2 hard copies and 8 electronic copies of the Draft TEIR to the City and County offices as well as 2 hard copies of the NOC and Draft TEIR to the Siskiyou County Library, Yreka Branch. Finally, a copy of the NOC was published on November 8, 2013 in the Siskiyou Daily News newspaper which circulates in the City and surrounding areas.

P35-06 Refer to the response to **Comment P5-05**.

P35-07 Refer to **General Response 3.1.2**, Cultural Resources and Legal Authorization for Project, above.

### 3.3 REFERENCES

- California Department of Fish and Wildlife (CDFW), 2003. RareFind 3 Version 3.1.0, California Natural Diversity Data Base. Natural Heritage Division, CNDDDB, Sacramento, California. Updated on April 2, 2013. Accessed on April 29, 2013.
- California Department of Fish and Wildlife (CDFW), 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. November 2009. Available online at:  
[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols\\_for\\_Surveying\\_and\\_Evaluating\\_Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf). Accessed on January 13, 2014.
- California Department of Forestry and Fire Protection (CAL FIRE), 2007. Fire Hazard Severity Zones. Available online at [http://frap.cdf.ca.gov/webdata/maps/siskiyou/fhszs\\_map.47.pdf](http://frap.cdf.ca.gov/webdata/maps/siskiyou/fhszs_map.47.pdf). Last copyrighted 2007. Accessed August 2, 2013.
- California Department of Transportation (Caltrans), 2002. Guide for the preparation of Traffic Impact Studies. December 2002.
- California Department of Transportation (Caltrans), 2004. Transportation- and Construction-Induced Vibration Guidance Manual. June 2004. Available online at  
<http://www.dot.ca.gov/hq/env/noise/pub/vibrationmanFINAL.pdf>. Accessed September 10, 2013.
- California Department of Transportation (Caltrans), 2009. Technical Noise Supplement. Available online at <http://www.dot.ca.gov/hq/env/noise/index.htm> Accessed March, 2010.
- California Department of Transportation (Caltrans), 2013. Eligible (E) and Officially Designated (OD) Routes. Last updated: December 19, 2013. Available online at:  
<http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm>. Accessed by AES Staff on January 6, 2014.
- California Native Plant Society (CNPS), 2013. Inventory of Rare and Endangered Plants-.Sacramento, California. Available online at <http://cnps.web>. Last copyrighted 2009. Accessed on April 29, 2013.
- City of Yreka (Yreka), 2003, City of Yreka General Plan Update 2002-2022. December 2003. Available online at [http://ci.yreka.ca.us/sites/ci.yreka.ca.us/assets/files/General\\_Plan\\_Update\\_7-2012.pdf](http://ci.yreka.ca.us/sites/ci.yreka.ca.us/assets/files/General_Plan_Update_7-2012.pdf). Accessed July 29, 2013.



City of Yreka (Yreka), 2013b. Water. Available online at <http://ci.yreka.ca.us/utilities/water-1>. Accessed June 12, 2013.

Fortier, Lee, 2014. Personal Communication with Lee Fortier, P.E. on January 15, 2014. General Manager with Dry Creek Landfill.

Hay, John R., and Jo-Ann M. Shyloski, 2012. Modification of 2004 Legal Opinion, Karuk Tribe of California; Yreka Trust Property. National Indian Gaming Commission. Available online at <http://www.nigc.gov/LinkClick.aspx?link=NIGC%20Uploads/indianlands/Karuk4912.pdf>. Accessed September 23, 2013.

Siskiyou County (County), 1974. Scenic Highways Element Siskiyou County General Plan. Prepared by Siskiyou County Planning Department, May, 1974. Available online at: <http://www.co.siskiyou.ca.us/PHS/planning/docs/generalplan/Scenic%20Highways%20Element.pdf>. Accessed by AES Staff on January 6, 2014.

Siskiyou Design Group Inc., 2012. Yreka Police Department Needs Assessment Report. September 24, 2012. Available online at [http://ci.yreka.ca.us/sites/ci.yreka.ca.us/assets/files/YPD\\_Needs\\_Assessment\\_Report\\_11-2-12.pdf](http://ci.yreka.ca.us/sites/ci.yreka.ca.us/assets/files/YPD_Needs_Assessment_Report_11-2-12.pdf). Accessed August 13, 2013.

State Water Resources Control Board (SWRCB), 2011. 2010 Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report. Approved October 11, 2011. Available online at [http://www.swrcb.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.swrcb.ca.gov/water_issues/programs/tmdl/integrated2010.shtml). Accessed August 9, 2013.

Tully and Young, 2011. City of Yreka 2010 Urban Water Management Plan. Final Approved June 16, 2011. Available online at <http://www.water.ca.gov/urbanwatermanagement/2010uwmps/Yreka,%20City%20of/Yreka%202010%20UWMP.pdf>. Accessed August 26, 2013.

U.S. Fish and Wildlife Service (USFWS), 2013a. National Wetlands Inventory Online Mapper. U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation. Available at <http://www.fws.gov/wetlands/Data/Mapper.html>. Accessed on April 29, 2013.

U.S. Fish and Wildlife Service (USFWS), 2013b. Listed/Proposed Threatened and Endangered Species for the Montague and Yreka Quads (Candidates Included). Arcata Fish and Wildlife Office: Pacific Southwest Region. Available online at <http://www.fws.gov/arcata/specieslist/search.asp>. Accessed on April 29, 2013.

# CHAPTER 4.0

## TEXT REVISIONS TO DRAFT TEIR

---

This chapter presents the substantive revisions that have been made to the Draft TEIR. Revisions include corrections, updates, or changes made in response to public comments made on the Draft TEIR. Text that has been deleted from the Draft TEIR will be marked in this chapter as a ~~strikeout (deleted text)~~, while new text will be labeled with an underline (new text).

### REVISIONS TO SECTION 1.0 – INTRODUCTION

**Revision Number 1** – The following text was added to page 1-2 of Section 1.1 to clarify terms used in the Draft TEIR:

For this Draft TEIR, the following terms will be used:

- “Trust lands” refer to lands held in trust by the United States for the Tribe for which the Tribe is the jurisdictional governing body;
- “Fee lands” refers to lands owned in fee by the Tribe;
- “On-reservation” refers to the Tribe’s trust land; and
- Off-reservation” refers to all lands that are not held in trust by the United States for the Tribe; land that is owned by other governments (i.e. a city, a county, etc.), owned in fee by private citizens, and owned in fee by the Tribe.

### REVISIONS TO SECTION 2.0 – PROJECT DESCRIPTION

**Revision Number 2** – The following text was added to page 2-6 of Section 2.4.1 / Parking and Circulation to clarify the proposed connection of the project site to Sharps Road:

The Proposed Project would include construction of an approximately 650 foot long paved extension of Sharps Road to the west and development of a roundabout feature consistent with City standards.

### REVISIONS TO SECTION 3.2 – AESTHETICS

**Revision Number 3** – The following text was updated on page 3.2-1 of Section 3.2.1 / State Scenic Highways to accurately describe the existing setting:

The California Department of Transportation (Caltrans) identifies Interstate 5 (I-5) as an Eligible State Scenic Highway from its intersection with State Route 3, another Eligible State Scenic Highway located ~~south~~north of the project site, to the Oregon border.

**Revision Number 4** – The following text was updated on page 3.2-5 of Section 3.2.3 / Impact 3.2.1 to provide clarity:

~~While I-5 is eligible for designation as a scenic highway, there are no designated scenic vistas along I-5 as it traverses through the City.~~ I-5 through Yreka is not identified as a scenic highway, nor as eligible for designation as a scenic highway, nor as containing any designated scenic vistas. The nearest stretch of I-5 that is eligible for designation as a scenic highway is located approximately 1.7 miles north of the project site from the I-5 intersection with SR-3 north until the Oregon border.

**Revision Number 5** – The following text was updated on page 3.2-5 of Section 3.2.3 / Impact 3.2.2 to correct a rounding error:

The full build-out development footprint on the fee parcel is approximately ~~7~~8 acres, which leaves more than 80 percent of the 50-acre fee parcel as undeveloped open space.

## **REVISIONS TO SECTION 3.4 – AIR QUALITY GREENHOUSE GAS EMISSIONS**

**Revision Number 6** – The following text was added to page 3.4-15 of Section 3.4.3 / Impact 3.4.1 / Construction to provide clarity:

Because the NEPAB is designated unclassified or attainment for all CAPs and construction emissions are relatively low, construction of both phases of the Proposed Project is assumed not to conflict with or obstruct implementation of an off-reservation air quality plan, violate the NAAQS or CAAQS, or contribute to a projected off-reservation air quality violation as related to CAP emissions.

**Revision Number 7** – The following text was updated to page 3.4-17 of Section 3.4.3 / Impact 3.4.2 / Construction to provide clarity:

The settling rate of DPM is such that concentrations of DPM in the air dissipate as the distance from an emissions source increases, and the DPM concentration at sensitive receptors 1,000 feet away would be ~~significantly reduced by~~ greater than 95 percent. Therefore, construction-related DPM emissions would result in a less than significant impact to off-reservation air quality due to the dissipation rate of DPM, the distance between the project site (emission source) and nearest sensitive receptor, the intermittent

use of heavy construction equipment, and temporary nature of construction activities proposed under the Proposed Project.

**Revision Number 8** – The following text was updated to page 3.4-17 of Section 3.4.3 / Impact 3.4.2 / Operation to provide clarity:

Emissions at the nearest sensitive receptor would be ~~significantly~~ approximately 95 percent less than emissions at the source due to the DPM settling rate. California law restricts these types of vehicles to five minutes of idling time, which further reduces DPM emissions.

## REVISIONS TO SECTION 3.5 – BIOLOGICAL RESOURCES

**Revision Number 9** – The following text was updated on page 3.5-1 of Section 3.5.1 / Federal / Federal Endangered Species Act to correct a typo:

The USFWS and the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) implement Section 10(a)(1)(b) of FESA, which allows non-federal entities under consultation with the USFWS and NMFS to obtain incidental take permits for federally-listed wildlife.

**Revision Number 10** – The following text was added to page 3.5-1 of Section 3.5.1 / Federal / Bald and Golden Eagle Protection Act to more completely describe the Bald and Golden Eagle Protection Act:

For purposes of these guidelines, "disturb" means “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

**Revision Number 11** – The following text was updated on page 3.5-13 of Section 3.5.3 / Impact 3.5.1 / Special Status Plants to correct a typo:

Full build-out on the fee parcel would result in the conversion of ~~6.9~~ approximately seven acres of potential habitat. Loss of Shasta orthocarpus would be a significant impact should the species be present within the ~~6.9~~ approximately seven acres of potential habitat.

**Revision Number 12** – The following text was added to Mitigation Measure 3.5.1 on pages 3.5-13 through 3.5-14 of Section 3.5.3 / Impact 3.5.1 / Special Status Plants to address comments received on the Draft TEIR:

***Mitigation Measure***

- 3.5.1 To address potential off-reservation impacts associated with special status plants, the Tribe shall carry out the following measures prior to construction of Phases I and II of the Proposed Project on the fee parcel:
- a. A qualified biologist/botanist shall conduct a focused botanical survey within the nonnative grassland on the fee parcel during the blooming period for Shasta orthocarpus (May) and within the oak woodland in areas adjacent to the proposed development footprint on the fee parcel during the blooming period for Woolly balsamroot (April through June) and Peck’s lomatium (April through June) prior to commencement of construction activities of Phases I and II. A letter report shall be submitted to the Tribe within 30 days following the preconstruction survey to document the results. Should no species be observed, then no additional mitigation is required.
  - b. Should one of these three species ~~Shasta orthocarpus~~ be observed during the focused botanical survey on the fee parcel, the qualified biologist/botanist shall contact the Tribe and CDFW within one day following the focused botanical survey to report the findings. If feasible, a 10-foot buffer shall be established around the species using construction flagging prior to commencement of construction activities.
  - c. Should avoidance of one of these three species ~~Shasta orthocarpus~~ be infeasible, the qualified botanist would salvage and relocate the individuals in an area comprised of suitable habitat in the vicinity of the project site that would not be impacted by the Proposed Project. Prior to the attempted relocation, seeds shall be gathered from the identified plants for use in the area identified for relocation.

**REVISIONS TO SECTION 3.7 – HAZARDOUS MATERIALS**

**Revision Number 13** – The following text was updated on pages 3.7-2 through 3.7-3 of Section 3.7.1 / State and Local / California Environmental Protection Agency to correct a typo:

Cal/EPA oversees the following agencies: California Air Resources Board (CARB), ~~California Integrated Waste Management Board (CIWMB)~~ California Department of Resources Recycling and Recovery (CalRecycle), Department of Pesticide Regulation

(DPR), State Water Resources Control Board (SWRCB), California Department of Toxic Substances Control (DTSC), and Office of Emergency Services (OES).

**Revision Number 14** – The following text was added to page 3.7-3 of Section 3.7.1 / State and Local / California Environmental Protection Agency / California Health and Safety Code to provide clarity:

In Siskiyou County, the Siskiyou County Public Health Department oversees enforcement of HMBP requirements.

## **REVISIONS TO SECTION 3.8 – WATER RESOURCES**

**Revision Number 15** – The following heading and subsequent text were added to page 3.8-5 of Section 3.8.1 / State and Local to provide additional information:

### **SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4S)**

The City maintains a stormwater drain system. The City is required to be compliant with Water Quality Order No. 2013-001-DWQ NPDES General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (General Permit).

## **REVISIONS TO SECTION 3.9 – NOISE**

**Revision Number 16** – The following text was added to page 3.9-2 of Section 3.9 .1/ Federal to provide clarity:

Federal noise standards would be applicable to noise associated with construction and operation of Phases I and II of the Proposed Project on the trust parcel.

**Revision Number 17** – The following text was added to pages 3.9-2 through 3.9-3 of Section 3.9.1 / State and Local to provide clarity:

State noise standards would be applicable to noise associated with construction and operation of Phases I and II of the Proposed Project on the fee parcel.

**Revision Number 18** – The following text was added to page 3.9-13 of Section 3.9.3 / Impact 3.9.1 / Operational Traffic Noise to provide clarity:

This increase in project related traffic along Sharps Road is anticipated to result in a 3 dBA Leq increase under Phase I and a 7.4 dBA Leq increase in the ambient noise level at approximately 50 feet from the roadway under Phase II (Caltrans, 2009).

**Revision Number 19** – The following text was deleted from page 3.9-14 of Section 3.9.3 / Impact 3.9.1 / Operational Traffic Noise to provide clarity:

The General Plan specifies traffic noise level standards for new developments affected by ~~existing~~ traffic in the City (General Plan Noise Policy 1) and specifies non-transportation noise level standards for new noise generating uses such as the Proposed Project (General Plan Noise Policy 7) (Yreka, 2003).

**Revision Number 20** – The following text was added to page 3.9-15 of Section 3.9.3 / Impact 3.9.1 / On-Site Operational Noise to provide clarity:

The proposed loading docks will be located on the east side of the development footprint approximately 1,000 feet from the Karuk Tribal Headstart, which is the nearest sensitive noise receptor located to the east. Due to the location of the loading dock in relationship to the nearest sensitive receptor, an attenuation value of 24.0 dBA is appropriate at a distance of 1,000 feet (Caltrans, 2009).

The noise level in parking lots and structures is dominated by slow moving vehicles; therefore, the ambient noise level in a parking lot on the trust or fee parcel would be approximately 60 dBA, Leq at 50 feet from the source (Caltrans, 2009).

**Revision Number 21** – The following text was added to page 3.9-16 of Section 3.9.3 / Impact 3.9.2 / Operation to provide clarity:

Vibrations from buses and loaded trucks can be 0.008 PPV at a distance of 125 feet, or 0.076 PPV at the nearest off-reservation sensitive noise receptor (25 feet), which is below the PPV vibration significance criterion of 0.1 PPV and 0.5 PPV (Caltrans, 2004).

## **REVISIONS TO SECTION 3.10 – PUBLIC SERVICES AND UTILITIES**

**Revision Number 22** – The following text was updated on pages 3.10-6 through 3.10-7 of Section 3.10.2 / Solid Waste Management to correct erroneous information:

~~The City of Siskiyou County (County) owns and operates the Yreka Transfer Station, which is a solid waste landfill and transfer station located southeast of the City off of Oberlin Road, approximately 1.7 miles east of the project site (Yreka, 2003). The landfill currently has a remaining capacity of 3,924,000 cubic yards. It is permitted for a maximum capacity of 5,854,000 cubic yards, and its estimated closure date is January 1, 2065 (CalRecycle, 2013a).~~

**Revision Number 23** – The following text was added to page 3.10-7 of Section 3.10.2 / Criminal Justice System to provide additional information:

The Siskiyou County Superior Court is experiencing a funding crisis and will permanently close the Weed and Happy Camp branches on January 6, 2014. The County Superior Court buildings in Yreka are functionally and physically deficient to meet existing demands.

**Revision Number 24** – The following text was updated on page 3.10-9 of Section 3.10.3 / Impact 3.10.1 / Operation to provide clarity:

The property tax paid by the Tribe for the fee parcel currently supports fire protection operations and would continue under the Proposed Project, and it is anticipated that implementation of Phases I and II of the Proposed Project would not significantly impact to area response times. Therefore, a less than significant impact would occur.

**Revision Number 25** – The following text was updated on page 3.10-15 in the impact statement of Impact 3.10.10 and the associated analysis on pages 3.10-15 through 3.10-16 of Section 3.10.3 / Impact 3.10.10 to revise an impact statement and analysis based on information provided by Siskiyou County in a comment letter on the Draft TEIR. The following mitigation measure was added to page 3.10-16 of Section 3.10.3 / Impact 3.10.10 to ensure the updated impact is reduced to a less-than-significant level:

**Impact**

**3.10.10 The Proposed Project could affect the workload of the County criminal justice system; that may require additional staff and/or facilities to maintain service level standards, which could cause significant off-reservation environmental impacts however, it would not result in the need for new or physically altered County facilities.**

Operation of either phase of the Proposed Project could result in additional arrests and criminal cases, which would require additional criminal justice services. As indicated by the County, additional arrests and criminal cases would increase the case load for the Siskiyou County District Attorney's Office; however, this would not result in the need to expand or construct new facilities. The County also indicates the additional arrests could result in either criminals with lesser offenses being released into the community or those committing the lesser casino-related crimes escaping any punishment as the Siskiyou County Jail is at or near capacity; however, this would not constitute a physical impact on the environment as the government facility would not be expanded nor would a new facility be constructed. However, the additional arrests and criminal cases that could result from operation of the Proposed Project would exacerbate capacity exceedances at



the Siskiyou County Superior Court offices and buildings. Expanded or newly constructed facilities to accommodate the Siskiyou County Superior Court could result in a physical impact on the environment, which would constitute a significant impact of the Proposed Project.

The Tribe will negotiate compensation with the County for criminal justice services to be provided for both phases of the Proposed Project as required by the Compact. The Tribe will determine via consultation with the County a fair and equitable amount of compensation for criminal justice services. However, due to the lack of existing agreements, a potentially significant impact to the County criminal justice system could occur given the potential for an increase in arrests and criminal cases during operation. To reduce potential impacts to a less than significant level, the following mitigation measure is proposed: However, it is anticipated that any increase in the need for criminal justice services related to the Proposed Project would be minimal and would not result in the need for new or physically altered facilities or in any other significant impacts.

#### Mitigation Measure

3.10.3 During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the County criminal justice system for additional service demands caused by the operation of the Proposed Project. This service agreement shall include, but is not limited to, the following:

- a) An agreement for compensation that is to be fair share payment for any additional staffing and/or operating space as the parties agree is needed to serve development of Phases I and II, allowing the County to maintain public services at existing levels as well as reduce potential off-reservation environmental impacts.
- a)b)The agreement shall be reviewed periodically by the Tribe and the County.

#### **SIGNIFICANCE AFTER MITIGATION**

Less than significant.

## **REVISIONS TO SECTION 3.13 – POPULATION GROWTH-INDUCING AND CUMULATIVE OFF-RESERVATION ENVIRONMENTAL IMPACTS**

**Revision Number 26** – The following text was updated on page 3.13-15 in Mitigation Measure 3.13.1 of Section 3.13.2 / Transportation and Traffic to ensure potential impacts in the cumulative condition are reduced to a less-than-significant level:

**Mitigation Measure**

3.13.1 In coordination with Caltrans and the City, the Tribe would provide fair-share funding improvements to the intersections of I-5 Ramps and State Route 3 as agreed upon between the Tribe and Caltrans where the LOS exceeds LOS C in the cumulative condition ~~Northbound Ramps and Moonlit Oaks Avenue~~ either through an IGA with Caltrans or by other means that will include periodic monitoring. Improvements necessary to obtain an acceptable LOS at this intersection may include either of the following:

1. Conversion of the intersection into a single-lane roundabout; or
2. Conversion of the intersection to a signalized intersection.

**REVISIONS TO SECTION 4.0 – ALTERNATIVES**

**Revision Number 27** – The following text was updated on page 4-1 of Section 4.1 to correct a typo:

The purpose of this section is to describe a range of reasonable alternatives to the Proposed Project in accordance with Section ~~4.8~~ 11.1 of the Draft Tribal-State Gaming Compact (Compact) and to evaluate the off-reservation environmental impacts of each alternative in comparison to the Proposed Project.

**Revision Number 28** – The following text was updated on page 4-9 of Section 4.4 to provide clarity:

For purposes of this Draft TEIR, the environmentally superior alternative is the alternative that generally meets the Tribe’s objectives and would cause the least impact to the off-reservation natural and physical environment.

The No Action Alternative would avoid environmental effects that may occur under the Proposed Project or RIA, but would not achieve any of the project objectives listed in **Section 2.2**. The RIA is a scaled-down version of the Proposed Project, resulting in the development of a casino and hotel facility with 25 percent fewer gaming positions and hotel rooms. The RIA would result in slightly reduced off-reservation impacts as compared to the Proposed Project and is therefore the environmentally superior alternative, ~~but would not fully meet the Tribe’s objectives~~ – However, the RIA may not fully meet the Tribe’s objectives to strength tribal government and fund the programs necessary to improve the long-term welfare and quality of life of Tribal members.

The Proposed Project meets all project objectives listed in **Section 2.2**. In addition, all potential environmental impacts of the Proposed Project are reduced to less than significant levels after mitigation, and no significant and unavoidable impacts have been

identified. Therefore, the Proposed Project is the environmentally superior preferred alternative.

# CHAPTER 5.0

---

## MITIGATION MONITORING AND REPORTING PROGRAM

In order to minimize or avoid potentially significant impacts that could occur as a result of the Karuk Tribe Casino Project (Proposed Project), mitigation measures have been developed and incorporated into this Tribal Environmental Impact Report (TEIR). The Mitigation Monitoring and Reporting Program (MMRP), which is presented as **Table 5-1**, is designed to provide information regarding the following:

- Mitigation Measures proposed to minimize or avoid potentially significant impacts;
- Parties responsible for monitoring and/or reporting mitigation;
- Timing of implementation; and
- Verification of implementation.

**TABLE 5-1**  
MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
3.4.1	The Tribe shall develop and implement an ordinance establishing requirements similar to the CARB Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485) for buses and other commercial diesel-fueled vehicles, which requires that the driver of any diesel bus shall not idle for more than five minutes at any location, except in the case of passenger boarding where a ten minute limit is imposed, or when passengers are onboard. The Tribe shall post signs in parking lots, at loading docks, and other applicable areas displaying the requirements.	Tribe	Prior to operation of the casino (Phase I) and prior to operation of the casino expansion and hotel (Phase II).	
3.5.1	<p>To address potential off-reservation impacts associated with special status plants, the Tribe shall carry out the following measures prior to construction of Phases I and II of the Proposed Project on the fee parcel:</p> <p>a) A qualified biologist/botanist shall conduct a focused botanical survey within the nonnative grassland on the fee parcel during the blooming period for Shasta orthocarpus (May) and within the oak woodland in areas adjacent to the proposed development footprint on the fee parcel during the blooming period for Woolly balsamroot (April through June) and Peck's lomatium (April through June) prior to commencement of construction activities of Phases I and II. A letter report shall be submitted to the Tribe within 30 days following the preconstruction survey to document the results. Should no species be observed, then no additional mitigation is required.</p> <p>b) Should one of these three species be observed during the focused botanical survey on the fee parcel, the qualified biologist/botanist shall contact the Tribe and CDFW within one day following the focused botanical survey to report the findings. If feasible, a 10-foot buffer shall be established around the species using construction flagging prior to commencement of construction activities.</p> <p>c) Should avoidance of one of these three species be infeasible, the qualified botanist would salvage and relocate the individuals in an area comprised of suitable habitat in the vicinity of the project site that would not be impacted by the Proposed Project. Prior to the attempted relocation, seeds shall be gathered from the identified plants for use in the area identified for relocation.</p>	Tribe	Prior to construction of the casino (Phase I) and prior to construction of the casino expansion and hotel (Phase II).	

**TABLE 5-1**  
MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
3.5.2	<p>To address potential off-reservation impacts associated with migratory birds and other birds of prey, the Tribe shall carry out the following measures prior to construction of Phases I and II of the Proposed Project:</p> <p>a) Prior to any Phase I or II construction or ground disturbance within 500 feet of potential habitat for birds of prey and migratory birds during the nesting season (between March 1 and September 15), a qualified biologist will conduct a preconstruction bird survey for nesting sites within 500 feet of construction activities. The preconstruction bird survey shall be conducted within 14 days prior to commencement of construction activities. The biologist will document and submit the results of the preconstruction survey in a letter to CDFW and the Tribe within 30 days following the survey. The letter shall include: a description of the methodology used during the survey, including dates of field visits, the names of survey personnel, a list of references cited and persons contacted; and a map showing the location(s) of any bird nests observed on the project site. If no active nests are identified during the preconstruction survey, then no further mitigation is required so long as construction commences within 14 days of the preconstruction survey. If construction does not commence within 14 days of the preconstruction survey or construction halts for more than 14 days, an additional nesting survey will be required.</p> <p>b) If any active nests are identified during the preconstruction survey within the vicinity of the development footprint of either phase of the Proposed Project, a buffer zone will be established around the nests. A qualified biologist will monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist shall continue to conduct weekly monitoring until construction activities are no longer occurring within the vicinity of the established buffer or until the biologist determines that the nestlings have successfully fledged. The biologist will delimit the buffer zone with construction tape or pin flags within 250 feet of any active migratory bird nest or within 500 feet of any active raptor nest until the end of the breeding season or until the young have successfully fledged.</p>	Tribe	Prior to and during construction of the casino (Phase I) and prior to and during construction of the casino expansion and hotel (Phase II).	

**TABLE 5-1**  
MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	Guidance from CDFW will be requested if establishing a 250-foot or 500-foot buffer zone is impractical. The biologist shall have the authority to stop any work within the vicinity of the active nests if the nestlings appear to be disturbed. Work shall be halted until the biologist determines that the nestlings are no longer in distress. A letter report shall be submitted to CDFW and the Tribe within 30 days following the final monitoring date.			
3.5.3	<p>If the USACE determines that the waterways to be impacted are jurisdictional, the Tribe shall submit an application for a CWA Section 404 permit. In addition, a CWA Section 401 water quality certification through the North Coast Regional Water Quality Control Board shall be obtained. The Tribe shall comply with all mitigation measures identified in the Section 404 permit and Section 401 certification, which may include, but would not be limited to, the following:</p> <ul style="list-style-type: none"> <li>a) Avoidance buffers shall be established around the edges of any drainage features, as identified by a qualified biologist, in the vicinity of and outside of the construction area. Temporary orange construction fencing shall be installed prior to the commencement of any earthmoving activities and shall remain in place until all construction activities in the vicinity have been completed;</li> <li>b) Construction activities near any USACE jurisdictional features shall be conducted during the dry season to minimize impacts related to erosion, water quality, and aquatic resources; and</li> <li>c) Standard precautions shall be employed by the construction contractor to prevent the accidental release of fuel, oil, lubricant, or other hazardous materials associated with construction activities into jurisdictional features. A contaminant program shall be developed and implemented in the event of release of hazardous materials. This may be incorporated into the Storm Water Pollution Prevention Plans (SWPPPs) to be developed by the Tribe for Phases I and II of the Proposed Project to comply with the terms of the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.</li> </ul>	Tribe	Prior to construction of the casino (Phase I) and prior to construction of the casino expansion and hotel (Phase II).	
3.6.1	The SWPPPs to be developed by the Tribe for Phases I and II of the Proposed Project to comply with the terms of both the USEPA's Stormwater General NPDES Permit for Construction Activities and	Tribe	Prior to construction of the casino (Phase I) and prior to construction of	

**TABLE 5-1**  
MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>the SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities shall include, but are not limited to, the following BMPs:</p> <p>a) If excavation occurs during the rainy season, stormwater runoff from the construction area shall be regulated through a stormwater management/erosion control plan that shall include temporary on-site silt traps and/or basins with multiple discharge points to natural drainages and energy dissipaters. Stockpiles of loose material shall be covered and runoff diverted away from exposed soil material. If work stops due to rain, a positive grading away from slopes shall be provided to carry the surface runoff to areas where flow would be controlled, such as the temporary silt basins. Sediment basins/traps shall be located and operated to minimize the amount of off-reservation sediment transport. Any trapped sediment shall be removed from the basin or trap and placed at a suitable location on site, away from concentrated flows, or removed to an approved disposal site.</p> <p>b) Temporary erosion control measures (such as fiber rolls, staked straw bales, detention basins, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) shall be provided until perennial revegetation or landscaping is established to minimize discharge of sediment into nearby waterways.</p> <p>c) No disturbed surfaces shall be left without erosion control measures in place during the spring and winter months.</p> <p>d) Erosion protection shall be provided on all cut-and-fill slopes and stockpiled soils. Revegetation shall be facilitated by mulching, hydroseeding, or other methods and shall be initiated as soon as possible after completion of grading and prior to the onset of the rainy season.</p>		the casino expansion and hotel (Phase II).	
3.7.1	<p>The SWPPPs to be developed by the Tribe for Phases I and II of the Proposed Project to comply with the terms of both the USEPA's Stormwater General NPDES Permit for Construction Activities and the SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities shall include, but are not limited to, the following BMPs:</p> <p>a) Hazardous materials such as fuels and solvents used in the construction of Phases I and II of the Proposed Project shall be</p>	Tribe	Prior to construction of the casino (Phase I) and prior to construction of the casino expansion and hotel (Phase II).	



**TABLE 5-1**  
MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>stored in covered containers and protected from rainfall, runoff, vandalism, and accidental release to the environment. All stored fuels and solvents shall be contained in an area of impervious surface with containment capacity equal to the volume of materials stored.</p> <p>b) A stockpile of spill cleanup materials shall be readily available at the project site. Construction workers shall be trained in spill prevention and cleanup, and individuals shall be designated as responsible for prevention and cleanup activities.</p> <p>c) Equipment used in the construction of Phases I and II shall be properly maintained in designated areas with runoff and erosion control measures to minimize accidental release of pollutants.</p>			
3.7.2	<p>During Phases I and II, construction personnel shall follow written standard operating procedures (SOPs) for servicing and operating construction equipment and vehicles to reduce the potential for wildland fires. These SOPs shall address equipment use and the storage and use of hazardous materials during construction of the Proposed Project. The SOPs shall include the following where feasible and when reasonable:</p> <p>a) Refueling shall be conducted only with approved pumps, hoses, and nozzles;</p> <p>b) Catch-pans shall be placed under equipment to catch potential spills during servicing;</p> <p>c) All disconnected hoses shall be placed in containers to collect residual fuel from the hose;</p> <p>d) Vehicle engines shall be shut down during refueling;</p> <p>e) No smoking, open flames, or welding shall be allowed in refueling or service areas;</p> <p>f) Service trucks shall be provided with fire extinguishers;</p> <p>g) 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. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak;</p> <p>h) Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order; and</p> <p>i) All hazardous materials transported to or from the project site</p>	Tribe	Prior to construction of the casino (Phase I) and prior to construction of the casino expansion and hotel (Phase II).	

**TABLE 5-1**  
MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	shall be done in accordance with applicable State and federal regulations as required based on quantity and class of materials.			
3.8.1	The SWPPPs to be developed by the Tribe for Phases I and II of the Proposed Project to comply with the terms of both the USEPA's Stormwater General NPDES Permit for Construction Activities and the SWRCB's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities shall include, but are not limited to, the following BMP: Erosion control measures shall be consistent with National Marine Fisheries Service conservation and minimization requirements as a means to minimize impacts on Coho salmon in the Yreka Creek drainage basin.	Tribe	Prior to construction of the casino (Phase I) and prior to construction of the casino expansion and hotel (Phase II).	
3.8.2	The use of a rain garden type filter shall be included into the design of the storm drainage facility to ensure that stormwater is filtered for pollutants and sediments deposited prior to entry into Yreka Creek.	Tribe	Prior to construction of the casino (Phase I) and prior to construction of the casino expansion and hotel (Phase II).	
3.9.1	The following measures are recommended to minimize the effects of noise from construction of the Proposed Project: a) Through contractual obligation, standard outdoor construction activities for the Proposed Project will be conducted between 7:00 A.M. and 5:00 P.M., except when a special exemption is needed. The Tribe shall obtain an exemption from the City to cover special circumstances to conduct construction activities outside of that timeframe on the fee parcel. b) Through contractual obligation, the Tribe shall limit standard outdoor construction activities for the Proposed Project on the trust parcel to between 7:00 A.M. and 5:00 P.M., to the extent feasible and reasonable except when a special exemption is needed. c) To further address the impact of construction of the Proposed Project, the Tribe shall, through contractual requirement, implement the following: 1) Construction crews shall utilize the best available noise control techniques, i.e. mufflers per the equipment manufacturers' requirements for all internal combustion engines, equipment redesign, intake silencers, ducts, engine enclosures and noise attenuating shields or shrouds	Tribe	Contractual requirements for development/ construction contractors for implementation during construction of the casino (Phase I) and construction of the casino expansion and hotel (Phase II).	

**TABLE 5-1**  
MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	<p>on all equipment and trucks. This mitigation measure would reduce off-reservation noise from heavy equipment use.</p> <p>2) Construction crews shall only use impact tools that are hydraulically or electrically powered, use exhaust mufflers on compressed air exhaust, use external jackets on tools, and use drills instead of impact equipment and other quieter procedures when feasible. This mitigation measure would reduce off-reservation noise from impact tools and hand-held compressed air tools.</p> <p>3) Construction crews shall place stationary construction equipment as far from off-reservation sensitive noise receptors as possible. This mitigation measure would reduce or eliminate off-reservation noise from stationary construction equipment.</p>			
3.10.1	<p>During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the Yreka PD for additional service demands caused by the operation of the Proposed Project. This service agreement shall include, but is not limited to, the following:</p> <p>a) An agreement for compensation that is to be fair share payment for any additional staffing as the parties agree is needed to serve development of Phases I and II, allowing the City to maintain public services at existing levels as well as reduce potential off-reservation environmental impacts. Based on preliminary negotiations between the Tribe and the Yreka PD, this fair share payment may be equivalent to funding required for one full-time equivalent (FTE) police officer and one additional police vehicle.</p> <p>b) The agreement shall be reviewed periodically by the Tribe and the City.</p>	Tribe	Prior to operation of the casino (Phase I).	
3.10.2	<p>The Proposed Project shall utilize City water and wastewater services. During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the City for any new, upgraded, or expanded water or wastewater treatment facilities needed due to operation of the Proposed Project. This service agreement shall include, but is not limited, to the following:</p> <p>An agreement for compensation that is intended to be fair share payments for new, upgraded, or expanded water supply and</p>	Tribe	Prior to operation of the casino (Phase I).	

**TABLE 5-1**  
MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	wastewater conveyance facilities to serve development of Phases I and II, including development of appropriately sized infrastructure to meet Proposed Project flows. Such improvements shall be sized to maintain existing public services at levels.			
<b>3.10.3</b>	<p>During IGA negotiations, and prior to operation of Phase I, the Tribe shall enter into a service agreement to reimburse the County criminal justice system for additional service demands caused by the operation of the Proposed Project. This service agreement shall include, but is not limited to, the following:</p> <p>a) An agreement for compensation that is to be fair share payment for any additional staffing and/or operating space as the parties agree is needed to serve development of Phases I and II, allowing the County to maintain public services at existing levels as well as reduce potential off-reservation environmental impacts.</p> <p>b) The agreement shall be reviewed periodically by the Tribe and the County.</p>	Tribe	Prior to operation of the casino (Phase I).	
<b>3.12.1</b>	<p>In the event of any discovery of historical, archaeological, or paleontological resources during construction, the Tribe shall assure that all work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can assess its significance. The Karuk Tribal Historic Preservation Office shall also be contacted. If any archaeological find is determined to be important by the archaeologist, or paleontologist as appropriate, the Tribe's representatives shall meet with the designated expert to determine the appropriate course of action, including the development of a treatment plan, if necessary.</p> <p>Important cultural or paleontological materials recovered shall be subject to scientific analysis, culturally sensitive treatment, and disposition and/or professional curation, as appropriate. The professional archaeologist or paleontologist shall prepare a report according to current professional standards.</p>	Tribe	During construction of the casino (Phase I) and during construction of the casino expansion and hotel (Phase II).	
<b>3.12.2</b>	If human remains are encountered, the Tribe shall comply with Section 15064.5(e)(1) of the State CEQA Guidelines and Section 5097.98 of the California Public Resources Code. All project-related	Tribe	During construction of the casino (Phase I) and during construction of the	

**TABLE 5-1**  
**MITIGATION MONITORING & REPORTING PROGRAM FOR THE KARUK TRIBE CASINO PROJECT**

Mitigation Number	Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
	ground disturbance within 100 feet of the find shall be halted until the Siskiyou County Coroner has been notified. The Karuk Tribal Historic Preservation Office shall also be contacted. If the remains are determined to be of Native American origin, the State Native American Heritage Commission shall be contacted within 24 hours and no further excavation or disturbance of the site shall occur until the process set forth in Section 5097.98 of the California Public Resources Code is implemented. Nor shall any project-related ground disturbance in the vicinity of the find resume until the process detailed in Section 15064.5(e) of the State CEQA Guidelines has been completed.		casino expansion and hotel (Phase II).	
3.13.1	In coordination with Caltrans and the City, the Tribe would provide fair-share funding improvements to the intersections of I-5 Ramps and State Route 3 as agreed upon between the Tribe and Caltrans where the LOS exceeds LOS C in the cumulative condition either through an IGA with Caltrans or other means that will include periodic monitoring. Improvements necessary to obtain an acceptable LOS at this intersection may include either of the following: a) Conversion of the intersection into a single-lane roundabout; or b) Conversion of the intersection to a signalized intersection.	Tribe	Prior to the operation of the casino (Phase I).	

# CHAPTER 6.0

---

## REPORT AUTHORS

### 6.1 FINAL TEIR AUTHORS

Analytical Environmental Services  
1801 7th Street, Suite 100  
Sacramento, CA 95811  
(916) 447-3479

Principal: David Zweig, P.E.  
Project Manager: Trenton Wilson  
Deputy Project Manager: Stephanie Henderson

*Technical Staff:*  
Dana Hirschberg  
Erin Quinn  
Olivia Tinney

# ***APPENDICES***

---

# ***APPENDIX A***

---

*DRAFT TRIBAL ENVIRONMENTAL IMPACT REPORT*



*DRAFT TRIBAL ENVIRONMENTAL IMPACT REPORT*  

---

*BOUND UNDER SEPARATE COVER*