

August 13, 2024

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

PACIFIC REGIONAL OFFICE

2024 AUG 21 PM 1:21

BUREAU OF INDIAN AFFAIRS

RE: DEIS Comments, Shiloh Report & Casino Project

Dear Ms. Dutschke,

I am writing regarding the Koi Shiloh Casino Project. We have raised our family in the neighborhood directly across the street from the proposed site. We have lived here for 27 years.

It is very alarming that the Koi Nation would choose a residential property on a quiet country road. As I am sure you are aware, not only is the property surrounded by neighborhoods, but by a church, youth park and baseball field, as well as an elementary school. This is not the right spot for a large casino project.

I believe that the EIS 2022 TIS traffic data is now too old to be used for this EIS analysis for the following reasons. First, 2022 was not that long after the Covid pandemic, during which many local businesses were still encouraging/allowing work from home. This decreased the 2022 daily trips throughout this region of Sonoma County, however now (2024) traffic has returned to pre-pandemic levels and probably higher.

In addition, did the TIS traffic counts take into consideration the new construction developments on both Shiloh Road and Old Redwood Highway? The biggest of these new developments is the Shiloh Crossing Apartment development located at 295 Shiloh Road. The project includes a total of 173 apartments and 8,000 square feet of commercial space.

The ADT counts were taken in July of 2022. This is a season when schools are not in session, nor are many after-school activities. Cars typically line up and down Shiloh Road, when sports are happening in Esposti Park. A better peak time for ADT counts would have been in April or September of a given year.

Therefore, I request that the EIS perform a new TIS which includes recent traffic counts and incorporates expected new developments within the project study area. I believe new traffic counts will more accurately represent this area and show that this is not a viable location for a casino. We would ask that further studies are done. **The only viable option right now is Option D.....no project.** Thank you.

Respectfully,  
Ron & Carrie Myers  
5834 Leona Ct. Windsor, CA 95492

**From:** Monica <mom2pia@sonic.net>  
**Sent:** Sunday, August 18, 2024 12:57 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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To whom it may concern,

My name is Monica Sallee. I am a 59 year old resident of Windsor, Ca. I've attached a picture of my family. I live here with my 64 yr. old husband, Victor; 17 yr. old daughter Pia and my little 10 lb. dog, Mouse. We are DEVASTATED with the prospect of a Casino being built in our beloved neighborhood. I know that many people have already written remarks delineating why this would be such a bad idea, so I won't elaborate on all of those reasons, but know that our top concerns are the safety of our community and the tragic environmental impact it would have.

My father, John Crevelli, was born and raised here. He was an ardent environmentalist in our community, before passing away in 2015. The attached link is what my father did for this entire community, not just Windsor. However, the evening before he went to bed and passed suddenly, he was writing a letter to the town of Windsor, urging them not to take down a grove of century old oak trees. We have him and other founding members of C.O.A.A.S.T, to thank for our beautiful coastline. They stopped it from becoming another "Malibu."

I guess you could say that I am desperately trying to carry on his legacy. He would have put up a good fight against this Casino going in. I am imploring you to reconsider this Casino project. It is not needed here with two large Casino's SO close by. It would be a detrimental addition to our town. Please, PLEASE do not build a Casino in Windsor, right next to our homes and parks.

Sincerely,

Monica (Crevelli) Sallee

<https://www.pressdemocrat.com/article/news/teacher-and-longtime-activist-on-how-he-and-others-worked-to-protect-our-co/>

**From:** Dinah Costello <haviceprin@aol.com>  
**Sent:** Sunday, August 18, 2024 1:27 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** DINAH COSTELLO <haviceprin@aol.com>  
**Subject:** [EXTERNAL] DEIS Comments, Shiloh Resort and Casino Project

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- - Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

Dear Mr. Broussard,

As I watched the fire trucks race up tiny Shiloh Road this June to fight a fire a few miles away on Chalk Hill Road, and watched cars fleeing in the other direction, I thought to myself: "I wonder if anyone from the Office of Indian Affairs has ever visited this area?" Considering the massive fires of 2017 and 2019, the loss of life and property, the lack of surrounding infrastructure, and the recent residential and commercial overdevelopment along Shiloh Road and Old Redwood Highway, would any sane and responsible person think adding a mega-casino complex is a good idea?

I write to you once again in the strongest, most vehement opposition to the Koi casino proposal, which would be built across the street from our home of 22 years.. To update you: new construction projects have

recently added to the housing density adjacent to the proposed casino site in Windsor. These include: 1) a huge 176 unit apartment complex directly across the street (at Shiloh Road and Old Redwood Highway) from the site, 2) an even bigger commercial/residential structure a block away on Shiloh Road (another 170-plus homes), 3) hundreds of new homes now being build on Old Redwood Highway, and 4) a new senior residential facility with 300 rooms breaking ground on Shiloh Road. This adds up to hundreds of new residential units within 1/2 mile of proposed site. In sum, the proposed 68 acre casino site is now surrounded by the following: on the north, by existing residential neighborhoods (with the Esposti Childrens' Park directly across the street from the project site's planned entrance); on the west, by two churches and the massive new housing projects outlined above; on the south, by a residential and commercial corridor, including San Miguel Elementary School; finally, on the east, lies Sonoma County's popular Shiloh Regional Park. Again, I would strongly encourage you to personally visit the project site; it will become abundantly clear why this location is the worst possible location for a casino complex. There is a reason every public official, at all levels, have opposed this project, as you will see for yourself upon visiting.

Also, I find it very telling that the Koi Nation of Lake County, who have no history or cultural ties in Sonoma County, are presently in a dispute with Lake County over their claimed ancestral land in, yes, Lake County. The Koi Nation's non-existent status in Sonoma County should have precluded them from ever claiming land here. Of course, with the aide of out-of-state gaming interests using them as a cover to "casino shop," we now have to deal with this uninvited intrusion into our community. SONOMA COUNTY BELONGS TO THE FIVE FEDERALLY RECOGNIZED INDIGENOUS TRIBES THAT RESIDE HERE, WHO UNANIMOUSLY OPPOSE THE KOI'S EFFORTS TO USURP THEIR LAND.

You have no doubt heard of the numerous other issues regarding lack of infrastructure, air quality, noise, and crime -- as well as increased demands on public services, including water use and utilities -- that this proposal raises. Again, it should be highlighted here that the fires of 2017 and 2019 decimated portions of our community, forcing us to evacuate on each occasion. My brother-in-law lost his home just down the road, as did many of my friends. To put a casino in the middle of a

historically fire prone area, endangering the lives and property of surrounding residents, would be reckless in the extreme. THIS PROJECT MUST BE STOPPED!

On a personal note: I teach science at Ridgway High School (Santa Rosa City Schools) and would like to see a state biologist survey the proposed casino site. As a watershed site, with its streams and ponds, the 68 acres is home to many species of flora and fauna. I'd be curious to know if any are on the endangered species list, and how that would affect the casino proposal. Did the Environmental Impact Statement require such a survey?

Lastly, Sonoma County presently has a casino 15 minutes to the south (Graton) and 15 minutes to the north (River Rock) of our home. Building another casino in our neighborhood, destroying a beautiful vineyard, and severely affecting the quality of life of our community is something we could never have imagined. The damage this project would do to our neighbors and surrounding small businesses, schools, and churches is incalculable. This whole project has caused unnecessary stress and anxiety in the good people we call our friends. Please join us and stop this ill-conceived and dangerous proposal from becoming reality.

Respectfully yours,

Dinah Costello

5840 Mathilde Drive

Windsor, CA 95492

**From:** DINAH COSTELLO <haviceprin@aol.com>  
**Sent:** Sunday, August 18, 2024 2:34 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] DEIS Comments, Shilo Resort and Casino Project

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Dear Mr Broussard,  
Attached are photos from the 2017 and 2019 fires in the Shilo area. We were mandated to evacuate for both of these fires.  
Sincerely,  
Dinah Costello  
Windsor, California  
Sent from my iPhone











**From:** William Meloy <WTnGBMELOY@msn.com>  
**Sent:** Sunday, August 18, 2024 4:23 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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Mr. Broussard,

I am writing to express my strong opposition to the Koi Nation's proposed development of land adjacent to the Town of Windsor. Such development would have significant negative impacts on immediate neighbors and surrounding neighborhoods with commensurate degradation of the natural environment. The National Environmental Policy Act is designed to promote the enhancement of the environment, and to preserve and enhance the environment for succeeding generations. The proposal under consideration fails these objectives.

Please consider the following:

- Noise impact is certain. Noise sources include those from increased traffic, entertainment—for example musical performers—and intoxicated customers in parking areas. Further, casinos typically operate into the “wee” hours and often around the clock. Twenty-four hour operation means the noise would never cease. This is simply not compatible with residential neighborhoods—rural or urban—or any resident wildlife.
- Aerial views indicate the current land use is agricultural (vineyards). Conversion to another use would destroy the habitat for any wildlife that resides therein. Bee populations would be impacted. The importance of preserving pollinators is widely recognized.
- The U.S. Fish and Wildlife Service lists the Sonoma population of California tiger salamander as endangered. Aerial views of the property indicate a creek or creek bed that may be suitable salamander habitat. The proposed development could destroy or degrade this habitat. Please see [Salamanders and Chardonnay | U.S. Fish & Wildlife Service \(fws.gov\)](#)
- Utility impacts—water and sewer—must be considered. Increased use may challenge or exceed the capacity of existing facilities and in particular waste treatment capability. Solid waste volume will increase and impact landfill capacity.
- Shiloh Road (two lanes) appears inadequate to handle increased traffic. Vehicles idling while stopped in traffic will impact air quality.
- The proposed location is amid residential properties—if they do not already, zoning ordinances ought to restrict gambling casinos from residential neighborhoods.

- A neighborhood park—Esposti Park—is located directly across Shiloh Road. It is doubtless that children play there. Gambling casinos are intended for mature patrons. Children should not be exposed to the environment that accompanies bars, nightclubs, gambling casinos or other adult venues.
- The Shiloh Neighborhood Church is directly across Old Redwood Highway—Churches and gambling casinos are not compatible.
- Public safety and welfare would be jeopardized. Sonoma County Code of Ordinances Sec. 26C-1, *Purpose of chapter*, states: “This chapter is adopted to promote and protect the public health, **safety, peace**, comfort, convenience, and **general welfare...**” (emphasis added). Section 26C-1 then enumerates specific purposes; these include item (d) To protect the public safety and welfare by regulating the location and uses of all structures and land.
- An increase in criminal activity should be anticipated. The most probable crimes would include robbery, theft, assault, and property damage.

The Town of Windsor, and the five federally recognized Sonoma County based tribes have all expressed opposition to the Koi Nation’s proposal. Tribal opposition is primarily due to the Koi Nation’s lack of significant historical connection to the proposed project location. [01-16-2024-Town-Opposition-Letter-to-Koi-Nation-Shiloh-Resort-and-Casino-Project \(townofwindsor.com\)](https://www.townofwindsor.com/01-16-2024-Town-Opposition-Letter-to-Koi-Nation-Shiloh-Resort-and-Casino-Project) The Koi Nation’s aboriginal territory is at Clear Lake where they inhabited islands and an area on the northwest corner of Clear Lake [Lower Lake Appeal 10.07.08.pdf \(nigc.gov\)](https://www.nigc.gov/Lower-Lake-Appeal-10.07.08.pdf) a location 65-75 highway miles from the Windsor site and situated in Lake County.

Based on the foregoing, I urge that this development be denied.

In the interest of full disclosure, I am a tribal citizen of the Federated Indians of Graton Rancheria but reside in Washington State. Regardless, these issues are germane for the members of my tribe, my extended family, and the residents of Windsor and Sonoma County.

William T. Meloy  
PO Box 580  
Burbank, WA 99323

**From:** pamhandley@tutanota.com <pamhandley@tutanota.com>  
**Sent:** Sunday, August 18, 2024 7:02 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] "EIS Comments, Koi Nation Shiloh Resort and Casino",

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What about the Chickasaw Nation of Oklahoma? They will fund, manage, and build this Shiloh casino resort adding more wealth to their already 11.4 billion dollar net worth. They win huge profits while the people who live here get a huge area of congestion, concrete, hot parking lots, and noise pollution abutting up against their neighborhoods and regional park, as well as 280,000 gallons of water taken from local resources. It's a great business plan by way of the Bureau of Indian Affairs. It makes it easier and easier to put up casinos everywhere and anywhere.

The Koi nation is made up of only 100 people that benefit from statewide gaming whether they have their own casino or not. Through the state's Revenue Sharing Trust Fund the tribe, like most in California, is allocated \$275,000 every quarter. The Koi have received a total of \$24.4 million since the plan's inception in 2000.

A compromise of a non gaming alternative of a hotel and winery would fit in better with the culture that is already here. This plan for a huge class III gaming complex is not welcome!!

Pam Handley  
185 Cordoba Way  
Windsor, CA 95492

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<https://tuta.com>

**From:** RICHARD BOYD <richard11boyde@comcast.net>  
**Sent:** Sunday, August 18, 2024 7:31 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] response to Koi Shiloh casino proposal

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Please see the attached letter.

August 22, 2024

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[Chad.broussard@bia.gov](mailto:Chad.broussard@bia.gov)

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

**Subject: EIS Comments, Koi Nation Shiloh Resort and Casino**

Dear Regional Director Dutschke:

I am a Sonoma County resident and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The environmental impact statement (EIS) released on July 8, 2024, contains so many vague assessments that one wonders how the BIA could even make a judgement about allowing the Koi Nation to take the land in question into trust. My objections to the EIS are far too numerous to discuss, but I will specify a few to document my objections.

My primary issue is with respect to the partnership between the Koi and the Chickasaw tribes. The Koi number less than 100, so there's no way they could run a casino of the size they are proposing. The Chickasaw certainly do know how to run a casino, and they are apparently trying to tap into the profit potential of California by their attempt to merge with a local tribe to create a new casino. The locals are pawns in the Chickasaw's effort to circumvent the fact that the proposed casinos are 1500 miles from their homeland. Furthermore, it would deliberately compromise the lives and livelihood of the local Indigenous tribes.

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply; wastewater; traffic; air, noise, and light pollution; wildfire risk and evacuation routes; law enforcement and public safety; housing value degradation; and other economic impacts. Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the EIS are framed as "Best Management Practices," but even when those are spelled out there is little assurance that they will occur. And the actual mitigation is rarely adequate.

For example, a huge concern of many of the local residents is how fire evacuation will occur. The EIS claims this will be solved by expanding Shiloh Rd. and Old Redwood Highway. But there is scant recognition that there are already more people who will need to be evacuated from the two new apartment complexes than were in the past two evacuations. The Shiloh-Old Redwood and Shiloh-101 intersections were clogged the last time we were evacuated. Adding all the residents from the two new apartment complexes and several thousand more from the proposed casino to this will be catastrophic. The EIS proposes that the thousands of occupants of the casino-hotel would be given an hour's advance notice of an evacuation order, so they could get out first. This isn't much solace

to the occupants of Windsor who would need to evacuate along Shiloh Road, since the casino complex evacuees would surely be clogging Shiloh Road as well as the subsequent intersections.

The EIS claims that fires like the last two disastrous ones that occurred in Sonoma County in the past few years won't create another emergency situation because of better advanced warning systems. However, I note that, in some cases, a fire might not give much of a head start. This would be the case of a "dry lightning" storm. One such storm occurred several years ago, and it started nineteen fires in this area. With no warning! It's clear why the EIS doesn't offer any real mitigation strategies for this situation. It can't be mitigated when the thousands of cars from the casino/hotel are added to our already expanded numbers.

There are so many other problems that are "solved" in the EIS by BMP, but often the solutions are not with the Koi's jurisdiction. In some cases, the EIS states that committees will be set up to study the problem, or an expert biologist will be hired to assess the situation. But those aren't solutions, they merely kick the can down the road.

In another section, it is stated that very little home devaluation occurs as a result of a casino. And the EIS refers to data for homes within a five-mile radius. That is a long way from the casino. It would be much more relevant to discuss home prices within a one-mile radius. Since there will be 25 times as many homes within a five-mile radius as within 1 mile, the number of homes at larger radius will dominate the statistics. This is semantic trickery.

For me the final blow in this EIS comes in section 3.14, where it is stated "**Future development along with project alternatives may cumulatively impact land resources, including topographic changes, soil loss, and seismic risk.** If this EIS is approved for any of the options A, B, or C, the wording of this statement is sufficiently vague that the Chickasaw would apparently have carte blanche to ultimately build whatever they want. irrespective of the many unmitigable environmental impacts.

I should note that I strongly support the efforts of local, indigenous tribes. Indeed, I am an honorary Native American (Santa Clara Pueblo, Taos, NM), which conveys both honor and responsibility. Especially because of this, the level of dishonesty and deceit in this EIS troubles me greatly. And the effort of the Chickasaw to establish a casino 1500 miles from their home may well be illegal. Authorizing even one instance of such casino shopping would set a terrible legal precedent.

This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impacts and avoid compromising the lives of the rightful local Indigenous people is for the Bureau of Indian Affairs to approve Option D, the environmentally preferred "no project" alternative in the EIS.

Sincerely,  
Richard N. Boyd, Ph.D.  
Grey Skyhawk  
5846 Leona Court  
Windsor, CA 95492



**From:** charjohnsf@gmail.com <charjohnsf@gmail.com>  
**Sent:** Monday, August 19, 2024 9:07 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments Koi Nation Shiloh Resort and Casino

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Mr. Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento CA 95825

**Re: EIS Comments  
Koi Nation Shiloh Resort and Casino**

Dear Mr. Broussard:

I am a Tribal Citizen and Elder of the Federated Indians of Graton Rancheria (FIGR), Rohnert Park CA. The purpose of my letter is to express my opposition to establishing trust land for the Koi Nation of Northern California so that they may pursue a gaming project in Sonoma County, California.

The Koi Nation (aka Lower Lake Rancheria) submitted a restored lands gaming application to the U.S. Department of the Interior (DOI) for a parcel located near the Town of Windsor in Sonoma County CA. This is nearly a 60-mile drive from the Koi Nation's ancestral home and cultural roots in the Lower Lake area of eastern Lake County where its rancheria was located. They claim Lake County as their ancestral home and even recently sued a town in the county for CEQA violations over a proposed development. There are many infrastructure issues with the Windsor site (water, traffic and wildfire risks, etc.) that must also be addressed but I will leave that to other agencies.

One of the duties of the DOI, Bureau of Indian Affairs, is to protect tribal sovereignty. The proposal set forth by the Koi Nation is doing the exact opposite. Unlike Plains Indians and elsewhere, **California Indian tribes were not removed and relocated from our ancestral homelands - we were decimated in place.** As my Tribe and others rebuild, our Tribal Citizens are returning to our ancestral territories. My Coast Miwok great-grandmother was born in Nicasio CA and relocated to Petaluma CA for the remainder of her life as did all her children and many of our subsequent family members. I, and other family, still reside in or maintain a home in Sonoma County.

The Chickasaw Nation of Oklahoma currently owns 23 casinos and some 200 businesses. How many they "manage" is unknown. They are supporting the Koi Tribe to establish a major gaming destination outside their ancestral homelands. The Chickasaw will fund, build, and manage this resort/casino for the 90-member Koi tribe and take most of the profits back to Oklahoma. Hopefully

they are not duping The Koi Nation. Also, according to the EIS, River Rock (Dry Creek Pomo) could lose up to 25% of their income not to mention the destruction of other tribes' indigenous cultural artifacts during the construction. This potentially will engage local tribes to compete against one another....and not in a good way.

The Federated Indians of Graton Rancheria is comprised of both Coast Miwok and Southern Pomo Indians in our federally assigned ancestral homeland of Marin and Southern Sonoma counties, California. We followed the rules and Koi must as well! The Koi Nation's casino must remain in their true homeland in Lake County. A significant historical connection to our Southern Pomo territory cannot be based on trade routes or a family traversing through our territory or other post-European contact history. **Other tribes have tried to acquire gaming sites outside their ancestral territory and were denied. The DOI was correct to do so and the same should apply for Koi.** Be reminded that Koi attempted to take land into Trust in 2012 next to the Oakland Airport. That accurately was denied by the BOI. The Department of the Interior has never taken land into Trust for a tribe farther than 15 miles from its homeland or where its first U.S.-established reservation was located.

While I support the right of all tribes to restore their homelands and pursue gaming or other economic opportunities on their homelands, I cannot support this project. Koi's flawed claim of historic connection to Windsor undermines tribal sovereignty and would be detrimental to and establish a dangerous precedent for the Indian tribes of Sonoma County, in California, and all Indian Nations. Allow the Koi Nation to pursue another casino location in THEIR ancestral territory and not within FIGR's and other tribes' boundaries.

I appreciate your attention to this important concern and trust that you will deny this Shiloh project.

Respectfully submitted,  
Charlotte L. Johnson  
736 Lake Street #2, San Francisco CA 94118-1275  
[charjohnsf@gmail.com](mailto:charjohnsf@gmail.com)

**LETTER MAILED TO AMY DUTSCHKE, REGIONAL DIRECTOR**

**From:** Jennifer Westly <jenowes8@gmail.com>  
**Sent:** Monday, August 19, 2024 9:25 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] RE: Koi Nation Shiloh Resort and Casino- Resident comment

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Hello Mr. Broussard,

I am writing to you to express my opposition to the Shiloh Resort and Casino project. As a lifelong Sonoma County resident, I am shocked and appalled by the location of this proposal. I will allow you to read my attached letter expressing my concerns. Please do what is right for our community, and stop this proposal.

I have attached my comments for your review.

Regards,  
Jennifer Westly  
5934 Yerba Buena Rd, Santa Rosa, CA 95409

August 22, 2024

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

**Subject: EIS Comments, Koi Nation Shiloh Resort and Casino**

Dear Regional Director Dutschke:

I am a Sonoma County resident and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) released on July 8, 2024, contains complex, technical information and is virtually impossible for a layperson to understand or comment on. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved.

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts. Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the DEIS are framed as best management practices, but there is no guarantee that they will occur. I am very concerned that the Bureau of Indians Affairs is rushing this process, has not adequately considered the local environmental impacts, and cannot guarantee or enforce the mitigation that is proposed.

We support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,

Jennifer Westly  
5934 Yerba Buena Road  
Santa Rosa, CA 95409

**From:** Sidnee Cox <sidnee@sonic.net>  
**Sent:** Monday, August 19, 2024 10:35 AM  
**To:** Broussard, Chad N  
<Chad.Broussard@bia.gov>; town council@townofwindsor.com <towncouncil@townofwindsor.com>  
**Subject:** [EXTERNAL] Re: EIS Comments, KOI Nation Shiloh Resort & Casino, Windsor

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Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
chad.broussard@bia.gov

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W?V2820, Sacramento, CA 95825

**Re: EIS Comments, Koi Nation Shiloh Resort and Casino Project**

**Dear Mr. Broussard and Ms. Dutschke,**

Thank you for this opportunity to submit public comment regarding the Environmental Impact Statement for the proposed Koi Nation Shiloh Resort and Casino Project. I've read the 278 pages of the EIS, as well as most of the supplemental attachments. I oppose this project for the reasons discussed below.

I understand that in 2019, the Koi Nation became a federally recognized tribe, and in 2021 they purchased the 68 acre vineyard adjacent to Windsor, CA. The Koi Nation intends to establish this site as their sovereign land.

The problem? They don't plan on living there according to the EIS. They plan on building a massive casino complex that will bring thousands of daily visitors, gamblers, vacationers, partiers, and concertgoers, (requiring over a thousand employees), to an agricultural property that contains a vineyard with seasonal waterway (Pruitt Creek, a tributary to the Russian River), as well as several federally protected species. The site is also next to neighborhoods with many homes, as well as apartments filled with families and kids. A county regional park (Shiloh, Regional Park) frequented by hikers, cyclists, and equestrians, and a family friendly park

(Esposti Park) with two baseball fields for Little Leaguers and sports teams is right across the street. On an average weekend, the Esposti parking lot can be full.

We understand the Koi lost their homeland in Clear Lake generations ago and have been residing in other areas such as Sebastopol and Santa Rosa. They want a place to call home. Of course that is understandable.

But a home is NOT a 68 acre casino complex that consists of a 400 (or 200) room hotel, multiple restaurants, gaming facilities, spa, entertainment theater, parking garage for thousands of cars, waste water treatment plant, etc.. The Koi resort project will be a cooperative business venture with the Chickasaw from Oklahoma. The Chickasaw will be financing, building, and operating this project.

This planned resort, which is supposed to reclaim a sovereign place for the Koi to call home, is not only going to cause profound harm to the land and environment, it will also put the surrounding roadways, neighborhoods and recreational parks at risk. The EIS is required to delve deeply into these risks and determine the extent of the harm and explore possible mitigation strategies. Reading through this extensive report, it is obvious that there are too many sources of harm to be mitigated. (“Best Management Practices” are not mitigation and will not render the impacts “less than significant.”)

This proposed Koi project will significantly impact air quality, water resources (i.e. well water depletion), crime rates, Pruitt Creek contamination, traffic circulation, fire evacuation, public services, and cause noise and light pollution. No amount of mitigation will change these facts.

A massive casino complex must not be erected on this site (identified as Alternative A and B). Neither should Alternative C- “the non-gaming alternative” which consists of a 200 room hotel with 20,000 sq ft. winery, 5,000 sq ft. visitor’s center, spa, restaurant, water and wastewater treatment facility, parking lots, etc. And since the Koi will partnering with the Chickasaw, who own and operate 23 casinos in Oklahoma, including the largest casino in the U.S., how long will it be before Alternative C is turned into Alternative A or B?

Option D, “No action alternatives” would allow the land to remain in its existing condition and not taken into trust “for the foreseeable future.” No environmental effects would occur. Pursuant to 40 CRF section 1502.14 (f), Alternative D was determined to be the environmentally preferred alternative.

It is imperative that the Koi procure an alternative site to pursue their business objectives “in order to best meet the tribe’s objectives and provide the greatest socioeconomic benefit to the Tribe and the surrounding community.”

I have lived in Windsor since 1987. When our town was incorporated in 1992, a community separator and Urban Growth Boundary was established to provide critical open space directly south of town (now the location of the proposed casino project). This open space proved to be a vital firebreak during the Kincadee fire in 2019 that threatened to destroy most of Windsor. The flames came within a half mile of our neighborhood on East Shiloh.

It is my prayer and fervent intention that objective logic and clear vision will prevail, and the BIA will not allow this land to be taken into trust for these project alternatives.

The neighbors of southeast Windsor are exercising our rights as property owners, voters, taxpayers, and stewards of our land. We remain firmly dedicated to opposing this development so we may continue to enjoy a safe and peaceful environment for our families, our community, and our longtime neighbors.

We support the Federated Indians of Graton Rancheria and the Dry Creek Rancheria of Pomo Indians that own and operate the Graton Casino and River Rock Casino, respectively, in Sonoma County.

**Some final questions:**

- What federal, state or local protections will the environment have if this land is taken into trust?
- Who would monitor the environmental impact on an ongoing basis?
- What steps can be taken by any jurisdiction if environmental requirements are not followed?
- What sort of precedent will be set if the Chickasaw Nation is allowed to get a foothold into the gaming industry in Sonoma County and California?

Thank you for your time on this critical matter.

Sincerely,

Sidnee Cox  
5846 Leona Court  
Windsor, CA 95492





Graton Resort and Casino  
Rohnert Park



River Rock Casino, Geyserville



Proposed Koi Casino and  
Resort Complex just outside  
Windsor's southern boundary.

Above left, Graton Casino, Rohnert Park, is in an industrial and business zone. Above, River Rock Casino, Geyserville, is in a rural area, distant from any developments.

Below, left, the proposed Koi Casino will be located at Windsor's southern boundary. It will be adjacent to residential neighborhoods. The two new apartment complexes impacting evacuation routes are shown in orange.

The proposed Koi project alternatives A, B and C will have significant environmental impact on water resources, traffic, air quality, public services, evacuation planning in emergencies, and more. The most recent EIS does not reduce these impacts to "less than significant."

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

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

Re: EIS Comments, Koi Nation Shiloh Resort and Casino Project

Dear Mr. Broussard and Ms. Dutschke,

Thank you for this opportunity to submit public comment regarding the Environmental Impact Statement for the proposed Koi Nation Shiloh Resort and Casino Project. I've read the 278 pages of the EIS, as well as most of the supplemental attachments. I oppose this project for the reasons discussed below.

I understand that in 2019, the Koi Nation became a federally recognized tribe, and in 2021 they purchased the 68 acre vineyard adjacent to Windsor, CA. The Koi Nation intends to establish this site as their sovereign land.

The problem? They don't plan on living there according to the EIS. They plan on building a massive casino complex that will bring thousands of daily visitors, gamblers, vacationers, partiers, and concertgoers, (requiring over a thousand employees), to an agricultural property that contains a vineyard with seasonal waterway (Pruitt Creek, a tributary to the Russian River), as well as several federally protected species. The site is also next to neighborhoods with many homes, as well as apartments filled with families and kids. A county regional park (Shiloh, Regional Park) frequented by hikers, cyclists, and equestrians, and a family friendly park (Esposti Park) with two baseball fields for Little Leaguers and sports teams is right across the street. On an average weekend, the Esposti parking lot can be full.

We understand the Koi lost their homeland in Clear Lake generations ago and have been residing in other areas such as Sebastopol and Santa Rosa. They want a place to call home. Of course that is understandable.

But a home is NOT a 68 acre casino complex that consists of a 400 (or 200) room hotel, multiple restaurants, gaming facilities, spa, entertainment theater, parking garage for thousands of cars, waste water treatment plant, etc.. The Koi resort project will be a cooperative business venture with the Chickasaw from Oklahoma. The Chickasaw will be financing, building, and operating this project.

This planned resort, which is supposed to reclaim a sovereign place for the Koi to call home, is not only going to cause profound harm to the land and environment, it will also put the surrounding roadways, neighborhoods and recreational parks at risk. The EIS is required to delve deeply into these risks and determine the extent of the harm and explore possible mitigation strategies. Reading through this extensive report, it is obvious that there are too many sources of harm to be mitigated. ("Best Management Practices" are not mitigation and will not render the impacts "less than significant.")

This proposed Koi project will significantly impact air quality, water resources (i.e. well water depletion), crime rates, Pruitt Creek contamination, traffic circulation, fire evacuation, public services, and cause noise and light pollution. No amount of mitigation will change these facts.

A massive casino complex must not be erected on this site (identified as Alternative A and B). Neither should Alternative C- "the non-gaming alternative" which consists of a 200 room hotel with 20,000 sq ft. winery, 5,000 sq ft. visitor's center, spa, restaurant, water and wastewater treatment facility, parking lots, etc. And since the Koi will partnering with the Chickasaw, who own and operate 23 casinos in Oklahoma, including the largest casino in the U.S., how long will it be before Alternative C is turned into Alternative A or B?

Option D, "No action alternatives" would allow the land to remain in its existing condition and not taken into trust "for the foreseeable future." No environmental effects would occur. Pursuant to 40 CRF section 1502.14 (f), Alternative D was determined to be the environmentally preferred alternative.

It is imperative that the Koi procure an alternative site to pursue their business objectives "in order to best meet the tribe's objectives and provide the greatest socioeconomic benefit to the Tribe and the surrounding community."

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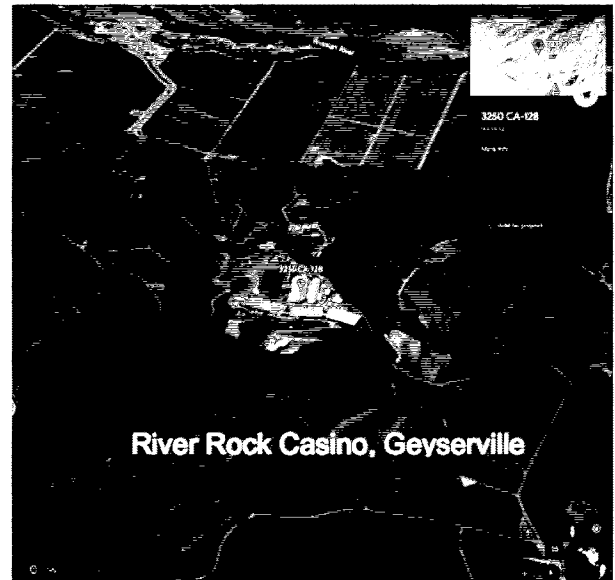
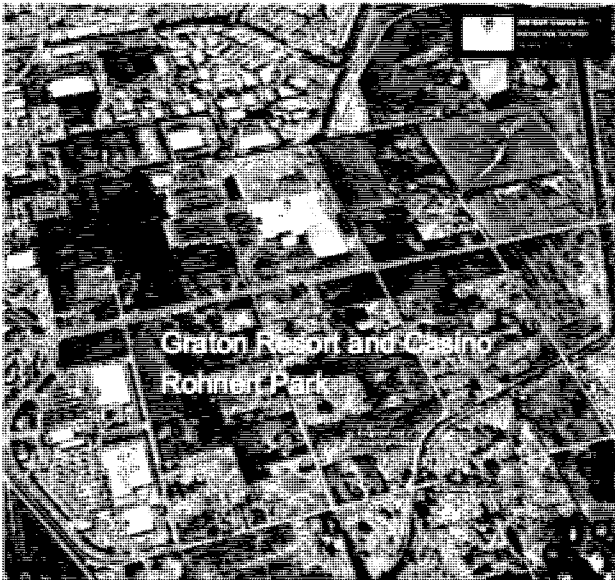
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The neighbors of southeast Windsor are exercising our rights as property owners, voters, taxpayers, and stewards of our land. We remain firmly dedicated to opposing this development so we may continue to enjoy a safe and peaceful environment for our families, our community, and our longtime neighbors.

We support the Federated Indians of Graton Rancheria and the Dry Creek Rancheria of Pomo Indians that own and operate the Graton Casino and River Rock Casino, respectively, in Sonoma County.

Some final questions:

- What federal, state or local protections will the environment have if this land is taken into trust?
- Who would monitor the environmental impact on an ongoing basis?
- What steps can be taken by any jurisdiction if environmental requirements are not followed?
- What sort of precedent will be set if the Chickasaw Nation is allowed to get a foothold into the gaming industry in Sonoma County and California?



Above left, Graton Casino, Rohnert Park, is in an industrial and business zone. Above, River Rock Casino, Geyserville, is in a rural area, distant from any developments.

Below, left, the proposed Koi Casino will be located at Windsor's southern boundary. It will be adjacent to residential neighborhoods. The two new apartment complexes impacting evacuation routes are shown in orange.

The proposed Koi project alternatives A, B and C will have significant environmental impact on water resources, traffic, air quality, public services, evacuation planning in emergencies, and more. The most recent EIS does not reduce these impacts to "less than significant."

Sincerely,

Sidnee Cox

**From:** Brenda Ayres <brendaayres50@yahoo.com>  
**Sent:** Monday, August 19, 2024 2:18 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

We are grandparents in our 60's, who have lived almost our entire lives in Sonoma County, first in Santa Rosa and now Windsor. We are appalled by the idea of putting another casino, that this county does not need, in the heart of our beautiful town. Many of us living in this county are suffering the effects of PTSD from a fire that swept through in 2017, that wiped out over 6500 homes in our area (We were one of them, that lost everything). We all were gridlocked, so scared as the fire was upon us and we couldn't get out of our neighborhoods fast enough. And then two years later, we had to do it all over again, as the whole of Windsor was evacuated. To put this ridiculous size casino here on these two lane little roads, on agricultural land, right next to a beautiful county park, and a neighborhood filled with beautiful homes in a peaceful setting, is just pure evil. We drive down that two-lane road every week to go take a peaceful hike at Shiloh Park, and it just pains us to think that this area could be in ruins, by an ungodly site of yet another casino that we don't need at all in this county. What we need is some decent people of the Koi Nation who actually care about other people, and the environmental impact that this monstrosity will have on our beautiful town and be brave enough to stand up, speak up and stop this from happening. We are 100% against this and shame on those who encourage it.

Thank You,  
Brenda and Stewart Ayres  
Retired Nurse and Retired Civil Inspector  
Residents of Windsor, Ca  
Sent from my iPhone

**From:** Michele Pellagrini <[mpellagrini@gmail.com](mailto:mpellagrini@gmail.com)>  
**Sent:** Monday, August 19, 2024 2:56 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] RE: Koi Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Michele Pellagrini  
236 Maili Ct  
Windsor, CA 95492  
[mpellagrini@gmail.com](mailto:mpellagrini@gmail.com)  
8/19/2024

Chad Broussard

Amy Dutschke

Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

Dear Chad Broussard and Amy Dutschke,

I hope this letter finds you both well. I am writing to you today with deep concern and a heavy heart regarding the proposal to build the Koi Nation casino near our beautiful town of Windsor, just down the road from our residential home, neighborhoods and various local schools. As a long-time resident of this community, I feel compelled to voice my strong objections to this development, which I believe poses significant risks to our safety, quality of life, and overall community wellbeing.

Our town has always been known for its peaceful, family-friendly atmosphere. The recent influx of families seeking solace in our quiet streets and the vibrant activity at our local baseball park, where young children enjoy their T-ball games, is a testament to the kind of community we cherish. The prospect of a casino situated so close to these beloved spaces threatens to disrupt this tranquility and introduces a range of issues that we are ill-prepared to handle.

First and foremost, the safety of our community must be our highest priority. The sheer scale of a casino inherently brings an increase in traffic, which could overwhelm our already strained infrastructure. Our roads are not designed to accommodate the volume of vehicles that such a facility will generate, and the risk of accidents or emergencies will rise correspondingly. In case of a fire or any other urgent situation, the lack of sufficient roadways and emergency access could delay response times, putting lives and property in jeopardy.

Moreover, the presence of a casino could attract individuals engaged in illegal activities, including drug use, which could spill over into our local parks and other community areas. Our baseball park, a cherished venue for our children's sports activities, is particularly vulnerable. The thought of our

young ones being exposed to such negative influences is distressing, and the potential for increased crime around the park is a troubling scenario that we cannot afford to ignore.

Additionally, the financial and social impacts of the casino on our community are concerning. Our town lacks the necessary infrastructure to support such a large-scale operation, and the strain on local resources will undoubtedly be felt across various sectors. The potential increase in noise, traffic, and other disruptions will not only diminish the quality of life for residents but may also deter new families and businesses from moving to our area.

The construction of a massive casino near residential areas poses a severe threat to our already strained water supply and resources. This sprawling complex will consume vast amounts of water daily for its operations, landscaping, and guest amenities, potentially leaving nearby homes with reduced water pressure or even shortages. The casino's high-water demand will deplete local aquifers and reservoirs at an alarming rate, jeopardizing long-term water security for the entire community. Additionally, the increased population density from visitors and workers will put further stress on our sewage systems and water treatment facilities, potentially leading to contamination issues. This reckless development prioritizes short-term profits over the basic needs of residents, risking our community's sustainable future and quality of life.

This development, while perhaps promising economic benefits, seems to be a short-sighted decision that fails to consider the long-term consequences for our town. We are a community built on trust, safety, and shared values, and the proposed casino threatens to undermine these foundational elements.

I urge you to reconsider this project and keep our town a family friendly community that we cherish. Our peaceful streets, safe parks, and thriving schools are worth preserving, and it is our collective responsibility to protect them.

Thank you for taking the time to read my concerns. I hope you will take them into account and work towards a solution that prioritizes the wellbeing of our community.

Sincerely,

Michele Pellagrini

[Mpellagrini@gmail.com](mailto:Mpellagrini@gmail.com)

**From:** Paul Puntous <[ppuntous@wusd.org](mailto:ppuntous@wusd.org)>  
**Sent:** Monday, August 19, 2024 2:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh ranch project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing about the proposed Koi Nation Shiloh Ranch casino project. There are so many reasons why this is the worst possible location for something of this magnitude, and for a casino in general.

-Both Old Redwood Hwy and Shiloh Rd are two-lane roads. There is no way something like this could happen on such small roads. It would create endless traffic jams.

-There is a residential subdivision to the north, and three large apartment complexes to the northwest. There is a church directly to the west and a county park with hiking trails to the east. There are hundreds of families living literally across a two-lane street. A casino has no place in a residential neighborhood. This would bring sound and light pollution, as well as drunk driving and crime, both of which are well documented at the other two Sonoma county casinos. How could zoning laws permit such a thing? This is not to mention the negative impact on property values for the families living there.

-There isn't the infrastructure for water, sewer, wastewater treatment, etc.

-We have had to evacuate twice due to wildfires. Old Redwood Hwy was a parking lot, and was a nightmare for residents fleeing the oncoming flames. I cannot imagine the scenario with hundreds and hundreds of extra people at this proposed casino.

-Sonoma County has two casinos already. There is zero need for a third.

I hope this terrible idea is rejected. It will destroy this part of Sonoma County and the negative effects would impact hundreds of families. Please do not allow this to move forward.

Thank you for your consideration.  
Paul Puntous  
[ppuntous@wusd.org](mailto:ppuntous@wusd.org)

Paul Puntous  
Windsor Middle School



**From:** Lark Schumacher Coryell <lark@lark.net>  
**Sent:** Monday, August 19, 2024 3:50 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino EIS comments

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard et al,

As you have the full EIS report, I will keep this letter brief. Bottom line is that this project is WAY too big for rural, agricultural Sonoma County and needs to be seriously downsized.

The Environmental Impact Statement (EIS) concerning the Koi Tribe's proposed development on a 68-acre property in Sonoma County raises several significant concerns. The project includes a massive hotel, casino, and entertainment complex in a primarily residential, agricultural, and recreational area. The development's size, with 5119 parking spaces, a five-story hotel, and a casino, will likely disrupt the local environment and community. Key issues include the strain on transportation, with an inadequate Traffic Impact Statement based on limited data, and the potential impact on local water resources, particularly concerning the drawdown of wells and the necessity for extensive water and wastewater treatment facilities.

The proposed project will significantly alter groundwater conditions and potentially harm Pruitt Creek through pollutant discharge despite proposed management practices. Additionally, the wastewater treatment plant could generate considerable greenhouse gas emissions and odors, affecting nearby residents. The EIS downplays the impact of these issues and the potential consequences during wildfire evacuations, where increased traffic could impede emergency responses. The socioeconomic impact of the project is also concerning, with questionable claims about minimal effects on property values and crime rates, and inadequate mitigation measures for the anticipated increase in drunk driving incidents. In summary, the EIS fails to provide substantial evidence to support the proposed development's viability in this location. The impacts on transportation, water resources, and local socio-economic conditions are potentially severe, with inadequate mitigation plans. The proposed HUGE casino complex is completely out of place here in Sonoma County.

Please majorly downsize this project and make a big portion of the land parkland.

Thank you,

Lark

Lark Coryell, Partner

[lark@lark.net](mailto:lark@lark.net)

(707)888-4524

Brandhound Marketing

✿ SATURDAY, AUGUST 3, 2024

TO: Amy Dutachke

We are native Californians; our daughter is a 5<sup>th</sup> generation Sonoma County.

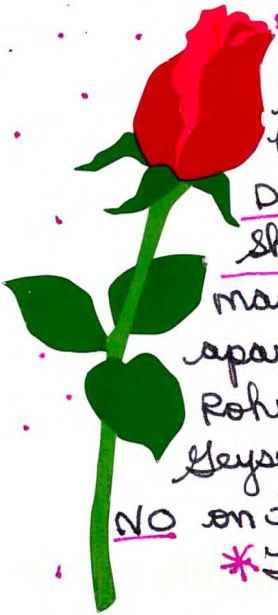
We are writing to beseech you to please DENY/VOTE NO on the proposed KOI casino Shiloh Rd in Windsor. There are too

many casinos now: approx. 25 miles apart off of HWY 101 = Graton Casino in Rohnert Park and Reiner Rock Casino in Geyserville. Please, please VOTE

NO on the proposed KOI Indian casino.

\*Thank you! G. Wilson & family

Sonoma Cnty, CALIF.



**From:** Elizabeth Acosta <acostalcs@gmail.com>  
**Sent:** Thursday, August 22, 2024 5:00 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] DEIS Comments/Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Please accept the attached letter and supporting document as public comment on the Shiloh Resort and Casino Project (Koi, Sonoma County, CA).

Please confirm receipt of this email and attachments (2).  
Thank you.  
E. Acosta

Sent via email to [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

August 22, 2024

RE: DEIS Comments, Shiloh Resort and Casino Project

Mr. Broussard,

We were initially heartened to read that—unlike the original EA—there is at least some acknowledgement in the DEIS that there are significant and potentially significant impacts to the surrounding environment. However, we remain skeptical that the Department has full understanding and facts due to a flawed and inadequate DEIS that fully reflects the very significant and devastating impact this project would have on the local community. **There is a reason ALL of our local, county, state, and federal representatives have joined local indigenous tribes to oppose this project.** It sets a dangerous precedent by not only dismissing the environmental impacts but also by ignoring the will of California voters, California law, and potentially extrapolating unprecedented legal applications of federal laws.

**We agree and want to reiterate current and prior comments submitted by the Town of Windsor, the Sonoma County Board of Supervisors, Senator Mike McGuire, Representatives Mike Thompson and Jared Huffman, U.S. Senator Alex Padilla, Governor Gavin Newsom, and all five federally-recognized indigenous Sonoma County tribes who remain unified in their opposition to this project.**

**The DEIS presents significant shortcomings in addressing the potential impacts of the Project on water resources, including groundwater, surface water, and floodplain management.** We concur with all numerous points the Town of Windsor identified citing critical deficiencies that, if left unaddressed, could lead to severe and unmitigated adverse impacts on the region's water resources, with potentially long-lasting consequences including: failure to fully analyze the impacts of groundwater extraction and unsustainable mitigation to compensate neighbors; inadequate monitoring plan; no plan for ensuring long term sustainability of water resources; an illegal plan for use of recycled water; use of outdated maps for flood planning; inadequate wastewater storage plans and overall problematic wastewater management proposals; inadequate plans to preserve and protect wetlands and riparian areas; inadequate plans to protect native threatened species; failure to consult with local tribes; failure to thoroughly identify all tribal cultural resources on the project site; failure to adequately address affordable housing impacts for local workers; failure to adequately address impacts on public services while relying on unenforceable and vague “agreements;” significantly flawed traffic studies; seriously insufficient emergency management analysis of evacuation times, potential bottlenecks, and mitigation measures which directly impact the safety of both residents and visitors in the event of a wildfire (this is not hypothetical - we lived through this three times since 2017!); fails to adequately address the impacts of converting agricultural land to a commercial gaming facility, which is inconsistent with the County's Land Intensive Agriculture designation; the cumulative effects analysis in the DEIS is insufficient and does not fully account for the combined impacts of the project on

water and other natural resources, traffic, housing, and public services alongside other planned developments in the region.

In addition:

- The restored lands exception being employed by proponents of this project applies only where a casino “would not be detrimental to the surrounding community” and only where the state’s governor concurs in that determination. The California governor has made clear he does not concur.
- For generations, the Koi were situated on the shores of Clear Lake, a 55-mile drive from the proposed site. No tribe has previously been allowed to take “land into trust,” necessary for any gaming license, for a casino located more than 15.5 miles from their reservation or rancheria.
- There is no oversight authority to enforce any mitigation measures listed.
- On its face, it is absurd to conclude the development will have no impact on the environment or surrounding community where no development currently exists.
- The tribe has no ties to this community. All local elected and tribal leaders oppose this distorted interpretation of the law to “poach” land from other native peoples.
- This development flagrantly neglects CA law and the will of the people to permit gaming but without significant impact to surrounding communities.
- Any potential benefit is short term. The local, county, and state has weighed in and rejects this project and does not see any temporary employment as mitigating the significant long-term impacts this project will have. The sole beneficiary is the tribe, with possible short-term benefit to traveling out-of-town construction crews. The local and county community that surrounds this project site is wholly opposed and will not see a net benefit.
- Traffic will be significant. And during events like we recently endured in the 2017, 2019, and 2020 wildfires, this would cost lives! The economic and destabilizing impact the fires had on the community can not be underestimated nor mitigated.
- The report states there will be at least potential significant impact to noise, land use, public services. You must consider the dangerous precedent this project sets by allowing this type of project adjacent to a mobile home park, single family home neighborhood, and large multi-family housing complexes. It is critical that any analysis use maps of the entire, populated surrounding area, not simply maps showing the project site and adjacent open space to the east.
- We argue many of our comments re: the EIS in March, 2024 remain valid for the DEIS and are included in this email as a separate attachment and submitted for your reconsideration.

We also call on the Department to ensure all decision-makers in this process who have any authority or influence on the Department’s decision remain neutral. It has come to our attention that Bryan Newland, Asst. Secretary is a former lawyer for the Koi Nation. **We urge Secretary Haaland to remove Mr. Newland and others who have any appearance of a conflict from influencing decision-making and dispositions regarding this project.**

Of the possible project alternatives under consideration, we argue that to-date testimony and comments expressing concern on the Koi project because of the actual, potential, and cumulative environmental impacts to water resources, land use, air quality, native

populations' sovereignty, traffic, crime, animal species and habitat, and human quality of life remain valid and must be seriously considered in the DEIS. The DEIS must thoroughly, accurately, and realistically assess all the impacts raised by this and our prior letter, current residents, and local and tribal government officials. We argue that **if the DEIS adheres to NEPA's mission and intent, the only viable options that "protect, restore, and enhance the environment" and "avoid or minimize adverse impacts or enhance the quality of the human environment" are (1) an alternate-use, reduced intensity, non-gaming alternative, or (2) a no-action alternative.**

Thank you for the opportunity to comment.

Regards,

Stephen Rios and Elizabeth Acosta  
Windsor Residents (Sonoma County)  
[acostalcs@gmail.com](mailto:acostalcs@gmail.com)

ATTACHMENT

Sent via email to [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

March 29, 2024

Mr. Broussard,

Thank you for the opportunity to comment on the potential issues, concerns, and alternatives to be considered in the EIS re: the Koi Nation of Northern California Shiloh Resort and Casino Project. As stated in our previous comments, we join the Town of Windsor, County of Sonoma, all five federally recognized Sonoma County tribes, U.S. Representatives Huffman and Thompson, and residents of Windsor to urge rejection of this Project given the **unmitigable and irreversible impacts of the Shiloh resort/casino project put forth by the Koi Nation.**

Our understanding of the purpose of NEPA is to “make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment” and that the EIS “shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.” **We are confident that your analysis will find that environmental impacts of the proposed Koi project will *negatively and irreversibly impact the environment and will worsen the quality of the human environment.*** At the risk of repeating ourselves, we have attached our comments submitted November, 2023 primarily to ensure the information and evidence we cite are considered in your EIS. In addition, we are submitting the following current, pertinent information.

[Map Nov 2023](#)



In our November, 2023 comments on the EA, we expressed concern that a map submitted in the EA (to the BIA) misrepresented the environmental impacts in that it provided an incomplete picture of the

surrounding community; aerial views were cropped to exclude viewing the presence of surrounding residential neighborhoods. Noted in the map above, the project site is surrounded by a high-density apartment building now under construction (“A”), a church (“B”), a mobile home park (“C”), and residential neighborhoods (“D”). This broader view shows the project site is immediately surrounded by neighborhoods that will be negatively impacted by a large scale project such as this.

The EIS analysis must consider the context and timing of the proposed casino. Since providing the map above in our November, 2023 comments on the EA, the Town of Windsor has approved several projects, others are now under construction and/or nearly move-in ready. The map below shows the location of the new/approved residential projects which were not indicated in the November, 2023 map (above). The new residential projects, highlighted in blue, are listed in Windsor’s Major Project List. See attached “Town of Windsor Major Project List Updated January 2024” publication (See also: <https://www.townofwindsor.com/1450/Major-Development-Construction-Project-L>). We have marked the relevant pages with a red “star” but hope you will also glean the number of planned development projects already underway in the Town of Windsor, some due to State housing mandates; the Koi project will have a dramatic cumulative impact on environmental conditions due to its size and scope (e.g., traffic, water runoff and flooding, loss of wildlife habitat, vehicle emissions, emergency operations and evacuations). Please visit the actual site and look at the significant amount of development that includes high density affordable housing and senior living facilities which will attract low-income seniors and families, and BIPOC citizens. A major 24/7 resort and gaming project will have disproportionate impact on these socioeconomically vulnerable populations.

Map Jan 2024



Together, these additional housing projects alone will add over 500 residential units (primarily low income, high density) which will easily add 1-2,000 more people to the vicinity. Not shown on the map are additional commercial projects approved or currently under review which will bring added commercial traffic to nearby major intersections especially Hwy 101 @ Shiloh Rd (See: “Town of



Windsor Major Project List Updated January 2024”). Of note, the prospect of adding a development the size and scope of the Koi project has further alarmed nearby residents who dread a repeat of recent wildfire events. The cumulative environmental impacts of the Koi project on existing planned, residential development in the vicinity will be exacerbated. The proximity of the Koi project site to recent wildfires (to the east, Shiloh Park) can be seen below.

#### Map w/Shiloh Park



NEPA requires that, if a project would have significant adverse effects on the environment, mitigation for those impacts must be identified. Identification is no guarantee of implementation. Who will ensure enforcement of mitigations? Once lands are taken into trust, local, state, and federal agencies will lose regulatory oversight of the land use and any ability to enforce compliance with mitigations offered or required. Further, there is no guarantee the development would cease with the proposed project. There may be no recourse to inhibit future development or expansion of the project site, which would be after any NEPA-required environmental assessment. Local governments, regulatory agencies, and residents will lose any right to influence policy that protects the environment and its natural resources where they reside. Homeowners and others who reside adjacent to the project site may have no other way to mitigate impacts but to move. That, by definition, is an adverse impact.

Finally, we are in agreement and strongly urge you to thoroughly evaluate the items needing analysis suggested by the Town of Windsor in its draft letter dated April 4, 2024. Specifically:

**“The conclusions in the EA regarding less-than-significant impacts in many of these areas were inaccurate or not adequately supported by evidence. The Town expects the EIS analysis to use up-to-date data, local policies/plans, reasonable assumptions, and technical best practices.”** (emphasis added)

“The Town is also in agreement with the issues and concerns raised in the EA comment letter submitted by the Sonoma County Counsel on behalf of the County of Sonoma, dated November 13, 2023. **The Town strongly recommends that the issues and concerns outlined in the Sonoma County Counsel’s letter be considered and analyzed in the EIS.**” (emphasis added)

“One of the major concerns with the currently proposed location is its proximity to existing low-intensity residential neighborhoods in Windsor. The proposed casino resort

of this size and operational capacity would be incompatible with, and detrimental to, the quiet residential character of the surrounding neighborhoods at the current site.”

“With the information and analysis currently available, the Town finds that only the no project alternative guarantees that no significant adverse impacts will occur. Beyond the proposed project and alternative location, the EIS must include the no project alternative in its analysis. Additionally, the Town recommends the EIS evaluate any other potentially feasible alternatives that could reduce the intensity and scale of the project to minimize environmental impacts and impacts to community character.”

Of the possible alternatives under consideration, we argue that to-date testimony and comments expressing concern on the Koi project because of the actual, potential, and cumulative environmental impacts to water resources, land use, air quality, native populations' sovereignty, traffic, crime, animal species and habitat, and human quality of life remain valid and must be seriously considered in the EIS. The EIS must thoroughly, accurately, and realistically assess all the impacts raised by this and our prior letter, current residents, and local and tribal government officials. We argue that **if the EIS adheres to NEPA's mission and intent, the only viable options that “protect, restore, and enhance the environment” and “avoid or minimize adverse impacts or enhance the quality of the human environment” are (1) an alternate-use, reduced intensity (non-gaming) alternative, or (2) a no-action alternative.**

Thank you for the opportunity to comment.

Regards,

Stephen Rios and Elizabeth Acosta  
Windsor Residents (Sonoma County)  
[acostalcsw@gmail.com](mailto:acostalcsw@gmail.com)

**From:** eaglet333@aol.com <eaglet333@aol.com>  
**Sent:** Tuesday, August 20, 2024 8:59 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To Mr Chad Broussard,

My name is Virginia Burns and we live at Shamrock Retirement Community off Old Redwood Highway. My husband and I are seniors and moved to Santa Rosa in 2006. We loved the quiet, beautiful nature and peaceful area.

We would drive to River Rock Casino in Geyserville for date night on Fridays. It was something we looked forward to.

Both River Rock and Graton Casino roads were easy access for vehicles.

Now with the proposed building of another Casino with already congested roads, poses a detrimental danger to lives already living here.

When we moved here in 2006, there were no large structures blocking traffic. We could drive on Old Redwood and turn onto Shiloh to enter the freeway. Now, there are four huge complexes with residential and retail stores on Old Redwood alone!

My concern along with others is simple. What happens if there is another fire like 2017? The streets and freeway were dangerously congested. What would it be like when all four structures are occupied and an emergency occurs? Now you want to build a mega Casino, hotel, parking garage, retail! What happens when everyone needs to exit due to a disaster? Total chaos and death!

Please reconsider your plans. Help us and your possible customers stay alive! Please don't turn our community into a death trap!

Thank you,

Virginia Burns  
121 Shamrock Circle  
Santa Rosa, CA. 95403

**From:** Don Getts <gettsd@sbcglobal.net>  
**Sent:** Tuesday, August 20, 2024 9:10 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Nation Casino Project/Windsor CA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Another new casino project in Sonoma County is the last thing that we need. Particularly since the Graton Tribe Casino in Rohnert Park is in the final stages of a huge expansion. Casinos do not bring in a good crowd to our county. What about the additional traffic issues? Where's the water coming from?

Time to reign in this type of growth in Sonoma County. I'm a solid no vote on this proposed development!

Don Getts

I213

**From:** James Fletcher <james287@aol.com>  
**Sent:** Tuesday, August 20, 2024 10:13 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** Abby Johnson <abbyljo@yahoo.com>  
**Subject:** [EXTERNAL] Koi Casino Letter

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello Mr. Broussard here is my letter with my concerns with the Casino Project.  
Sincerely , James Fletcher

August 23, 2024

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

**Subject: EIS Comments, Koi Nation Shiloh Resort and Casino**

Dear Regional Director Dutschke:

I am a Sonoma County resident and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) released on July 8, 2024, contains complex, technical information and is virtually impossible for a layperson to understand or comment on. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved.



Figure 1. New 121 unit Affordable Housing at Old Redwood and Shiloh Road



*Figure 2. New Housing Development at Old Redwood and Merner Drive*

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts. Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the DEIS are framed as best management practices, but there is no guarantee that they will occur. I am very concerned that the Bureau of Indians Affairs is rushing this process, has not adequately considered the local environmental impacts, and cannot guarantee or enforce the mitigation that is proposed. Shiloh

Road was only to be a 2-lane road as per the Windsor Town Council. It takes 30 minutes to get on 101 during the morning traffic. Evacuation during a wildfire would be tenuous at best.



*Figure 3. My house burning in 2017*





Figure 4. Traffic at Old Redwood and Shiloh Road at 0845.

We support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred “no project” alternative in the DEIS.

Sincerely,

James D Fletcher  
5850 Leona Court,  
Windsor CA 95492

**From:** Pat Riley <patr@americantank.com>  
**Sent:** Tuesday, August 20, 2024 2:04 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** pat and bonnie riley <pbriley@hotmail.com>  
**Subject:** [EXTERNAL] EIS comments , KOI Nation Shiloh Resort & Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hi Chad;

I appreciate you making time to read over my email note concerning the proposed Shiloh Resort & Casino in the Windsor, CA area.

My wife and I have been long time residents of Windsor for over 30 years and have enjoyed the small town and family atmosphere that has been present since moving to this area.

Still enjoy and use the many parks and walking areas around this town.

With this in mind I must respond to the overall project that the KOI Nation is seeking approval of from all parties concerned.

Frankly I must state my complete opposition to this project for many reasons but specifically its complete incompatibility to the Towns current and past nature and family atmosphere that has existed while my family has resided here.

A Casino filled with slot machines and gambling going on all day and night and all elements associated with this venue just does not fit with our town and especially the location planned in an existing vineyard across from an established residential neighborhood with at least one school and large park in the immediate area.

Also the Event Center that is planned and massive amount of parking is just overwhelming to grasp for this area all at two lanes now.

Further the demand to our potential water needs and any evacuation requirements due to fires ( which have occurred recently) is also very disturbing . I am sure this Project would unfortunately add to crime and similar other negative impacts to our Town and demands on our Police .

Every aspect of this Project I am opposed to and hope this will be considered by all parties involved in this decision process and turn this request down for this area in the Town of Windsor.

Again I appreciate all involved in deciding to approve or deny this Project for considering my concerns and request to rejecting this Project and Casino.

Thank You

Pat Riley

Home & mailing adress :

**Pat Riley**  
**173 Cordoba Way**  
**Windsor, Ca 95492**

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**From:** Sidnee Cox <sidnee@sonic.net>  
**Sent:** Tuesday, August 20, 2024 2:15 PM  
**To:** Broussard, Chad N  
<Chad.Broussard@bia.gov>; townCouncil@townofwindsor.com <townCouncil@townofwindsor.com>  
**Subject:** [EXTERNAL] Re: EIS Comments revised 8-20-24: Koi Nation Shiloh Resort & Casino, Windsor

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello,

Please see the revised letter below and attached dated Aug. 20, 2024 regarding my EIS Comments, Koi Nation Shiloh Resort and Casino, Windsor. Also attached is the Aug. 16th letter from Gov. Newsom's office.

Thank you,  
Sidnee Cox

**August 20, 2024**

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)  
Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W 2820, Sacramento, CA 95825

**Re: EIS Comments, Koi Nation Shiloh Resort and Casino Project**

**Dear Mr. Broussard and Ms. Dutschke,**

Thank you for this opportunity to submit public comment regarding the Environmental

read the 278 pages of the EIS, as well as most of the supplemental attachments. I oppose this project for the reasons discussed below.

I understand that in 2019, the Koi Nation became a federally recognized tribe, and in 2021 they purchased the 68 acre vineyard adjacent to Windsor, CA. The Koi Nation intends to establish this site as their sovereign land.

building a massive casino complex that will bring thousands of daily visitors, gamblers, vacationers, partiers, and concertgoers, (requiring over a thousand employees), to an agricultural property that contains a vineyard with seasonal waterway (Pruitt Creek, a tributary to the Russian River). The site is also next to neighborhoods with many homes, and in close proximity to apartments with families and kids. A county regional park (Shiloh, Regional Park) frequented by hikers, cyclists, and equestrians, and a family friendly park (Esposti Park) with two baseball fields for Little Leaguers and sports teams are right across the street. On an average weekend, the Esposti parking lot can be full.

We understand the Koi Tribe lost their homeland in Clear Lake generations ago and many tribe members have been residing in other areas such as Sebastopol and Santa Rosa. They want a place to call home. Of course that is understandable.

But a home is NOT a 68 acre casino complex that consists of a 400 (or 200) room hotel, multiple restaurants, gaming facilities, spa, entertainment theater, parking garage for thousands of cars, with a waste water treatment plant, etc.. The Koi resort project will be a cooperative business venture with the Chickasaw from Oklahoma.

This planned resort, which is supposed to reclaim a sovereign place for the Koi to call home, is not only going to cause profound harm to the land and environment, it will also put the surrounding roadways, neighborhoods and recreational parks at risk. The EIS is required to delve deeply into these risks and determine the extent of the harm and explore possible mitigation strategies. Reading through this extensive report, it is **obvious that there are too many sources of harm to be mitigated. ("Best Management Practices" are not mitigation and will not render the impacts "less than significant.")**

This proposed Koi project will significantly impact air quality, water resources (i.e. well water depletion), crime rates, Pruitt Creek contamination, traffic circulation, fire evacuation, public services, and cause noise and light pollution. No amount of mitigation will change these facts.

A massive casino complex must not be erected on this site (identified as Alternative A and B). Neither should Alternative C - **"the non-gaming alternative" which consists of a 200 room hotel with 20,000 sq ft. winery, 5,000 sq ft. visitors' center, spa, restaurant, water purification and wastewater treatment facility, and parking lots.** And since the Koi will be partnering with the Chickasaw, who own and operate 23 casinos in Oklahoma, including WinStar World Casino and Resort in Thackerville, Oklahoma (perhaps the largest casino in the world), how long will it be before Alternative C is turned into Alternative A or B?

A strong indication that Alternative A or B is the plan of the Chickasaw can be seen in their business model and simply by following the money. For the Koi Nation (a small Pomo band of 90 members) to purchase a 68-acre vineyard in Windsor created some questions at the outset. In January 2022, Koi leaders revealed a pre-development agreement with the Chickasaw Nation whereby Global Gaming Solutions— a wholly owned Chickasaw business— would partner with the Koi to construct a \$600 million dollar casino resort and also manage and operate the facility.

Chickasaw Nation Governor, Bill Anoatubby, commented:

*"The Chickasaw Nation is pleased to play a role in this project, and we look forward to a successful collaboration.... The prosperity of our citizens and a commitment to working together with our partners in the Koi Nation as well as local, state, and community officials are key components to our mission. We look forward to witnessing new jobs, additional businesses, and increased tourism to this*

*region."* <https://sbcamericas.com/2022/01/25/koi-nation-partners-with-chickasaw-nation-for-planned-shiloh-casino-in-california/>

Additional businesses? Increased tourism? New jobs to the area? What about everything that comes with that? Is this what we want for our town? This project will catapult the Town of Windsor into something unrecognizable and

unnecessary, environmentally harmful, and potentially dangerous, especially when we have another evacuation.

This project is opposed by all our Windsor Town Council members, Sonoma County Supervisors James Gore and Lynda Hopkins, State Senator Mike McGuire, U.S. Rep, Jared Huffman, and most recently, Governor Gavin Newsom (see attached letter dated August 16<sup>th</sup>, released from Gov. Newsom's office).

**Option D, "No action alternatives" would allow the land to remain in its existing condition and not taken into trust "for the foreseeable future." No environmental effects would occur.** Pursuant to the National Environmental Policy Act's 40 CFR section 1502.14[f], Alternative D was determined to be the environmentally preferred alternative.

It is imperative that the Koi procure an alternative site to pursue their business objectives **"in order to best meet the tribe's objectives and provide the greatest socioeconomic benefit to the Tribe and the surrounding community."** (*quote from EIS Section 2- Comparison to the Alternatives 2.5 p. 2-28*)

I have lived in Windsor since 1987. When our town was incorporated in 1992, a community separator and Urban Growth Boundary was established to provide critical open space directly south of town (now the location of the proposed casino project). This open space proved to be a vital firebreak during the Kincadee fire in 2019 that threatened to destroy most of Windsor. The flames came within a half mile of our neighborhood on East Shiloh.

It is my prayer and fervent intention that objective logic and clear vision will prevail, and the BIA will not allow this land to be taken into trust for these project alternatives.

The neighbors of southeast Windsor are exercising our rights as property owners, voters, taxpayers, and stewards of our land. We remain firmly dedicated to opposing this development so we may continue to enjoy a safe and peaceful environment for our families, our community, and our longtime neighbors.

We support the Federated Indians of Graton Rancheria and the Dry Creek Rancheria of Pomo Indians that own and operate the Graton Casino and River Rock Casino, respectively, in Sonoma County.

**Some final questions:**

- What federal, state or local protections will the environment have if this land is taken into trust?
- Who would monitor the environmental impact on an ongoing basis?
- What steps can be taken by any jurisdiction if environmental requirements are not followed?
- What sort of legal precedent will be set if the Chickasaw Nation is allowed to get a foothold into the gaming industry in Sonoma County and California?

Thank you for your time on this critical matter.

Sincerely,

Sidnee Cox

5846 Leona Court  
Windsor, CA 95492





Above left, Graton Casino, Rohnert Park, is in an industrial and business zone. Above, River Rock Casino, Geyserville, is in a rural area, distant from any developments.

Below, left, the proposed Koi Casino will be located at Windsor's southern boundary. It will be adjacent to residential neighborhoods. The two new apartment complexes impacting evacuation routes are shown in orange.

The proposed Koi project alternatives A, B and C will have significant environmental impact on water resources, traffic, air quality, public services, evacuation planning in emergencies, and more. The most recent EIS does not reduce these impacts to "less than significant."



## OFFICE OF THE GOVERNOR

August 16, 2024

Bryan Newland  
Assistant Secretary – Indian Affairs  
U.S. Department of the Interior  
1849 C Street, N.W., MS-4660-MIB  
Washington, D.C. 20240

Re: Shiloh Resort and Casino Project (Koi Nation of Northern California)  
Scotts Valley Casino and Tribal Housing Project (Scotts Valley Band of Pomo Indians)

Dear Assistant Secretary Newland:

On behalf of Governor Gavin Newsom, I write to urge the U.S. Department of the Interior not to move forward with the Shiloh Resort and Casino Project in Sonoma County and the Scotts Valley Casino and Tribal Housing Project in Solano County.

Governor Newsom and his Administration are grateful for the opportunity to share our perspective on these projects, as we are grateful to the Department for its thoughtful and constructive engagement in a wide range of other contexts. Our concerns about these specific projects, and their specific procedural pathway, should not be understood as a criticism of the Department's broader practice of taking land into trust for tribal governments—including, in appropriate cases, the Department's practice of (and time-tested procedures for) taking land into trust for gaming. The Governor recognizes the important role that this practice can play in supporting tribes' political sovereignty and economic self-sufficiency.

At the same time, however, caution is warranted when considering the potential expansion of gaming to land that is not currently eligible for gaming. This is particularly true in California, where the voters who legalized tribal gaming

were promised that such gaming would remain geographically limited. This historical context underscores the importance of striking a careful balance between the potential benefits of expanded tribal gaming and its potential impacts on surrounding communities.

Federal law contains important safeguards that have previously helped the Department strike this delicate balance. As a starting point, federal law generally prohibits gaming on new land taken into trust for a tribe, unless the land is linked to the tribe's preexisting reservation. 25 U.S.C. § 2719(a). The principal exception to this rule carefully safeguards local interests (including the interests of local tribes), allowing gaming only where the Department has determined not only that such gaming would be in the best interest of the gaming tribe, but also that it "would not be detrimental to the surrounding community"—and only where the relevant state's governor concurs in that determination. 25 U.S.C. § 2719(b)(1)(A). Governor Newsom discharges this responsibility with the utmost care, and has previously exercised this power in a manner that supports both tribal self-sufficiency and the interests of surrounding communities. See, e.g., Letter from Governor Gavin Newsom to Bryan Newland, Assistant Secretary – Indian Affairs (June 13, 2022). The Governor appreciates the opportunity to engage in this important process, which appropriately balances the sovereign interests of states and tribes.

Here, however, the Governor is concerned that the Department might depart from this familiar procedure and its important safeguards. In their current form, these two projects propose to rely on a different statutory provision that allows gaming on land taken into trust—without a two-part determination or the Governor's concurrence—as part of "the restoration of lands for an Indian tribe that is restored to Federal recognition." 25 U.S.C. § 2719(b)(1)(B)(iii). Make no mistake: the Governor recognizes the profound moral value of restoring a tribe's control over its aboriginal homeland. Care must be taken, however, to ensure that this "restored lands" exception—like all exceptions—remains within appropriate limits. The "restored lands" exception must not be construed so broadly as to "give restored tribes an open-ended license to game on newly acquired lands." *Redding Rancheria v. Jewell*, 776 F.3d 706, 711 (9th Cir. 2015). On the contrary: "In administering the restored lands exception, the Secretary needs to ensure that tribes do not take advantage of the exception to expand gaming operations unduly and to the detriment of other tribes' gaming operations." *Id.*

As explained below, neither of these two proposed projects fits within the limits of the “restored lands” exception.

As to the Shiloh Resort and Casino Project, the Koi Nation of Northern California lacks sufficient historical connection to the Windsor parcel to support the “restored lands” exception. The Windsor parcel does not fall within the Koi Nation’s aboriginal homeland: it lies approximately fifty miles, over winding mountain roads, from the Lake County region where (as the Koi Nation acknowledges) “the Koi Nation’s ancestors had villages and sacred sites along the shores of Clearlake since time immemorial.” Koi Nation’s Opening Brief at 11, *Koi Nation of Northern California v. City of Clearlake*, No. A169438 (Cal. Ct. App. Apr. 30, 2024). The assertion that the Koi Nation sometimes used trade routes or otherwise obtained resources near modern-day Windsor cannot change this basic fact: such transient uses do not show the kind of sustained, durable presence that would be necessary to support the view that the proposed project represents a “restoration.” Nor can it matter that individual members of the Koi Nation voluntarily resided in Sonoma County during the twentieth century. If the presence of individual members in modern times were conflated with a tribe’s control over its aboriginal homeland, for purposes of the “restored lands” exception, the exception could swallow the rule—which, as the Ninth Circuit has warned, it must not do. See *Redding Rancheria*, 776 F.3d at 711.

The Scotts Valley Casino and Tribal Housing Project raises similar concerns. Like the Koi Nation, the Scotts Valley Band has its aboriginal homeland in modern-day Lake County. Like the Koi Nation, the Scotts Valley Band lacks the deep and enduring connection to the relevant territory (here, the Vallejo parcel) necessary to invoke the “restored lands” exception. And here again, the nearby presence of specific individuals, late in history, must not be conflated with the Tribe’s collective control over its aboriginal homeland. Nor can an 1851 treaty—apparently purporting to cede a vast swath of the North Bay, Sacramento Valley, and Clear Lake regions—produce a different result. Cf. *Scotts Valley Band of Pomo Indians v. Dep’t of the Interior*, 633 F. Supp. 3d 132, 168 (D.D.C. 2022). Nineteenth-century treaties were hardly models of respect for tribal sovereignty, and one cannot safely assume that they accurately reflect the boundaries of tribes’ aboriginal homelands.

The Department's interpretation of the "restored lands" exception further counsels against applying that exception to the Scotts Valley project. The Department has construed the "restored lands" exception to require one or more "modern connections" between the tribe and the land. 25 C.F.R. § 292.12(a). In the context of the Scotts Valley project, no such modern connection is apparent. On the contrary, the Environmental Assessment appears to recognize that the Scotts Valley Band has no presence in Solano County: the Environmental Assessment notes that the Band's members "span[] across Alameda, Contra Costa, Lake, Mendocino, and Sonoma Counties," while omitting any reference to Solano. Env'tl. Assessment at 1-2. Under the Department's view of the "restored lands" exception, embodied in its regulations, this lack of "modern connections" provides an additional reason not to use the exception to proceed with the Scotts Valley project.

Nor can the so-called "Indian canon" stretch the limits of the "restored lands" exception to encompass these two projects. *Cf. Scotts Valley Band*, 633 F. Supp. 3d at 166–68. Although that canon sometimes allows statutory ambiguity to be resolved in favor of tribal sovereignty, it has no application where—as here—"all tribal interests are not aligned." *Redding Rancheria*, 776 F.3d at 713. "An interpretation of the restored lands exception that would benefit [a] particular tribe, by allowing unlimited use of restored land for gaming purposes, would not necessarily benefit other tribes also engaged in gaming." *Id.* Here, other local tribes—tribes who truly have called the relevant lands home since time immemorial—are steadfast in their opposition to these projects. "The canon should not apply in such circumstances." *Id.*

Finally, misplaced reliance on the "restored lands" exception, in the context of these two projects, also risks leading the Department astray under the National Environmental Policy Act. As explained above, the Windsor parcel and the Vallejo parcel fall far outside the aboriginal homelands of the Koi Nation and the Scotts Valley Band, respectively. In focusing on those two parcels, the Department has thus far failed to consider whether the purposes of the proposed projects could be served by sites within the Tribes' aboriginal homelands—which is to say that the Department has, thus far, failed to adequately consider reasonable geographic alternatives as required by NEPA. See *'Ilio'ulaokalani Coal. v. Rumsfeld*, 464 F.3d 1083, 1097–1101 (9th Cir. 2006).

Governor Newsom has deep respect for tribal sovereignty, and he has been proud to restore tribes' control over lands from which they have been dispossessed. Here, however, he is concerned by the prospect that the Department might invoke the "restored lands" exception to support projects that are focused less on restoring the relevant tribes' aboriginal homelands, and more on creating new gaming operations in desirable markets. If the Department were to embrace this view of the "restored lands" exception, it is far from obvious that the "exception" would retain a clear and durable limiting principle. This prospect is particularly troubling in California, where the voters who approved tribal gaming were promised that such gaming would remain carefully limited—including by federal law and its geographic restrictions on the categories of land open to gaming.

Governor Newsom is committed to working with tribal governments, and the Department, to support tribes' self-determination and economic development. In appropriate cases, the Governor stands ready to exercise his authority, under federal law, to concur in the Department's decision to take land into trust for gaming. Here, however, he is concerned that these specific projects are proceeding in a manner that would sidestep the State, ignore the concerns of tribal governments and other local communities, and stretch the "restored lands" exception beyond its legal limits—while failing to adequately consider whether there might be a better way. On behalf of the Governor, I urge the Department not to move forward with these proposed projects.

Sincerely,



Matthew Lee  
Senior Advisor for Tribal Negotiations &  
Deputy Legal Affairs Secretary  
Office of Governor Gavin Newsom

Cc: Amy Dutschke, Regional Director for the Pacific Region, Bureau of Indian Affairs



August 20, 2024

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

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

Re: EIS Comments, Koi Nation Shiloh Resort and Casino Project

Dear Mr. Broussard and Ms. Dutschke,

Thank you for this opportunity to submit public comment regarding the Environmental Impact Statement for the proposed Koi Nation Shiloh Resort and Casino Project. I've read the 278 pages of the EIS, as well as most of the supplemental attachments. I oppose this project for the reasons discussed below.

I understand that in 2019, the Koi Nation became a federally recognized tribe, and in 2021 they purchased the 68 acre vineyard adjacent to Windsor, CA. The Koi Nation intends to establish this site as their sovereign land.

The problem? They don't plan on living there according to the EIS. They plan on building a massive casino complex that will bring thousands of daily visitors, gamblers, vacationers, partiers, and concertgoers, (requiring over a thousand employees), to an agricultural property that contains a vineyard with seasonal waterway (Pruitt Creek, a tributary to the Russian River). The site is also next to neighborhoods with many homes, and in close proximity to apartments with families and kids. A county regional park (Shiloh, Regional Park) frequented by hikers, cyclists, and equestrians, and a family friendly park (Esposti Park) with two baseball fields for Little Leaguers and sports teams are right across the street. On an average weekend, the Esposti parking lot can be full.

We understand the Koi Tribe lost their homeland in Clear Lake generations ago and many tribe members have been residing in other areas such as Sebastopol and Santa Rosa. They want a place to call home. Of course that is understandable.

But a home is NOT a 68 acre casino complex that consists of a 400 (or 200) room hotel, multiple restaurants, gaming facilities, spa, entertainment theater, parking garage for thousands of cars, with a waste water treatment plant, etc.. The Koi resort project will be a cooperative business venture with the Chickasaw from Oklahoma.

This planned resort, which is supposed to reclaim a sovereign place for the Koi to call home, is not only going to cause profound harm to the land and environment, it will also put the surrounding roadways, neighborhoods and recreational parks at risk. The EIS is required to delve deeply into these risks and determine the extent of the harm and explore possible mitigation strategies. Reading through this extensive report, it is obvious that there are too many sources of harm to be mitigated. ("Best Management Practices" are not mitigation and will not render the impacts "less than significant.")

This proposed Koi project will significantly impact air quality, water resources (i.e. well water depletion), crime rates, Pruitt Creek contamination, traffic circulation, fire evacuation, public services, and cause noise and light pollution. No amount of mitigation will change these facts.

A massive casino complex must not be erected on this site (identified as Alternative A and B). Neither should Alternative C - "the non-gaming alternative" which consists of a 200 room hotel with 20,000 sq ft. winery, 5,000 sq ft. visitors' center, spa, restaurant, water purification and wastewater treatment facility, and parking lots. And since the Koi will be partnering with the Chickasaw, who own and operate 23 casinos in Oklahoma, including WinStar World Casino and Resort in Thackerville, Oklahoma (perhaps the largest casino in the world), how long will it be before Alternative C is turned into Alternative A or B?

A strong indication that Alternative A or B is the plan of the Chickasaw can be seen in their business model and simply by following the money. For the Koi Nation (a small Pomo band of 90 members) to purchase a 68-acre vineyard in Windsor created some questions at the outset. In January 2022, Koi leaders revealed a pre-development agreement with the Chickasaw Nation whereby Global Gaming Solutions— a wholly owned Chickasaw business— would partner with the Koi to construct a \$600 million dollar casino resort and also manage and operate the facility.

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*"The Chickasaw Nation is pleased to play a role in this project, and we look forward to a successful collaboration.... The prosperity of our citizens and a commitment to working together with our partners in the Koi Nation as well as local, state, and community officials are key components to our mission. We look forward to witnessing new jobs, additional businesses, and increased tourism to this region."*

<https://sbcamericas.com/2022/01/25/koi-nation-partners-with-chickasaw-nation-for-planned-shiloh-casino-in-california/>

Additional businesses? Increased tourism? New jobs to the area? What about everything that comes with that? Is this what we want for our town? This project will catapult the Town of Windsor into something unrecognizable and unnecessary, environmentally harmful, and potentially dangerous, especially when we have another evacuation.



This project is opposed by all our Windsor Town Council members, Sonoma County Supervisors James Gore and Lynda Hopkins, State Senator Mike McGuire, U.S. Rep, Jared Huffman, and most recently, Governor Gavin Newsom (see attached letter dated August 16<sup>th</sup>, released from Gov. Newsom's office).

Option D, "No action alternatives" would allow the land to remain in its existing condition and not taken into trust "for the foreseeable future." No environmental effects would occur. Pursuant to the National Environmental Policy Act's 40 CFR section 1502.14[f], Alternative D was determined to be the environmentally preferred alternative.

It is imperative that the Koi procure an alternative site to pursue their business objectives "in order to best meet the tribe's objectives and provide the greatest socioeconomic benefit to the Tribe and the surrounding community." (*quote from EIS Section 2- Comparison to the Alternatives 2.5 p. 2-28*)

I have lived in Windsor since 1987. When our town was incorporated in 1992, a community separator and Urban Growth Boundary was established to provide critical open space directly south of town (now the location of the proposed casino project). This open space proved to be a vital firebreak during the Kincadee fire in 2019 that threatened to destroy most of Windsor. The flames came within a half mile of our neighborhood on East Shiloh.

It is my prayer and fervent intention that objective logic and clear vision will prevail, and the BIA will not allow this land to be taken into trust for these project alternatives.

The neighbors of southeast Windsor are exercising our rights as property owners, voters, taxpayers, and stewards of our land. We remain firmly dedicated to opposing this development so we may continue to enjoy a safe and peaceful environment for our families, our community, and our longtime neighbors.

We support the Federated Indians of Graton Rancheria and the Dry Creek Rancheria of Pomo Indians that own and operate the Graton Casino and River Rock Casino, respectively, in Sonoma County.

Some final questions:

- What federal, state or local protections will the environment have if this land is taken into trust?
- Who would monitor the environmental impact on an ongoing basis?
- What steps can be taken by any jurisdiction if environmental requirements are not followed?
- What sort of legal precedent will be set if the Chickasaw Nation is allowed to get a foothold into the gaming industry in Sonoma County and California?

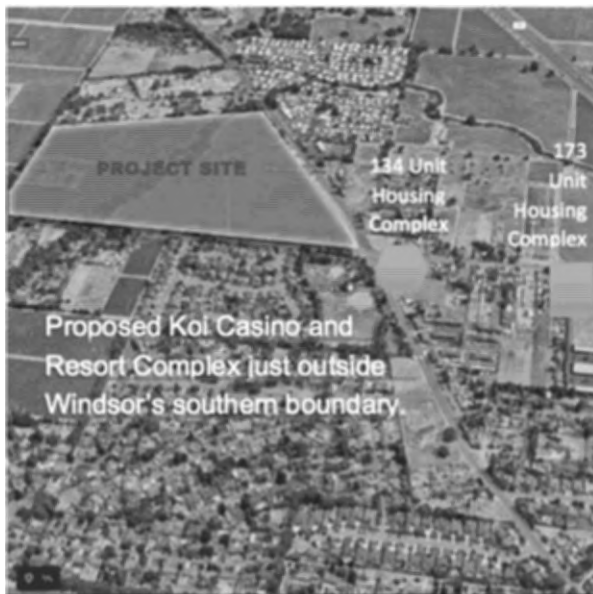
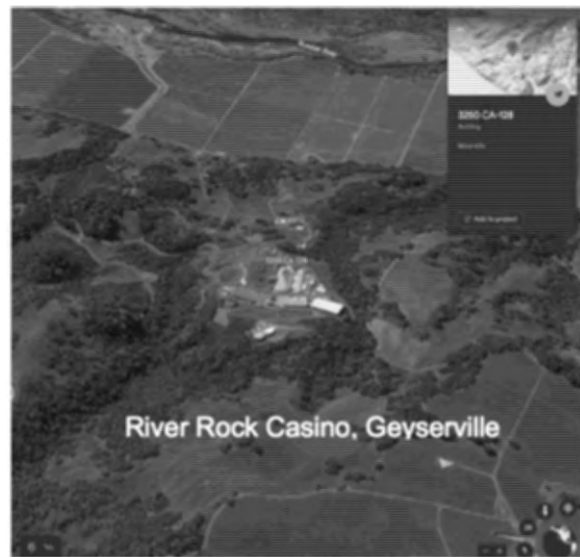
Thank you for your time on this critical matter.

Sincerely,

*Sidnee Cox*

Sidnee Cox

Comparisons between Graton Resort and Casino in Rohnert Park (currently being expanded), River Rock Casino (expansion plans in the works), and the proposed Koi Shiloh Resort and Casino adjacent to Windsor in Sonoma County.



Above left, Graton Casino, Rohnert Park, is in an industrial and business zone. Above, River Rock Casino, Geyserville, is in an agricultural/rural area, not near any housing developments.

Below, left, the proposed Koi Casino will be located at Windsor's southern boundary. It will be adjacent to residential neighborhoods. The two new apartment complexes impacting evacuation routes are shown in orange.

The proposed Koi project alternatives A, B and C will have significant environmental impact on water resources, traffic, air quality, public services, evacuation planning in emergencies and more. The most recent EIS does not reduce these impacts to "less than significant."

**From:** Tom Hart <harts70520ue@gmail.com>  
**Sent:** Tuesday, August 20, 2024 2:57 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** Tom Hart <harts70520@yahoo.com>  
**Subject:** [EXTERNAL] Windsor, CA Casino and Resort

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The Shiloh Resort and Casino Project is not right for the Windsor CA area.

The Koi Indian Nation lacks historical connection to the Windsor area, as their traditional tribal homeland lies in Lake County, on the shores of ClearLake, approximately 50 miles away. Separated from Windsor by steep mountain roads.

The rural area of the Town of Windsor, in Sonoma County will not be able to handle the influx of additional traffic. This area of Windsor and Sonoma County has suffered greatly in recent years with evacuation due to wildfires.

The area of Windsor in Sonoma County is not the place for a Casino and Resort.

Please reject this application for it.

Thomas Hart

9454 Lazy Creek DR  
Windsor CA

**From:** Nina Cote <nina.cote@sbcglobal.net>  
**Sent:** Tuesday, August 20, 2024 6:42 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** Nina Cote <nina.cote@sbcglobal.net>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I would like the embedded article to be made part of the EIS comments and official opposition to the proposed Koi Nation Shiloh Resort and Casino records.

[Lytton Rancheria Tribe Applauds Governor Newsom's Letter in Opposition of Koi Nation and Scotts Valley Band Casino Projects](#)

**Lytton Rancheria Tribe Applauds Governor Newsom's Letter in Opposition o...**

/PRNewswire/ -- The Lytton Rancheria of California applauds Governor Gavin Newsom's letter to the U.S. Departmen...

Sincerely, Nina

Nina Cote'  
5828 Mathilde Drive, Windsor, CA 95492

**From:** betsy mallace <betsymallace@yahoo.com>

**Sent:** Tuesday, August 20, 2024 7:38 PM

**To:** Dutschke, Amy <Amy.Dutschke@bia.gov>; Broussard, Chad N <Chad.Broussard@bia.gov>

**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project Comments on Draft Environmental Impact Statement (DEIS)

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Sent via Email August 20, 2024  
Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

SUBJECT: Koi Nation Shiloh Resort and Casino Project Comments on Draft Environmental Impact Statement (DEIS)

Dear Ms. Dutschke:

I would like to submit my comments on the Draft Environmental Impact Statement (DEIS) for the Koi Nation Shiloh Resort and Casino Project. The DEIS, as currently presented, is inadequate, incomplete, incorrect and/or invalid in properly addressing numerous significant environmental and community impacts.

I am a Sonoma County resident and live within 2 miles of the project site. I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated Sonoma County land adjacent to the Town of Windsor for any commercial development including but not limited to a hotel and casino gaming project.

As I was denied a requested extension to further research the DEIS, it feels like the Bureau of Indians Affairs is rushing this process, has not adequately and thoughtfully considered the local environmental impacts, and cannot guarantee nor enforce the (limited) mitigation that is proposed.

I strongly urge the Bureau of Indian Affairs to reconsider the location of this project and endorse the "no project" D alternative, for the following reasons.

There is no plan or mitigation for a hazardous earthquake event. The property is on the Rogers Creek fault zone, there is no plan in place for evacuation or safety, and no mention of how this significant impact would/could be mitigated.

There is no plan or mitigation for a hazardous flood event. The property in a noted flood plain/way, there is no plan in place for place for evacuation or safety, and no mention of how this significant impact would/could be mitigated.

There is no plan or mitigation for a hazardous loss or leak of utilities, ie : electricity or gas event. Just last week there was a gas leak, an emergency "shelter in place" was ordered for a large area surrounding the property and Shiloh Road was completely shut down to all traffic from Highway 101 to Old Redwood Highway. There is no plan in place

for evacuation or safety, and no mention of how this significant impact would/could be mitigated.

The project site sits in the middle of a voter approved community separator. This is voter mandated to stay open-space. It is not mentioned, planned or mitigated in the DEIS. This oversight must be corrected and addressed, as it will cause significant impacts and is not mitigatable.

There is an incorrect image posted as 3.3-2. It is either outdated or photoshopped as current residential area is shown as vineyards.

100% of all needed traffic improvements need to be mitigated and paid for by the tribe/project, thru 2040 plans and beyond. It is not acceptable for the tribe/project to just pay "their fair share". Who allocated "their fair share"? Who manages what and when their share is paid?

No where in any of the DEIS is Caltrans mentioned. Caltrans controls all sections of Highway 101, along with all entrance and exit ramps, and all associated traffic signals. Has Caltrans been contacted? Did they give approvals? Did they list impacts? Did they suggest mitigation? All of Caltrans jurisdiction has been entirely omitted for the DEIS. It must be included and updated.

Please confirm the actual physical site location. It has been imaged several different ways, with conflicting photos. The South-east corner of Old Redwood Highway and Shiloh Road is excluded from the property on Figure 1.4-3, 3.9-3 and 3.12-3. Please correct and confirm.

DEIS has listed information from Sonoma County Sheriff's Office, but the foot notes lists the source as a "review of the website". Was there any actual communication?? In writing, by phone? in person? Please confirm details.

DEIS has the daily trips on highway 101 listed as of accurate as of 2017, this is outdated. Current accurate data must be used. How can you base traffic information on 7 year old data??

Figure 3.15-1 shows off site traffic mitigation area needing approval of Town of Windsor, Sonoma County, Caltrans and SWRCB, yet there is no approval, communication or data. Have they even been contacted? How can you know if there is going to be impacts, and/or how to mitigate it if you have not communicated with the correct local agencies. I also stated CEQA approval may need to be required. That would need to be confirmed before you made a finding.

I am questioning the validity of Acorn Environmental preparation of the DEIS. Who hired and paid them? Was there bias in the outcome of their findings? Did they actually physically come to the site and see it? Have they ever been to Sonoma County? Who decides the level of impact? What is the criteria used? It all appears subjective. Is there rule, guide, criteria for each level of impact?

What is Best Management Practice? Is it qualifiable? Is it tangible? Is it actual actionable? BMP is not a mitigation; it is an unfounded theory. Every BMP mitigation statement has to be clearly listed with actionable items. This is missing for the DEIS. It is false that there will not be significant impact to the bicycle traffic around this project. There are significant bike routes on Old Redwood Highway, Shiloh Road and Faught Road. This has not even been addressed, let alone mitigated.

A less than significant finding of reduction in regional property values is just false. It is not true. Local adjacent homes have already lost value with just the known possibility of

a casino in a residential neighborhood. Please supply data proving less than significant loss of property values.

Drunk driving is listed as having a less than significant impact. Developing the property from the current agricultural vineyard to a 24 hour/7 days a week alcohol serving casino hotel entertainment resort will of course have a significant increase/impact on drunk driving. Less than significant impact is a false statement. And a "policy" that will "reduce the likelihood" of drunk driving requires "no mitigation needed". This is false and truly makes no sense. This must be addressed honestly and mitigated fully.

The Bureau of Indian Affairs must re-evaluate all of the above impacts and concerns and have every item addressed and mitigated before moving forward.

I support all the local, indigenous tribes. The Koi Nation have an ancestral homeland, it is in Lake County. The Koi Nation is currently suing Lake County to protect their ancestral rights and artifacts. This project does not belong in Sonoma County, this is the wrong location and cannot restore lands (which they never had any historical connection to) to the Koi Nation.

I respectfully urge the Bureau of Indian Affairs to require the adoption of the "no project" alternative D, as it is the only option that ensures the protection of the environment, public safety, and quality of life.

With regards,

*Betsy Mallace*

Betsy Mallace  
Windsor CA 95492

**From:** Cody Canales <codycanales@gmail.com>  
**Sent:** Tuesday, August 20, 2024 7:45 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad,

This letter is in response to the Environmental Impact Statement published on July 12, 2024 concerning the fee-to-trust application and proposed development of the 68 acre property located on the southeast corner of Old Redwood Highway and E. Shiloh Road by the Koi Tribe. The Koi tribe was originally located in Lake County before they lost their ancestral lands. They are currently a tribe with 89 members, 42 of whom live in Sonoma County. The land purchased by the Koi and Chickasaw Tribes in Sonoma County is bordered by E. Shiloh Road which includes a 77 home residential neighborhood and Esposti Park to the north; residential neighborhoods and vineyards to the east; residential to the south; and Old Redwood Highway, residential and Shiloh Neighborhood Church, to the west. As I read through the EIS and Appendices it strikes me as to how out of place alternatives A and B are, and to a lesser extent, Alternative C. The size and scope of the proposed hotel/casino/entertainment center requires a water treatment facility and a wastewater treatment facility. Between the 5119 parking spaces, a five story 400 room hotel, a casino with 2,900 gaming tables and a 2,800-person entertainment/ballroom venue, the facility will be a city within a city! This is a strictly residential, recreational and agricultural area. Placing a 24 hour a day entertainment complex in the middle of these neighborhoods will unquestionably cause significant safety, traffic, noise and social impacts on every household. Transportation and Circulation TJKM was retained to prepare a Traffic Impact Statement (TIS) on the impact the three proposed alternatives, A, B and C, would have on transportation and circulation services in the area. TJKM prepared the TIS with minimal data. The only actual data related to this project comes from traffic monitors set up between 7-9 a.m. and 2-4 p.m. on January 22 (Thursday) and 28 (Sunday), 2022, and on July 28, 2022 (Thursday). The weather is cold and wet in January and the data collected would be significantly different from that gathered over spring and summer when baseball leagues are active, and people are using the two neighborhood parks. The volume of people using Shiloh Regional Park and Esposti Park is minimal compared to summer months. During Spring and Summer, the parking lot is full with overflow parking on Old Redwood Highway and E. Shiloh Road. The park is used daily by boys' baseball and girls' softball. The EIS references seven Cumulative Projects in section 3.14.1 (page 3-145) that are either in construction or the Planning and Development stage, four of which are within one-quarter mile of the proposed project. They will bring in approximately 480 new residential households making multiple daily trips within ½ mile of the proposed Casino/hotel complex. While generally referencing in the study that the cumulative projects will have an impact on Transportation and Circulation, there is no specific information in the report or Appendices on how the cumulative projects will impact traffic conditions and loss of services. Appendix I to the EIS estimates there will be 11,213 daily trips and 15,799 Saturday trips to and



from the Koi Casino complex. There are estimates of as many as 1340 hourly trips... or 22 cars per minute. The Traffic Impact Study (TIS) confirms that this traffic increase will have a substantial impact on the roadways and intersection that rise to a level of unacceptable Loss of Services (LOS). The TIS then cites mitigation efforts that will make the LOS acceptable without providing any substantive information how. It does not offer any concrete information on how the mitigation efforts will improve conditions or any guarantees that they would be effective. The Alternatives will undoubtedly cause loss of services. For example, cars traveling on east/west Shiloh road at Gridley Avenue currently have no waiting time. Cars on southbound Gridley have minimal if any wait time to enter Shiloh Road. Signalizing this intersection will cause delays.

Water resources – Potable water- The EIS projects that Alternative A would pump between an average of 170,000 gallons per day (gpd) per day to a daily peak of 294,000 gpd from onsite wells. The new well(s) will require a water treatment plant to remove arsenic and magnesium and a large storage tank to hold the treated water. Water from the treatment plant would be sent to a one-million-gallon storage tank and then to pumping station for distribution to the facility. Between 1,250,300 gallons to 2,005,800 per week. The drawdown on existing wells is a very real likelihood. Global warming, drought and water rights issues are all discounted or ignored factors in the evaluation. The EIS indicates that the onsite wells would be deep wells (700 feet) and that the shallow wells belonging to nearby residents are at most risk. The report discounts the risk, cost and impact of reduced or inadequate water supplies to local residents.

Wastewater- The EIS calls for the construction of a Wastewater Treatment Plant (WWTP) to treat the estimated average of 232,000-335,000 gallons of wastewater discharged each day, or 1,624,000 on an average day and up to 2,345,000 on peak days. Wastewater treatment plants (WWTP) are designed to reduce wastewater and environmental pollution, but the raw materials, energy consumption and emissions from the WWTP subsequently result in different environmental impacts. The process emissions from wastewater treatments account for two thirds of the total greenhouse gases generated by the water and sewage companies. The operation of a wastewater treatment plant involves a range of direct and indirect emissions. These are called the social cost of greenhouse gases (SC-GHG). These are dismissed in the EIS as less than significant. Figure 2.5 in Appendix D is a diagram of the Project Water and Wastewater Feasibility Study Wastewater Treatment Process Flow. Estimating its size (using the truck as a gauge), the system will be over 500 feet long x 300 feet wide and up to three stories high. There will be hundreds of families living ¼ mile to several hundred yards away who are subject to these emissions. There is also the strong possibility of odor emanating from the plant.

Groundwater Discharge- The project site is currently a 68-acre vineyard. As farmland, the landscape is permeable, allowing for water to permeate the soil. The proposed project will result in over 35 acres of this land being paved and developed, significantly altering groundwater conditions. In addition to the loss of permeable land there is significant risk of pollutants entering Pruitt Creek despite “best management practices”. The EIS calls for use of bioswales which may keep debris from entering Pruitt Creek but may allow other pollutants through. This was determined to be less than significant!

Evacuation The proposed Alternatives A, B and to a lesser extent C will attract a large volume of patrons and increase the total number of people onsite that will need to be evacuated during a wildfire event. The facility will have parking for over 5,000 cars and will accommodate more people than cars. There will also be people using rideshare and public transportation and any evacuation plans will need to account for this group. The Project Site has access to two major emergency routes identified by the Town of Windsor, Shiloh Road and Old Redwood Highway (Town of Windsor, 2021). The EIOs confirms that an increase in

vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires. These are single lane roads which will not only be casino patrons but also used by evacuating neighborhoods. Past evacuations during the Tubbs and Kincaid fires resulting in stopped traffic and dangerous conditions on both of these roads with embers landing around cars. Old Redwood Highway and Shiloh Road cannot handle the addition of thousands of more cars and people. The EIS recommendations include following best management practices and training employees on evacuating guest in the event of a fire. Socioeconomic conditions Property values- The EIS cites other casinos in California that have had minimal impact on property values within a five mile radius. In fact, the EIS states that values increased between the years 2000 and 2021. This general statement does not provide any substantive information. Property values throughout California, and in these particular areas, all increased during the years 2000 through 2021. There is no information on what the increased values were and how they compared to neighboring communities. Crime- The EIS and Appendix B-1 do not provide any substantive information other than the fact that law enforcement received 1,700 calls and made 39 arrests at the Graton Rancheria in its first year of operation. After a comparison of the Graton Rancheria Casino and the proposed Alternative A, the EIS concludes “As a result of this quantitative and qualitative analysis, GMA finds that the negative impacts on community services in areas in which a casino has opened are generally minimal.”. The report does not include any “quantitative and qualitative” information other than from the 2014. Drunk Driving- The EIS states “The proposed project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents.” It then say “Drunk driving prevalence is not anticipated to increase significantly as a result of the proposed casino resort...”. The only mitigation offered is the implementation of a “Responsible Alcoholic.

Our family drives on Old Redwood hwy a couple times a day, every day to drop off and pick up our kids from elementary school. The road is congested enough with people trying to get to work and schools. This proposed casino would greatly affect drive times and pose a safety risk to all families just trying to get their kids to school on time and safely. This Casino would add no value to our community and pose a risk to our Kids and families. Please take to heart how this will affect thousands of people and families for the worst.

Sincerely,

Cody Canales

**From:** Josh Ratiani (Shiloh Neighborhood) <josh.ratiani@shilohnc.com>

**Sent:** Tuesday, August 20, 2024 9:22 PM

**To:** Broussard, Chad N <Chad.Broussard@bia.gov>

**Subject:** [EXTERNAL] DEIS Comments, Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Attached are my comments on the DEIS for the Koi Nation casino proposal.

Josh Ratiani  
Pastor, Shiloh Neighborhood Church  
[www.shilohnc.com](http://www.shilohnc.com)

# DEIS Comments, Shiloh Resort and Casino Project

August 20, 2024

Submitted by:

Rev. Joshua Ratiani  
Pastor, Shiloh Neighborhood Church  
5901 Old Redwood Hwy  
Santa Rosa, CA 95403

To:

Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825

Dear Mr. Broussard,

I am writing in regards to the Draft Environmental Impact Statement for the Shiloh Resort and Casino. As mentioned in my previous comments on the Environmental Assessment, I write both as the pastor of the church directly adjacent to the proposed casino, and as a longtime resident whose personal home is adjacent to the property. Our church has a parsonage—a home for the pastor on the church property—so my business and residential address are both immediately adjacent to the proposed project site.

The DEIS is inaccurate and biased in its claims that many potentially significant impacts can be mitigated to the point of less than significant impact. **The DEIS briefly mentions that the casino's main entrance would be at our church's entrance, but makes no mention of mitigation measures that specifically address the concerns for a house of worship at this location.**

The DEIS attempts to mislead decision-makers by painting the site as near a large-scale shopping center. The immediate neighbors of the site include the church, residential areas, and two parks. All of these neighboring properties experience a peaceful, idyllic setting. Section 3.9 notes that development of the property would conflict with county land use plans, but determines this to be less than significant impact because the land would be taken into trust. This is a mischaracterization—it is a significant impact to ignore the wisdom of those who planned with wisdom and experience—county and town leaders who have personal knowledge of the area, and a vested interest in its well-being.

The Koi Nation is not from Windsor. The preparers of the DEIS are not from Windsor. They have no interest in the well-being of those who are here already. As the pastor of Shiloh Neighborhood Church, I care about the physical, social, emotional, and spiritual well-being of not only our church members, but all who live, play, and work in the Shiloh Neighborhood. I find this document to be careless in its approach, and deceptive. Those who prepared the DEIS also made major mistakes in their work, which will be demonstrated.

The people who live, play, and worship near the site have built lifestyles consistent with being near an agricultural zone. Because our county had planned on this land never being developed, those who live life in this area built lifestyles that are consistent with this designation.

For example, our church has evolved over time to incorporate more meditative, contemplative practices. We use our open space, and views of the surrounding area to encourage people to meet the Creator. Our church practices times of silent prayer and meditation. We have led groups of spiritual direction and counseling, and engaged in other practices that make sense in a rural, pastoral setting.

The DEIS suggests that noise can be mitigated by resurfacing the roads, but does not address my concern in my remarks on the EA—simply adding another signalized intersection in front of our church changes the volume for our church. Cars make more noise when accelerating. This acceleration would now be just a few feet from a place of prayer and worship. This is an obvious problem that the DEIS does not address. Our property has been an asset for a church that encourages silent prayer, nature walks, and the like. These benefits would be lost.

Thus, using the federal trust process to bypass municipal and county land use code is a significant impact. While legal, it is not ethical, nor dignifying. It does not seek the well-being of those who live in the community.

## Driveway design problems and Inconsistencies in DEIS & Appendix I

Another issue is the physical location of the Casino Main Entrance. In section 2.1.6, the driveway is described as being across from the South Entrance to Shiloh Neighborhood Church, but figure 2.1.1 shows the entrance as being across from an area mostly between two different church driveways.

Most of the time, people enter our church through the middle driveway, which is just a few feet north of the proposed Casino Main Entrance. If the casino driveway is positioned as shown in the plans, the **church's entrance** driveway would no longer be functional, as it would be too close to the proposed intersection. The church's **south** driveway that the DEIS mentions is used as both an entrance and exit for church groups, but is the primary exit for some of the groups that use our facility. The casino entrance and intersection **would necessitate a major overhaul in our church's parking lot** driveways. **Nothing in the DEIS suggest how the traffic flow for the church's driveways would be addressed.** This would affect not only our church and religious groups, but the 500-700 people who receive food weekly from the Redwood Empire Food Bank in our church parking lot. I do not see how our church could continue to host such a large food distribution with the intersection changes proposed. This is an issue of social justice.

Confusingly, Appendix I Part 1 **says the driveway would be across from the church's *middle* driveway** (page 170). This is inconsistent with the DEIS. **The information in the DEIS proper is not consistent with the relevant Appendix. This makes it impossible for me to properly respond to the actual design of the intersection that would so drastically affect our church.**

**Appendix I also incorrectly calls the Highway “Old Redwood Road” on the same page. While this is merely an editorial mistake, it further demonstrates a lack of care for those of us who drive on this road every day. To the DEIS preparers, this is just a project to get approved. For me, this is an issue of: How do worshipers access church? How do the hungry access their food? How do I access my house?**

Last year, the EA also showed these same inconsistencies in the proposed location of the entrance **relative to our church’s entrances**. It is astonishing that such a glaring mistake persisted into this round of study. The DEIS is unable to provide the community with a clear description of **the main entrance to the casino**. If you are messing up describing the main entrance, what else is being missed?

In order for the church to have a fair opportunity to respond to this entrance proposal, we would need to know the actual proposed intersection design. How would it actually be positioned relative to our entrances? Would it be across from our south driveway or middle driveway? How would the plan work with our existing driveways?

## Incongruous Land Use

As mentioned in my EA comments, adding a driveway across from either one of our driveways causes headlights to shine directly into our place of worship, right onto the pulpits and platforms used by both our church and the other religious groups that meet in our facility. This is a very simple, obvious example of how casino development conflicts with existing land use.

The driveway for the church is also the driveway for the parsonage—the housing for the pastors. Imagine building a casino entrance at the entrance to a monastery or convent. Like those types of buildings, a church parsonage is intended to be a home for clergy that lends itself to prayer and meditation. The absurdity of building a casino entrance at the entrance to a spiritual center is stark. The existing land use is different from the proposed land use *in the extreme*.

Section 3.9.3.2 attempts to mislead decision-makers. This section notes that the casino is not consistent with the immediate neighbors, but hurries to assert that the land use is consistent with the commercial sites .3 miles away. While having these big box stores .3 miles away sounds like a nearby land use on paper, it is not a realistic depiction of day-to-day life in the Shiloh Neighborhood.

People enjoy their quiet backyards. They walk their dogs in Esposti Park or on our church grounds. Worshipers enjoy times of contemplative reflection as they silently meditate and pray, or simply enjoy watching birds on the church grounds. They are not doing those activities in the Home Depot Parking lot; the .3 miles make a drastic difference.

People come to the church for recovery groups, battling addictions to alcohol and gambling. It does not make sense to build a bunch of bars and a casino across the street. Those bars and restaurants might be appropriate across the street from Panda Express, KFC, and Burger King, but the .3 miles make a drastic difference.

Families attend our church, allowing their children to run in the field, or on our playground. These same families would not let their children roam the Wal-Mart parking lot on their own. The .3 miles make a drastic difference.

The idea that the land use is in any way consistent with surrounding properties is ludicrous, and should not be in the EIS, as it is attempting to paint over the reality with a half-truth. A fair EIS would say that alternatives A, B, and C would be significantly inconsistent with existing land uses adjacent to the property. And there is no way to mitigate for distance, besides moving the casino to a different location.

The Casino website indicates the entire property would be non-smoking. While it is commendable to propose a smoke-free property, this simply pushes smokers and loiterers onto the adjacent properties—**the church's parking lot, Esposti Park, or the neighborhood. Again, this is an obvious problem, if the DEIS was honest about the conflicts with adjacent land use.**

Engage in a simple, common-sense thought experiment. Imagine someone rides a bus up from San Francisco to visit the casino. This person needs to take a smoke break, but cannot on the casino property. Are they going to walk fifteen minutes to smoke in the Home Depot parking lot? Or are they simply going to cross the street to smoke in the church parking lot, the park, or neighborhood? Of course they are going to cross the street, loiter in front of our homes, and litter in our streets, parking lots, and yards.

One can imagine a different hypothetical: what if the casino was *actually* proposed adjacent to the commercial area, near Hembree Lane and the freeway? Perhaps, then land use, noise, traffic, and the like **could be characterized as creating "less than significant impact" or "potentially significant impact."** However, building a casino across the street from neighborhoods, a park, and a church inherently creates a significant impact in all those areas. This is the reality, but the DEIS attempts to cover up reality and obscure truth.

At best, the DEIS fails to recognize that the proposed site is at an urban/rural interface, and that means that .3 miles away is far more urban than the location of the proposal. At worst, the DEIS attempts to cast the location as rural when convenient, and cast the location as urban when convenient. It is either ignorant of an obvious reality, or manipulative and misleading.

## Illogical Mitigation proposals

The mitigation proposed in 3.9.3.2 is to add an agricultural buffer of 100-500 feet. This mitigation proposal is irrelevant for the church, because the intersection would be **zero** feet from our property, and just a few steps from our place of worship. So, any claim that this mitigation creates less than significant impact is patently false. This means that **no mitigation** has been proposed to address the land use conflict or noise issues when it comes to the church, because the 100 foot buffer becomes 0 feet at the church. The irony is that the DEIS notes that churches are **one of a handful of "sensitive receptors."**

The other primary entrance faces the same problems. Gridley Drive is adjacent to a neighborhood and park, also “sensitive receptors.” Again, having an entrance means that the proposed agricultural buffer of 100-500 feet shrinks to **zero** feet. Those who proposed these mitigation measures display a lack of genuine concern for how the development impacts the lives of the people here.

The reality is that there is no good way to mitigate the problems if intersections are built. But these places need mitigation because they are sensitive receptors. In other words, it is evident that the proposed development is significantly incongruent with the existing surrounding land uses. The EIS should say that Alternatives A, B, and C have a significant impact regarding land use compatibility.

## Misleading Imagery & Visual Impact

Another area in which the DEIS is deceptive is the collection of images in section 3-13. Some of these images are taken from low angles, using wide-angle lenses that distort heights, such as the image 3.13-2. This image shows two nearly perpendicular roads as if they were parallel. This is extreme distortion, and misleading. The images of the existing view and proposed views should be taken with 35mm lenses from standing height, on the road. Figure 3-13.3 is taken from Shiloh Road, but far to the east. It shows the parking structure, with the more massive casino being hidden on the far right of the image. Figure 3-13.4 says it is on Old Redwood Highway, but is from the far southwestern corner of the property, far away from the proposed buildings, causing them to appear smaller.

These images were created in a way to obscure the true scale of the development. The DEIS (3-137) **says the views would be substantially altered, “as shown” in these images, but provides images that do not show the full scale of the problem.**

Why are there no images from the parts of the road closest to the actual casino floor and hotel? The view from the church driveway is not displayed. The view from Gridley drive is not displayed. The Shiloh Neighborhood Church building is only two stories tall, but is quite visible from the corner of Shiloh and Gridley. A 65-foot building would stick out like a sore thumb, but the DEIS refuses to portray the casino from the actual entry points.

Over the past 15 years, I have taken hundreds of photos of Shiloh Ridge from the church driveway. Every day I walk to get the mail from our mailbox—the location of **the casino’s proposed main entrance.**





The above photo was taken from a standing height, at the church mailbox, on Old Redwood Highway. The dark line of trees is the Riparian Corridor at Pruitt Creek. The Casino would be taller than these trees, blocking much of Shiloh Ridge. A serious, respectable EIS would show how drastically this view would be altered.

Again, the DEIS falsely claims the visual impact will be mitigated through the vineyards along the perimeter (3-137). Again, this mitigation is irrelevant for the two entrances, where the road cuts through those ornamental vineyards. It is also absurd to claim that five-foot high vineyard rows will block the view of a 65 foot building, especially when Old Redwood Highway is elevated a few feet above the surrounding ground level across from the church. An honest attempt to depict the view of the casino from its entrances would reveal the truth—the view would be significantly altered.

Community members regularly stop by the church, sit in the parking lot, and enjoy the view. We encourage worshipers to do the same as they arrive at and leave from church services. I regularly ask worshipers to look out the window at the natural beauty during my sermons. Attendees of AA groups at the church comment on the tranquility provided by the view.

For many years, our church has hosted a multi-church Easter Sunrise service, gathering with members of other churches in Windsor. We gather in our front parking lot, between the two driveways, and watch the sun come up over Shiloh Ridge. In an imagined future, worshipers would come together and watch the sun rise right over casino, to celebrate our greatest holy day. The DEIS claims that the effects on Viewsheds would be less than significant (3.13), but this is patently false.

The DEIS is not interested in giving a realistic portrayal of how significantly things would change, but seeks to only put the best foot forward. The images in 3-13 might be appropriate in marketing material for the casino, but are inappropriate for the document that is supposed to help decision-makers have the information they need to make wise decisions. Instead, the DEIS is misleading and should be re-written to show that Alternatives A, B, and C would create a significant impact.

My bedroom window is much closer to the proposed building location than any of the pictures in Section 3-13. My life would be affected in a way much more significant than these photos show. Those who have chosen to live in the neighborhoods bought homes with the expectation that this property would not be developed—that their views of Shiloh Ridge would endure. If the land is taken into trust, **the county's land use designations can be ignored, and a 65-foot tall building will permanently scar this view.**

**I have hosted times of stargazing on the church's property, and have enjoyed observing Great Horned Owls and bats here.** So, I appreciate an effort to control lighting. The DEIS says the casino would follow Dark Sky Association practices. However, the examples of following those practices include limiting lighting to sixteen feet above ground. My fence is far shorter, so these lights would shine right into my bedroom window. My house is just a few feet from the proposed Loop Road, which would have to be lit.

2-19 notes that indirect lighting on signs will be visible from adjacent sensitive receptors. In other words, I will also have those new lights visible from my **children's** bedrooms. On top of all this, a brand new traffic light, with its colorful changes would be right in front of my house. These are significant impacts—no matter how much mitigation is proposed.

As demonstrated, many of the mitigation proposals in the DEIS are not well-thought out. Or, perhaps the reality is that there are not actually ways to mitigate the problems of building a casino in this location.

The DEIS attempts to obscure the reality that this project is not appropriate for this location. I believe that every Native American tribe deserves a chance at self-determination, and that the Koi Nation deserves a tribal headquarters. However, this location is not conducive to large scale development of any kind. That is why the Town and County governments have designated it for agricultural land use. It is foolish to ignore the wisdom of the leaders who had made such designations.

Those of us who live, play, work, and worship here have deep concerns that affect our every day well-being. The DEIS claims its mitigation will create less than significant impact, making a mockery of the profound anxieties and worries held by community members. The proposal of the casino has already **had a profound impact on residents' mental health. How much more would an actual casino impact neighborhood well-being?** The DEIS is a biased, misleading document. The oversights in the description of the Main Entrance shows that it is also lacking in quality.

Josh Ratiani  
Pastor, Shiloh Neighborhood Church

**From:** Harry Williamson <harrywilliamson1948@icloud.com>  
**Sent:** Tuesday, August 20, 2024 9:46 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Sir,

I live across the street from the casino project site, so as you can imagine, I am largely opposed to it, for many reasons that have been and will continue to be belabored. Rather than rehash all the pros and cons, which you are no doubt familiar with, I would like to propose a solution which is so clear and obvious that it cannot be me voicing it first.

The solution is to move the project site from E. Shiloh Rd. to the vacant 40 acre parcel on Shiloh Road just west of the 101 Freeway. The advantages of making this choice are obvious: There are no, or very few, residential (voting and tax paying) citizens who feel grossly imposed upon by current plans. The site, an old ranch, has recently changed hands and the old structures have been cleared. The ground is flat grassland, so no established valuable vineyards would have to be destroyed. The site is immediately adjacent to US 101, and not a mile east of that road, following a decrepit street that would, and will, have to be completely rebuilt, particularly the intersection of Shiloh Rd and Old Redwood Highway, already a significant traffic jam with more cars on the way as multi-story apartment buildings come online. The new site would also enjoy the valuable and largely free advantages due to being visible from the freeway. 95% of the clientele of the resort will reach it using this road, not Old Redwood Highway. With the project moved west of the freeway, most of the opposition by residents of Windsor will soften. As it is, the proponents have to face some heavy political weather. It would be intelligent of them to bend a little. Otherwise they may face renewed, strengthened, and more determined opposition and expensive drawn out litigation while no well heeled guests will be spending a dime at their unbuilt resort. How much money will the proponents lose by following ill-considered tactics?

. 40 acres is plenty of ground for their resort and casino. US 101, Shiloh Road, and Conde Lane form natural boundaries with much superior lines of access than the single lane of East Shiloh Rd. I respectfully suggest that the Koi Nation move their resort casino project to the above mentioned site west of US 101. Yours, Harry Williamson

Sent from my iPad

**From:** Cassie Kistler <cassiekist02@gmail.com>  
**Sent:** Wednesday, August 21, 2024 6:45 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIA Comments, Koi Nation Shiloh Resort and Casino proposal

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August 19, 2024

letter in opposition to the Koi Nation Shiloh Casino Resort proposal

The Koi Nation casino resort proposal must be stopped and the EIR re-done because there has been a significant change in the conditions on East Shiloh Road and Old Redwood Highway, where the 65-acre parcel is located.

**The EIR is no longer relevant due to the significant change in the conditions in the area** caused by several new high density apartment complexes immediately adjacent to the parcel.

There are several high-density apartment developments which were not considered by the EIR. The **change in traffic conditions**, evacuation time and safety when the next wildfire burns in the area, as in 2017 and 2019, and the impact on emergency response times needs to be reevaluated. The EIR did not evaluate increased congested traffic – prolonging transit times for students going to any one of the many nearby schools, delaying emergency response times for fires, injuries, and crimes – due to the recent building and completion of the high-density apartment complexes.

The EIR did not adequately assess the **adverse impact of the project on the aesthetics of the area**. This 65 acre parcel on East Shiloh road, maintained as vineyard, gives the area its special appeal – once built over with multi-story casino, hotel, and parking garage structures, it no longer has any appeal. The area becomes a densely populated residential neighborhood with elementary schools, churches, and two adjacent parks.

The casino resort buildings will destroy the special character that the open-space and vineyard provide. Visitors to this area will not have a “Wine Country” experience because the development will destroy the vineyard. The EIR does not evaluate the change in the aesthetics of the locale once the vineyard has been paved over and is gone forever. A few rows of decorative vineyard will not mitigate the loss of aesthetic. The Immediate proximity of the residential neighborhoods and apartments will be what visitors will see from their hotel rooms. It is a strange location for a 400-room hotel and casino resort. The glossy marketing presentation is completely misleading and false.

Ironically, this location will no longer be a “destination Wine Country” resort because the resort will have destroyed the “destination”. It will be a Santa Rosa/ Windsor residential neighborhood casino resort.

There are only a few small vineyards in the area. This is primarily a residential area with some agricultural parcels. There is no commercial development in this area.

Importantly, there is **no buffer zone separating the casino resort from the residential neighborhoods across the streets**. The EIR does not consider the **increased risk to public safety** from a casino resort immediately adjacent to the surrounding residential neighborhoods, with only two small 2-lane roads – East Shiloh Road and Old Redwood Hwy between the parks, homes, churches and the proposed casino resort.

Compare Graton Rancheria, built in a commercial zoned area and separated from the residential neighborhoods of Rohnert Park by the 8-lane Highway 101. **And significantly, the transit route from Hwy 101 to Graton Rancheria casino resort does not pass anywhere near a residential neighborhood.**

The lack of a buffer zone or separation from the many residential developments and neighborhoods will significantly increase the risks to public safety: the EIR does not adequately assess the risks of crime, theft, personal injury, DUI accidents, and introduction of drugs and prostitution to the area. It has been well documented that casino resorts bring increased incidents of these crimes to the areas adjacent to the casino.

This is not a commercial area. It is not approved for commercial development by the Sonoma County Plan. **No commercial development has been allowed here.** Only a take-over by the Federal BIA would make this happen, **to spite the disapproval of its development by the people who live here and by our elected officials – two U.S. Senators Feinstein and Padilla, two U.S. Congressmen Huffman and Thompson, State Senator McGuire, the Sonoma County Board of Supervisors, and the Town of Windsor City Council members.** And importantly, the local Sonoma County Tribes oppose this action because the Koi Tribe are not from Sonoma County. The Sonoma County Tribes have made strong arguments against this proposal.

The EIR does not evaluate **the financial viability** of the Koi Nation casino resort and how it can compete with Graton Rancheria and River Rock casinos. **Graton Rancheria Casino Resort is only 15 minutes’ drive away from this location, and River Rock Casino is only 15 minutes’ drive away.** WHERE IS THE EVIDENCE IN THE ENVIRONMENTAL IMPACT STUDIES DONE TO DATE that shows that adding a 4<sup>th</sup> casino in Sonoma County – Cloverdale is building a casino resort next to Hwy 101 - would be financially viable? This would result in Sonoma County having 4 casino resorts along Hwy 101, each located only 15 minutes’ drive from one to the next. **There is no other location in Northern California with this density of casino resorts.** Napa Valley has no casino resorts.

During the recent town hall which lasted over 5 hours, many union carpenters spoke at the zoom meeting with the exact same scripted message that “they need the work”. Well, this is a

nonsense reason for allowing a casino resort to be built on East Shiloh Road, and the workers **are not considering the irreversible adverse impact on the area**. Their support of the project should be entirely disregarded because they do not consider these adverse impacts.

The EIR did not evaluate the significant loss of the “Wine Country” appeal, presented in the Koi Nation marketing materials online, that will result from building tall dominating commercial structures on this small 68-acre parcel embedded in a residential neighborhood community. The glossy marketing presentation is completely misleading.

Once built, the Scenic Corridor bordered by East Shiloh Road and Old Redwood Highway, and Faught Road will be destroyed. Sonoma County General Plan has designated this area as “Scenic Corridor” for an important reason. In fact, the very special beauty of the area will be altered and will no longer have ANY special appeal – especially to any casino visitor expecting to enjoy a Sonoma County Wine Country experience. The buildings will eliminate that very appeal that is part of their marketing.

There will be no reason to go to a Koi Nation Shiloh Casino Resort because they will have destroyed the existing local “Wine Country” appeal it is marketing.

Shiloh Regional Park will not be visible to people travelling along Old Redwood Hwy. The tall commercial buildings’ visibility from Hwy 101 will be an eyesore. Visitors will sense immediately how incongruent the commercial development is – the area will entirely lose any appeal to visitors. A casino resort at Shiloh Road will destroy the Scenic Corridor. This is an important part of Sonoma County tourism – visitors WANT TO SEE and experience the open space, vineyards, farming, parks. They do not want to see commercial development in these areas. **The EIR does not consider the number and density of residential dwellings in this area**. This is not a large area – it is tightly situated between Hwy 101 and Shiloh Regional Park. The open space protected by the Sonoma County General Plan and Town of Windsor planning codes have **intentionally protected** these areas to the benefit of all the visitors to the area and the families and people who live here.

The EIR’s Traffic study is superficial and inadequate and was done prior to completion of development of the high density apartment complexes which are now being built, located immediately across the street and along Old Redwood Highway and on East Shiloh Road.

**The EIR did not thoroughly or adequately evaluate the increased risks to public safety**. The recent building and near-completion of the new apartment complexes requires an updated and more comprehensive evaluation. Esposti Park right across the street will become vulnerable to increasing crime and increased risk to public safety. Again, **there is no buffer zone or adequate separation** of this commercial project from the surrounding residential neighborhoods and apartment complexes.

The EIR does not address the detrimental impact of a commercial casino resort **right across the street on after-school sports programs, summer school sports programs, and weekend sports activity** in both Esposti and Shiloh Regional Parks from increased public safety risks, crime, assault, theft, personal injury from DUI accidents, drugs and prostitution.

To repeat: the Environmental Study Reports are inadequate and superficial, and the conclusions erroneous. The EIRs are no longer relevant due to the significant change in the existing conditions in the area.

The EIR conclusions are erroneous based on inadequate and flawed studies.

I urge you to reject this proposal in its entirety. The project is WRONG for this location.

Cathleen Belden  
resident Shiloh Road

**From:** Steve & Leslie Lazzini <lazzini@comcast.net>  
**Sent:** Thursday, August 22, 2024 11:53 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments/ KOI nation Shiloh Resort and Casino

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Amy & Chad

We are writing about the proposed KOI Nation Resort & Casino that we oppose the project as this is not the place for this type of development.

We have lived in Sonoma County for over 60 years and over 40 years in Windsor CA. We have a raised a family and been part of Town of Windsor and active community family.

We totally agree that it will impact every aspect of our life here in Windsor.

Our concerns that we agree with the Environmental Impact Statement 100 percent. And have it attached in our letter.

**PLEASE DO NOT DESTROY OUR TOWN OF WINDSOR  
SONOMA COUNTY**

Steve & Leslie Lazzini  
201 Callahan Lane  
Windsor, CA 95492  
[lazzini@comcast.net](mailto:lazzini@comcast.net)

This letter is in response to the Environmental Impact Statement published on July 12, 2024 concerning the fee-to-trust application and proposed development of the 68 acre property located on the southeast corner of Old Redwood Highway and E. Shiloh Road by the Koi Tribe.

The Koi tribe was originally located in Lake County before they lost their ancestral lands. They are currently a tribe with 89 members, 42 of whom live in Sonoma County. The land purchased by the Koi and Chickasaw Tribes in Sonoma County is bordered by E. Shiloh Road which includes a 77 home residential neighborhood and Esposti Park to the north; residential neighborhoods and vineyards to the east; residential to the south; and Old Redwood Highway, residential and Shiloh Neighborhood Church, to the west.



As I read through the EIS and Appendices it strikes me as to how out of place alternatives A and B are, and to a lesser extent, Alternative C. The size and scope of the proposed hotel/casino/entertainment center requires a water treatment facility and a wastewater treatment facility. Between the 5119 parking spaces, a five story 400 room hotel, a casino with 2,900 gaming tables and a 2,800-person entertainment/ballroom venue, the facility will be a city within a city! This is a strictly residential, recreational and agricultural area. Placing a 24 hour a day entertainment complex in the middle of these neighborhoods will unquestionably cause significant safety, traffic, noise and social impacts on every household.

#### Transportation and Circulation-

TJKM was retained to prepare a Traffic Impact Statement (TIS) on the impact the three proposed alternatives, A, B and C, would have on transportation and circulation services in the area. TJKM prepared the TIS with minimal data. The only actual data related to this project comes from traffic monitors set up between 7-9 a.m. and 2-4 p.m. on January 22 (Thursday) and 28 (Sunday), 2022, and on July 28, 2022 (Thursday). The weather is cold and wet in January and the data collected would be significantly different from that gathered over spring and summer when baseball leagues are active, and people are using the two neighborhood parks. The volume of people using Shiloh Regional Park and Esposti Park is minimal compared to summer months. During Spring and Summer, the parking lot is full with overflow parking on Old Redwood Highway and E. Shiloh Road. The park is used daily by boys' baseball and girls' softball.

The EIS references seven Cumulative Projects in section 3.14.1 (page 3-145) that are either in construction or the Planning and Development stage, four of which are within one-quarter mile of the proposed project. They will bring in approximately 480 new residential households making multiple daily trips within 1/2 mile of the proposed Casino/hotel complex. While generally referencing in the study that the cumulative projects will have an impact on Transportation and Circulation, there is no specific information in the report or Appendices on how the cumulative projects will impact traffic conditions and loss of services.

Appendix I to the EIS estimates there will be 11,213 daily trips and 15,799 Saturday trips to and from the Koi Casino complex. There are estimates of as many as 1340 hourly trips... or 22 cars per minute. The Traffic Impact Study (TIS) confirms that this traffic increase will have a

substantial impact on the roadways and intersection that rise to a level of unacceptable Loss of Services (LOS). The TIS then cites mitigation efforts that will make the LOS acceptable without providing any substantive information how. It does not offer any concrete information on how the mitigation efforts will improve conditions or any guarantees that they would be effective. The Alternatives will undoubtedly cause loss of services. For example, cars traveling on east/west Shiloh road at Gridley Avenue currently have no waiting time. Cars on southbound Gridley have minimal if any wait time to enter Shiloh Road. Signalizing this intersection will cause delays.

## Water resources –

Potable water- The EIS projects that Alternative A would pump between an average of 170,000 gallons per day (gpd) per day to a daily peak of 294,000 gpd from onsite wells. The new well(s) will require a water treatment plant to remove arsenic and magnesium and a large storage tank to hold the treated water. Water from the treatment plant would be sent to a one-million-gallon storage tank and then to pumping station for distribution to the facility. Between 1,250,300 gallons to 2,005,800 per week. The drawdown on existing wells is a very real likelihood. Global warming, drought and water rights issues are all discounted or ignored factors in the evaluation. The EIS indicates that the onsite wells would be deep wells (700 feet) and that the shallow wells belonging to nearby residents are at most risk. The report discounts the risk, cost and impact of reduced or inadequate water supplies to local residents.

Wastewater- The EIS calls for the construction of a Wastewater Treatment Plant (WWTP) to treat the estimated average of 232,000-335,000 gallons of wastewater discharged each day, or 1,624,000 on an average day and up to 2,345,000 on peak days.

Figure 2.5 in Appendix D is a diagram of the Project Water and Wastewater Feasibility Study Wastewater Treatment Process Flow. Estimating its size (using the truck as a gauge), the system will be over 500 feet long x 300 feet wide and up to three stories high.

Groundwater Discharge- The project site is currently a 68-acre vineyard. As farmland, the landscape is permeable, allowing for water to permeate the soil. The proposed project will result in over 35 acres of this land being paved and developed, significantly altering groundwater conditions. In addition to the loss of permeable land there is significant risk of pollutants entering Pruitt Creek despite “best management practices”. The EIS calls for use of bioswales which may

## Wastewater treatment plants

(WWTP) are designed to reduce wastewater and environmental pollution, but the raw materials,

energy consumption and emissions from the WWTP subsequently result in different

environmental impacts. The process emissions from wastewater treatments account for two

thirds of the total greenhouse gases generated by the water and sewage companies. The operation

of a wastewater treatment plant involves a range of direct and indirect emissions. These are called

the social cost of greenhouse gases (SC-GHG). These are dismissed in the EIS as less than

significant.

families living 1/4 mile to several hundred yards away who are subject to these emissions. There

There will be hundreds of

is also the strong possibility of odor emanating from the plant.

keep debris from entering Pruitt Creek but may allow other pollutants through. This was determined to be less than significant!

Evacuation

The proposed Alternatives A, B and to a lesser extent C will attract a large volume of patrons and increase the total number of people onsite that will need to be evacuated during a wildfire event. The facility will have parking for over 5,000 cars and will accommodate more people than cars. There will also be people using rideshare and public transportation and any evacuation plans will need to account for this group.

The Project Site has access to two major emergency routes identified by the Town of Windsor, Shiloh Road and Old Redwood Highway (Town of Windsor, 2021). The EIOs confirms that an increase in vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires. These are single lane roads which will not only be casino patrons but also used by evacuating neighborhoods. Past evacuations during the Tubbs and Kincaid fires resulting in stopped traffic and dangerous conditions on both of these roads with embers landing around cars. Old Redwood Highway and Shiloh Road cannot handle the addition of thousands of more cars and people.

The EIS recommendations include following best management practices and training employees on evacuating guest in the event of a fire.

Socioeconomic conditions-

Property values- The EIS cites other casinos in California that have had minimal impact on property values within a five mile radius. In fact, the EIS states that values increased between the years 2000 and 2021. This general statement does not provide any substantive information. Property values throughout California, and in these particular

areas, all increased during the years 2000 through 2021. There is no information on what the increased values were and how they compared to neighboring communities.

Crime- The EIS and Appendix B-1 do not provide any substantive information other than the fact that law enforcement received 1,700 calls and made 39 arrests at the Graton Rancheria in its first year of operation. After a comparison of the Graton Rancheria Casino and the proposed Alternative A, the EIS concludes “As a result of this quantitative and qualitative analysis, GMA finds that the negative impacts on community services in areas in which a casino has opened are generally minimal.”. The report does not include any “quantitative and qualitative” information other than from the 2014.

Drunk Driving- The EIS states “The proposed project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents.” It then say “Drunk driving prevalence is not anticipated to increase significantly as a result of the proposed casino resort...”. The only mitigation offered is the implementation of a “Responsible Alcoholic

Beverage Policy”. The conclusion of little impact is not supported by any substantive information.

PLEASE DO NOT DESTROY OUR TOWN OF WINDSOR

The Lazzini's

**From:** Anne Gray <annegray123@sbcglobal.net>  
**Sent:** Wednesday, August 21, 2024 8:59 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** Re: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Chad,

I am working on my Comments letter and saw this reply from you sometime ago. Recently the Press Democrat has stuck to saying the proposed site is "near Windsor" but I want to point out that previously they said it was going to be located within Windsor and this has confused the public greatly. Here is a snip showing this.

I also can't understand how you would say it's closer to Windsor than Santa Rosa, when even though it is technically in Unincorporated Sonoma County it has a Santa Rosa Street Address and is within the Santa Rosa Larkfield-Wikiup boundary map.

Have you visited the proposed site lately and seen all the new multi-family housing going up along Shiloh Road and everywhere along the Santa Rosa north eastern hills?

Best,

Anne Gray  
Unincorporated Sonoma County with a Santa Rosa Address

On Thursday, April 11, 2024 at 06:42:09 PM CDT, Broussard, Chad N <chad.broussard@bia.gov> wrote:

Thank you for your participation in the NEPA process for the Koi Nation project. With regard to your request re the Press Democrat, I don't see their reference to the project site being "near Windsor" as misleading. The project site is adjacent to the Town of Windsor and is closer to Windsor than Santa Rosa. In any case, we cannot control what the Press Democrat publishes and anyone can always check our website ([Koi Nation of Northern California Shiloh Resort and Casino Project – Environmental Impact Statement \(shilohresortenvironmental.com\)](http://shilohresortenvironmental.com)) to see the exact location of the site.

Sincerely;

Chad Broussard  
Environmental Protection Specialist  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento California 95825

Phone: 916-978-6165  
Mobile: 916-261-6160

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**From:** Anne Gray <annegrays123@sbcglobal.net>  
**Sent:** Thursday, April 11, 2024 9:58 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** Re: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Thank you Chad.

By the way, the Press Democrat published the due date for Comments as April 7th not April 8th (see link below towards the end).

[Another chance for public comment on Koi Nation casino project near Windsor](#)



**Another chance for public comment on Koi  
Nation casino project near Windsor**

PHIL BARBER

The federal government has signaled its intent to prepare a detailed environmental report on Koi casino proposal...

In addition to also stating the casino will actually be in Windsor in previous published Press Democrat articles.

As we know it has a Santa Rosa street address but is in unincorporated Sonoma County, within the Larkfield-Wikiup boundary (which the PD also told me was untrue).

When they published my Letter to the Editor they changed what I wrote. I had written the actual address of "222 E. Shiloh Road, Santa Rosa 95403" and they replaced it with "Windsor". Did so a second time. When I asked for a correction this is what I was told. Seems they made a mistake, misled readers and now want to keep doing so.

Can you reach out to them for a correction? When I asked a loyal Press Democrat reader the other day where the casino would be located the answer I got was "Windsor, up by the Healdsburg border!"

What "the paper" thinks should not be relevant. The large population of Santa Rosa, and adjacent Rohnert Park (home of Graton Casino) and Sebastopol are ALL being misled and therefore your Comment feedback and interest in this project are being ignored because people think it up in the tiny town of Windsor.

Please let me know and thanks Chad.

Anne

On Thursday, April 11, 2024 at 11:00:14 AM CDT, Broussard, Chad N <chad.broussard@bia.gov> wrote:

Your comment has been received.

Sincerely;

Chad Broussard  
Environmental Protection Specialist  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento California 95825

Phone: 916-978-6165  
Mobile: 916-261-6160

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**From:** Anne Gray <annegray123@sbcglobal.net>  
**Sent:** Sunday, April 7, 2024 12:20 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Chad,

Attached is my Comment on the above Project. Could you please reply so I know it reached you?

Sincerely,

Anne Gray  
Santa Rosa CA



**SLIDE 2 OF 8**

Residents of the Oak Park subdivision, north of Shiloh Road, near Old Redwood Highway, have placed signs opposing the proposed casino resort, which would be built south of Shiloh Road, in Windsor on Thursday, Sept. 28, 2023. (Christopher Chung/The Press Democrat)

**PHIL BARBER**

THE PRESS DEMOCRAT

September 28, 2023

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It didn't take long to get to the heart of the debate Wednesday night in a closely watched federal

On Friday, April 5, 2024 at 11:22:09 AM CDT, Sweeney, Jim <jim.sweeney@pressdemocrat.com> wrote:

There will be no correction. The ZIP code may be 95403 but the location is adjacent to the Windsor town limit, and the paper and most of the people I interact with on this proposal have referred to the site as Windsor or Windsor area from Day One. To do otherwise in this one instance would only sow confusion with readers. I'm sorry you're unhappy but we edit letters for length and clarity. In this instance, the change added clarity.

Jim Sweeney  
Editorial Director  
The Press Democrat  
(707) 521-5201

On Apr 5, 2024, at 9:06 AM, Anne Gray <annegray123@sbcglobal.net> wrote:

Jim,

I want to know if you plan to publish a correction to my Letter to the Editor where you stripped out the address of the proposed casino as being located at 222 E. Shiloh Road, Santa Rosa, replacing it with "Windsor", then adding a second time that it will be located in "Windsor". In my Letter to the Editor I NEVER wrote it would be located in Windsor.

Please let me know if a correction has or will be made. My apologies if this has been done and I missed it. I would also like to know why what I wrote was changed in this manner without my permission.

Below are snips of communications I had with Phil Barber regarding this mis-information, and examples of the PD continuing to state the casino will be built in Windsor. I had previously asked him why the Press Democrat kept publishing incorrect information on the location AND asked that the PD issue a correction.

Everyone I know thinks it will be built in Windsor based on PD publications, which for many in Santa Rosa, Sebastopol, Rohnert Park and Cotati seems far away. One person who has read the PD religiously every day for decades told me it would be located in Windsor, up by the Healdsburg border!

**From:** Anne Gray <annegray123@sbcglobal.net>  
**Sent:** Wednesday, August 21, 2024 9:03 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** Fw: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Chad,

I did send this to you before. I understand that your role is to administer the law and not to police the Press Democrat, but I take issue with you stating it's near Windsor when the address is 222 E. Shiloh Road, Santa Rosa 95403.

I live in unincorporated Sonoma County with a Santa Rosa address. I never sign my name as being from unincorporated Sonoma County, I sign it as being from Santa Rosa.

The local community has been severely misguided by this constant reference to Windsor even though one only has to drive down Shiloh Road or listen to Windsor resident testimony to know they would become a devastated community if this mega casino was allowed to be funded, built and managed by the Oklahoma Chicasaw Nation.

Best,

Anne Gray  
Santa Rosa

----- Forwarded Message -----

**From:** Anne Gray <annegray123@sbcglobal.net>  
**To:** Broussard, Chad N <chad.broussard@bia.gov>  
**Sent:** Friday, April 12, 2024 at 11:19:27 AM CDT  
**Subject:** Re: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Chad,

The Press Democrat is where most people get their local news. The Press Democrat continues to state the casino will be "in Windsor". The town of Windsor. Here are three examples. The last is when they changed my Letter to the Editor to state it would be "in Windsor".

**Here is the Letter to the Editor they published, taking out my reference to the Santa Rosa address and ADDING WINDSOR instead.**

**Here is the Letter to the Editor I sent to them which they changed. They took out all references to Santa Rosa.**

I understand you cannot control the press, but deceiving the public means fewer Sonoma County residents understand the full impact this proposal will have on them

Can you at least ask that in future they publish the exact address and not continue to say the casino will be in Windsor? Also that they pay more attention to details, for example publishing the correct comment deadline? They said it was April 7th. I found this out when my friend told me she'd missed the Comment deadline.

Again, I also live in unincorporated Sonoma County with a Santa Rosa street address. I pay City of Santa Rosa monthly sewer charges. The location matters.

Sincerely,

Anne Gray  
Santa Ros.

On Thursday, April 11, 2024 at 06:42:09 PM CDT, Broussard, Chad N <[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)> wrote:

Thank you for your participation in the NEPA process for the Koi Nation project. With regard to your request re the Press Democrat, I don't see their reference to the project site being "near Windsor" as misleading. The project site is adjacent to the Town of Windsor and is closer to Windsor than Santa Rosa. In any case, we cannot control what the Press Democrat publishes and anyone can always check our website ([Koi Nation of Northern California Shiloh Resort and Casino Project – Environmental Impact Statement \(shilohresortenvironmental.com\)](https://www.shilohresortenvironmental.com)) to see the exact location of the site.

Sincerely;

Chad Broussard  
Environmental Protection Specialist  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento California 95825

Phone: 916-978-6165  
Mobile: 916-261-6160

---

**From:** Anne Gray <annegrays123@sbcglobal.net>  
**Sent:** Thursday, April 11, 2024 9:58 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** Re: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Thank you Chad.

By the way, the Press Democrat published the due date for Comments as April 7th not April 8th (see link below towards the end).

[Another chance for public comment on Koi Nation casino project near Windsor](#)



**Another chance for public comment on Koi  
Nation casino project near Windsor**

PHIL BARBER

The federal government has signaled its intent to prepare a detailed environmental report on Koi casino proposal...

In addition to also stating the casino will actually be in Windsor in previous published Press Democrat articles.

As we know it has a Santa Rosa street address but is in unincorporated Sonoma County, within the Larkfield-Wikiup boundary (which the PD also told me was untrue).

When they published my Letter to the Editor they changed what I wrote. I had written the actual address of "222 E. Shiloh Road, Santa Rosa 95403" and they replaced it with "Windor". Did so a second time. When I asked for a correction this is what I was told. Seems they made a mistake, misled readers and now want to keep doing so.

Can you reach out to them for a correction? When I asked a loyal Press Democrat reader the other day where the casino would be located the answer I got was "Windsor, up by the Healdsburg border!"

What "the paper" thinks should not be relevant. The large population of Santa Rosa, and adjacent Rohnert Park (home of Graton Casino) and Sebastopol are ALL being misled and therefore your Comment feedback and interest in this project are being ignored because people think it up in the tiny town of Windsor.

Please let me know and thanks Chad.

Anne

On Thursday, April 11, 2024 at 11:00:14 AM CDT, Broussard, Chad N <chad.broussard@bia.gov> wrote:

Your comment has been received.

Sincerely;

Chad Broussard  
Environmental Protection Specialist  
Pacific Region, Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento California 95825

Phone: 916-978-6165  
Mobile: 916-261-6160

---

**From:** Anne Gray <annegray123@sbcglobal.net>  
**Sent:** Sunday, April 7, 2024 12:20 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Attached is my Comment on the above Project. Could you please reply so I know it reached you?

Sincerely,

Anne Gray  
Santa Rosa CA



**SLIDE 1 OF 8**

Nina Coté, left, Don Ziskin, and Lynn Darst are among the residents of a neighborhood adjacent to a proposed casino resort opposing the project, along Shiloh Road, in Windsor on Thursday, Sept. 28, 2023. (Christopher Chung/The Press Democrat)

**PHIL BARBER**  
THE PRESS DEMOCRAT  
September 28, 2023

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**SLIDE 2 OF 8**

Residents of the Oak Park subdivision, north of Shiloh Road, near Old Redwood Highway, have placed signs opposing the proposed casino resort, which would be built south of Shiloh Road, in Windsor on Thursday, Sept. 28, 2023. (Christopher Chung/The Press Democrat)

**PHIL BARBER**  
THE PRESS DEMOCRAT  
September 28, 2023

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## **Las Vegas, California?**

EDITOR: Is Sonoma County becoming the Las Vegas of California? Looks like it to me.

The proposed Koi Nation Shiloh Resort & Casino in Windsor would be the state's largest, followed by Graton after its \$1 billion expansion. Geyserville's River Rock is expanding. Thankfully, the Petaluma casino proposal is on hold — for now.

What's really going on here? While the Koi stake their claim to Sonoma County, they continue with legal battles over land use in Lake County, where they vehemently defend their cultural resources, villages and burial grounds. The Oklahoma Chickasaw Nation's Global Gaming Solutions Group, not the Koi, would actually **build and operate the \$600 million resort and casino in Windsor.**

Shiloh would use about 400,000 gallons of water daily, which doesn't make our community more sustainable. Sonoma County taxpayers, not those in Oklahoma, would foot the bill for road and other required improvements: in a county already plagued by wildfire risks, a stressed infrastructure and unchecked growth.

I urge readers to write or email the Bureau of Indian Affairs with comments before the April 8 deadline. Make your voices heard. Another casino is wrong for Sonoma County.

ANNE GRAY

Santa Rosa

## Las Vegas, California?

is Sonoma County becoming the Las Vegas of California? Looks like it to me. The proposed Koi Nation Shiloh Resort & Casino at 222 E. Shiloh Road, Santa Rosa, would be the state's largest, followed by Graton after its \$1Billion expansion. Geyserville's River Rock is expanding. Thankfully, the Petaluma casino proposal is on hold - for now.

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Anne Gray  
Santa Rosa

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**From:** Mark Millan <millan@datainstincts.com>  
**Sent:** Wednesday, August 21, 2024 1:34 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** admin@shilohresortenvironmental.com <admin@shilohresortenvironmental.com>  
**Subject:** [EXTERNAL] DEIS Comments, KOI Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

RE: Draft EIS Comments, KOI Nation Shiloh Resort and Casino

Dear Mr. Broussard,

As a prior council member and Mayor of the Town of Windsor, I strongly urge the Bureau of Indian Affairs to reconsider the project and endorse the "no project" alternative.

When in office I served as the Town's representative on the Santa Rosa Plain Groundwater Sustainability Agency (GSA) and participated in regional water issues while serving as Chair of the Water Advisory Committee, a regional body responsible for the management of the water and sanitation facilities.

I share specific concerns that the Town of Windsor has identified and cited in its DEIS comments, specifically regarding Water Resources. The DEIS presents significant shortcomings in addressing the potential impacts of the Project on water resources, including groundwater, the use of recycled water, surface water, and floodplain management. The Town of Windsor has identified numerous critical deficiencies that, if left unaddressed, could lead to severe and unmitigated adverse impacts on the region's water resources, with potentially long-lasting consequences.

To cite a few that I believe are also noted in the Town's submitted comments:

- Groundwater resources are particularly vulnerable to the impacts of this large-scale development, and the DEIS does not adequately protect these resources. The DEIS proposes extracting significant amounts of groundwater to meet the water demands of the resort and casino. However, it fails to thoroughly analyze the potential for well interference with existing wells, including the Town of Windsor's Esposti Supply well. The Esposti well is intended as a potable supply well, and any reduction in its yield or quality due to the project's groundwater pumping could severely impact the Town's water supply.
- The DEIS suggests a Groundwater Dependent Ecosystem (GDE) Verification Monitoring Workplan, which is a positive step. However, the annual monitoring report should not be limited to submission to the Bureau of Indian Affairs (BIA) alone. It is critical that these reports also be submitted to the Groundwater Sustainability Agency (GSA) and the Town of Windsor to ensure all stakeholders have access to the data and can respond to any emerging issues.

- The DEIS does not address whether the project plans to financially contribute to the regional Groundwater Sustainability Agency. The GSA is responsible for ensuring groundwater is managed sustainably, and all significant extractors should contribute to the regional efforts and its expense. The Town of Windsor insists that the project must contribute financially to the GSA at the regional standard rate for extracted groundwater to ensure the long-term sustainability of the region's water resources.
- The DEIS inadequately addresses the impacts on surface water resources, particularly concerning recycled water use, surface water discharge, and stormwater management. The DEIS proposes using recycled water for various purposes, including irrigation. However, it fails to address the restrictions imposed by Title 22 of the California Code of Regulations, which prohibits the use of recycled water in buildings where food preparation occurs. This significant oversight could lead to violations of state regulations and may pose potential public health risks.
- Additionally, the DEIS should address the potential for reclaimed/recycled water to sheet flow across roads during heavy storm events, particularly in areas where Pool Creek already surcharges across Windsor Road. Uncontrolled runoff could exacerbate flooding and create hazardous driving conditions. The Town recommends that the DEIS include specific measures to prevent reclaimed/recycled water from flowing across roadways, particularly in vulnerable areas.
- The DEIS does not adequately address the long-term sustainability and environmental impacts of the proposed wastewater collection and disposal methods.

In closing, I strongly urge the Bureau of Indian Affairs to reconsider the project and endorse the "no project" alternative.

Mark Millan, former Windsor Mayor and council member  
9481 Vinecrest Road  
Windsor, CA 95942

**From:** KEVIN WARREN <cajunce@comcast.net>  
**Sent:** Wednesday, August 21, 2024 11:41 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Fee-to-Trust and Casino Project

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#### DEIS comments

The DEIS report has numerous errors and under states the harmful effect on the community and the environment. **Alternative D (agriculture/vineyard) is the best choice for the land and community.** Listed below are a few of many items that are problems that have not been adequately addressed.

**CRIME:** Crime will increase and using a percentage of crimes per 1000 people is wrong. The larger number of people there are the result of the casino bringing in more people. The actual number of crimes will increase. Trafficking, assaults, theft and drunken driving will increase. Drunken driving is rated as LS (lightly significant) until someone dies. The mitigation suggested is inadequate. This casino would be horrible for the neighborhood across the street.

**PROPERTY VALUES:** The negative effect on property values is highly significant. The comparisons to a casino in Richmond (urban) and two casinos in Southern California (inland, one with a golf course) doesn't really give an indication of reality. The subdivisions near Shiloh are in Wine Country and have different valuations. The report on Page 149 uses studies with a 5 mile radius. What about a 1 mile radius? The DEIS does not have adequate mitigation or realistic analysis of the true effects on property values on nearby neighborhoods. A call to a local real estate agent trying to sell homes across the street will show the actual negative effect, NOT the contrived report on property values in the DEIS.

**TRAFFIC;** The traffic study examined two dates of 1/30/22 and 7/28/22. Traffic has increased dramatically since then as more people are going into work as the post pandemic era proceeds. Also with all the new projects underway traffic will be much worse. The mitigation recommendations will not solve the traffic problem the casino will bring. Adding a couple of turn lanes and re-striping is not nearly enough.

**NOISE:** The event center alone will create highly significant noise pollution to the nearby neighborhoods besides increased traffic. Amplified music will carry through to other neighborhoods. The noise from people arriving and leaving will be substantial. Noise carries a long way at night. The traffic noise alone will not be mitigated properly by asphalt changes. Compensating neighbors directing across the street with new windows if necessary doesn't help all the other nearby neighbors. And this doesn't have to be done until 2040, 15 years after the problem starts. Construction noise is a huge

issue that, once again, is being sugar coated. Backup warning beeps on equipment carries for miles. 18 to 24 months to build will more likely be ~36 months.

**ENVIRONMENTAL ISSUES;** Storm water runoff with thousands of cars rated LS (lightly significant). With thousands of cars a day the run off of gas, oil and rubber is a big issue with inadequate mitigation in the DEIS. Ground water is a huge issue for the county in the future with global warming and the pumping of thousands of gallons a day is highly significant and the mitigation of more monitoring with the Town of Windsor after the fact is glossing over the problem. Monitoring of a problem does not solve or mitigate a problem. The waste water plan of putting tertiary treated waste water into Pruitt Creek is a bad idea.

There are many reasons that the Koi casino proposal is soundly rejected by the Governor of California, the Sonoma County Board of Supervisors, the Windsor Town Council and numerous other public officials. **The DEIS report of a positive economic benefit to the community is wrong.** Maybe positive \$\$\$ for the Koi and Chickasaw. The report is biased and basically **TRASH**. The ratings of different issues with LS and anemic mitigation recommendations do not properly reflect the overall harm to the community. The constant use of BMP's (best management practices) does not solve problems. **This project would be detrimental to the surrounding community.**

This proposal **DOES NOT** meet the "restored lands" exception and is not within Koi Nation's aboriginal homeland. This is a Lake County tribe trying to poach on Sonoma County tribal lands. This proposal would set a bad precedent that would allow reservation cherry picking that violates the intention of Federal law and the California proposition that allowed Native American gambling. Please reject this proposal and stay with Alternative D.

Thank you,  
Kevin Warren  
6181 Lockwood Dr  
Windsor, CA



**From:** Charles Johnson <onemiwok@sbcglobal.net>  
**Sent:** Wednesday, August 21, 2024 12:16 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Personal Comments on Koi Nation Shiloh and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Environmental Specialist Broussard,

I am attaching my personal opposition letter to the Koi Nation Shiloh and Casino. I hope you understand my opinion is based on my previous work as a Cultural Monitor and a current member at large on the Sacred Sites Protection Committee for the Federated Indians of Graton Rancheria. I hope you read this and send me back any comments that you have after reading my attached letter.

Respectfully,

Charles Johnson

August 21, 2024

Chad Broussard, Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Regional Office

**Subject: EIS Comments, Koi Nation Shiloh and Casino**

Dear Environmental Specialist Broussard,

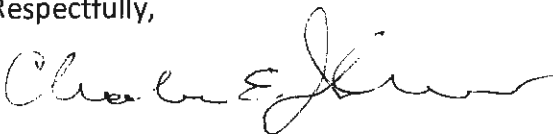
I am a Tribal Citizen of the Federated Indians of Graton Rancheria and former Cultural Monitor for the Tribe. The purpose of this letter is to express my personal opposition to the Koi Nation of Northern California's project to establish trust land for gaming in Sonoma County, California, more specifically on Shiloh Road in Windsor, California

As a previous Cultural Monitor and current member of the Sacred Sites Protection Committee for Federated Indians of Graton Rancheria I feel I have a somewhat unique personal view of the situation. I have monitored in this area, sometimes as a result of major fires that have decimated the area, of which fire is only one of many other major concerns. What concerns me the most is that Koi Nation claims this area as their ancestral territory. This is not their ancestral territory, their territory is in Lake County. Our tribe is notified when ancestral cultural items or human remains are found in our territory. Koi Nation is not on the notification list when there is a potential exposure involved in cultural sites in this area. I feel disrespected as a tribal member of the Federated Indians of Graton Rancheria that Koi Nation feels this is their territory. We as a tribe have even shared areas of monitoring with respect to other tribes when that is applicable, not here with Koi Nation.

The DOI is supposed to protect tribal sovereignty and this precedent setting proposal by the Koi Nation is actually undoing tribal sovereignty.

I support the right of all tribes to restore their homelands and pursue gaming on those lands. I do not have an issue with the Koi Nation locating a casino in Lake County, their ancestral territory.

Respectfully,



Charles Edward Johnson  
151 Petaluma Blvd. S. #309  
Petaluma, CA 94952

**From:** John Belperio <jbelperio@nccrc.org>  
**Sent:** Wednesday, August 21, 2024 1:02 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To whom it may concern,  
Please see attached letter of support for the Shilo Resort and Casino. Thank you for your consideration.

All the best,

**John Belperio**

Northern District Manager  
Nor Cal Carpenters Union

(510) 932-1666

[jbelperio@nccrc.org](mailto:jbelperio@nccrc.org)

<https://norcalcarpenters.org>

8/20/24

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

**Subject: Support for the Koi Nation of Northern California's Shiloh Project**

Dear Ms. Dutschke:

I submit this letter to the United States Department of the Interior's Bureau of Indian Affairs to support the Koi Nation of Northern California ("Nation") in their effort to develop the proposed Shiloh Project. My review of the Environmental Impact Statement ("EIS") leads me to believe that the Nation has thoroughly considered all environmental and socioeconomic elements that will factor into the construction and operation of the Shiloh Project. I believe this project can benefit the local economy in the Sonoma County area and, by employing the mitigation measures proposed within the EIS, will not lead to significant adverse environmental impacts.

In accordance with the National Environmental Policy Act ("NEPA") implementing regulations, the EIS is thorough in its coverage of topics ranging from potential soil erosion to demand for law enforcement services. This meticulous review was especially important given the local community's concern for pressing issues such as wildfire safety, traffic impacts, groundwater usage, cultural resources, and public services. The EIS thoroughly addresses these issues in addition to multiple other community concerns and reflects the Nation's thoughtful consideration of the local community's comments throughout the public notice and comment period.

Given the wildfire traumas that the Town of Windsor has previously experienced in the Tubbs and Kinkade fires, it is understandable that the community surrounding the project site would be wary of any development on the Shiloh property. However, in reviewing the mitigation measures relating to wildfire risks and evacuation, we find that the proposed plan reflects the Nation's willingness to go beyond in ensuring that the project does not create significant risk for wildfires. The mitigation measures the EIS proposes begin with a retainer for a professional, such as a biologist or an arborist, to develop a riparian corridor wildlife management plan to reduce fire hazards before the risk is created. This includes such requirements as the continued maintenance of dead or otherwise flammable vegetation in the riparian corridor and adherence guidelines that would prevent unnecessary risks in the wetted area. In addition to this, prior to the gaming facility's opening, the Nation would coordinate with traffic experts to develop an evacuation plan tailored to the project itself and aimed towards coordination with existing town and county plans. Voluntary evacuation warnings within a specified zone would also be made mandatory for the entire Shiloh property, ensuring that patrons, staff, and neighbors have ample time to evacuate in an emergency. We believe that this measure of early evacuations could be especially important in assuaging community concerns for lengthier emergency evacuations. Further, the EIS

demonstrates the Nation's willingness to work with the Town of Windsor and Sonoma County in the proposal to implement or contribute to the implementation of early wildfire detection measures. The measures proposed to mitigate wildfire risks would assure concerned community members that protective measures will be implemented before the project is developed and throughout its operation. The Nation's commitment to adhering to these measures will ensure that the Shiloh Project does not put the Town of Windsor at significant risk for increased wildfires.

In its consideration of emergency evacuation routes, the EIS also proposed a series of measures that would relieve the potential traffic burden of the project on the surrounding neighborhood. Namely, the Nation has offered to complete or make in-lieu fair share contributions to mitigation measures for 2040, prior to the need for such improvements. Additionally, the Nation has proposed to expand, convert, restripe, or add signals to eight intersections around the Shiloh property at different periods of the project's operation. It is my understanding that such measures will ensure that the daily traffic patterns do not significantly increase, nor will emergency evacuations become unnecessarily burdensome. Much like the other appendices, the Traffic Impact Study is incredibly thorough in its calculation of estimated traffic patterns. In this study and the final EIS, intersections identified as having potential significant impacts were discussed in depth and were mitigated based upon the projected traffic patterns and their effects on the surrounding roadways.

The Nation also considered the cumulative impacts of the traffic patterns on ambient noise levels in the surrounding area. In its efforts to mitigate such impacts, the Nation offered to pay a fair share towards repaving identified road segments. Alternatively, in the instance in which repaving would not be necessary due to traffic improvements prior to 2040, the Nation has offered to compensate homeowners adjacent to the identified road segments for noise reducing measures at the request of the homeowners. Although the audial effects were not heavily raised during the public notice and comment period, increased noise levels are a common concern for the residential neighbors of any type of development. As the potential developers of a gaming facility, the Nation is aware of this and provided what I believe to be a considerate solution that encourages cooperation with the neighboring community. As such, I wholeheartedly believe in the EIS' conclusion that such measures will prove helpful in preventing significant impacts to both traffic and noise.

The public comment period also demonstrated the local community's concern for the project's impact on water resources. While the EIS identifies potential minor issues that could affect surface water, wastewater treatment, and Pruitt Creek, the largest concern for the community appeared to be the Town of Windsor's groundwater resources. The EIS identified the potential for impacts to groundwater recharge stemming from the development of parking lots and other impervious surfaces on the property, or for impacts to the quality of groundwater stemming from polluted runoff. While the EIS thoroughly investigated these concerns, it found that adherence to best management practices would be enough to diminish the potential for these effects to be significant.

In its discussion of effects to existing neighboring wells, however, the EIS did propose mitigation measures after significant consideration of the data collected and the comments received from the public vocalizing local concern for the groundwater supply.

I have found the proposed mitigation measures to be incredibly detailed in their analysis of cumulative effects in a scenario in which the Town of Windsor builds two new municipal wells. Specifically, the creation and implementation of a drawdown monitoring and mitigation plan serves the Nation's goal of ensuring that the surrounding wells do not experience impacts to natural recharge or surface streamflow. The Nation has also proposed the potential payment of a share of mitigation costs proportional to the Nation's contribution to the impact being mitigated. While this fair share contribution will be limited, the plan utilizes the Town of Windsor's potential future adoption of its own mitigation measures. Even absent the Town's adoption of such measures, the Nation has proposed alternative measures which would implement a drawdown monitoring program and allow neighboring well owners to submit claims for diminished well capacity.

I also applaud the EIS' third mitigation measure, proposed if the Town of Windsor develops and operates the municipal potable water supply wells that had been proposed in a water management plan. The proposed measure would require the Nation to develop and implement a Groundwater Dependent Ecosystem ("GDE") Monitoring Plan which would aid in determining whether vegetation stress and habitat degradation is occurring along Pruitt Creek. This would include data collection regarding existing species, groundwater level trends, and vegetation stressors, and the compilation of a subsequent monitoring report to be submitted to the BIA. The report would grant the BIA, the Town of Windsor, and Sonoma County the ability to reevaluate the groundwater management procedures employed by the Nation if habitat degradation does occur. While the local community seemed less concerned by potential impacts to local vegetation, I find it important to highlight the Nation's willingness to further coordinate with the surrounding area to ensure that the Shiloh project does not create issues that could later burden the local municipalities.

Tribal Nations opposing the project also expressed their concern for local cultural and paleontological resources. In response, the EIS discusses potential impacts to cultural sites or human remains with an emphasis on the Koi Nation's genuine sensitivity to such issues. While development of the property has the potential to affect archeological resources, the Nation proposed several measures that would be implemented prior to and during ground disturbing activities. The Nation's employment of canine forensics during a Canine Field Survey is one such example of the steps that the Nation has been willing to take to ensure that historic preservation remains a key component in the development of the Shiloh Project. In mitigating impacts to such resources, the ground disturbing activities within fifty feet of these Canine-identified areas, or within 150 feet of Pruitt Creek would be monitored by a qualified archeologist, a Koi Nation Native American Tribal Monitor, and/or a Native American Tribal Monitor or archeologist selected by interested Sonoma County tribes. The mitigation measures also state that if resources

are discovered, the Nation would adhere to applicable federal laws, such as the National Historic Preservation Act and its implementing regulations and would halt work within fifty feet of the site until the Nation receives an assessment from a professional archeologist. As the Nation has offered in other proposed measures, in an instance that findings are significant, the Nation would collaborate with experts to consider the appropriate treatment or avoidance plans. Finally, the third, and most important measure that the Nation has proposed is in response to the finding of human remains. If this occurs, a BIA representative would immediately be contacted, and an analysis of the remains would occur to determine their potential origins and disposition. As I have stated in the beginning of this section, I believe that the Nation has managed the issue of cultural and human remains with the utmost sensitivity. Based upon the data provided within the EIS, a significant finding is unlikely in the developed area, but I feel secure in the knowledge that if remains are identified, the Nation will take all necessary precautions to ensure that such artifacts are managed with care.

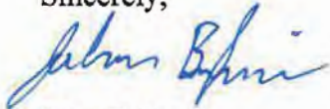
While the public did not express significant concern for the demand for public services, such as police responders and fire protection, I feel that it is pertinent to highlight the efforts that the Nation has proposed to make in ensuring that the Town of Windsor's public services are not unduly burdened by the development and operation of the Shiloh Project. For example, although the EIS identified potential issues relating to the increased demand for police, fire, and emergency medical services, I feel confident that the proposed mitigation measures will serve to ease the burden on these local public services. The Nation proposes to make good faith efforts to negotiate agreements with the Sonoma County Sheriff's Office and the Sonoma County Fire District for the provision of law enforcement services, and fire protection and emergency medical services, respectively, in exchange for compensation. This compensation would grant local public service providers greater resources for hiring and/or gear. This benefits both the Nation and the local community, which would, in turn, receive better funded police and fire departments. The EIS also explained that if the fire department cannot come to an agreement for the provision of services, the Nation would establish, equip, and staff a fire department on the Shiloh Property. This would include a staff of at least three individuals trained as both firefighters and emergency medical technicians, and adherence to BIA-established certification standards. Should the Nation establish its own fire department, I am of the belief that adverse impacts to the community would become even less likely, as this would result in the provision of on-site fire and medical support that would not take away from the resources of the existing fire department. The construction phase would create an estimated 1,098 direct full-time jobs, 135 indirect.

Finally, adherence to BMPs and the outlined mitigation measures would also aid in ensuring that the beneficial economic impacts that the Shiloh Project will have on the Town of Graton and Sonoma County could outweigh the general potential adverse impacts. Namely, the EIS predicts that the project would generate employment opportunities during the construction and operational phase. The EIS estimates 376 direct jobs, and 376 induced jobs, and the operational phase would create an estimated 1,571 full time equivalent positions varying from entry to management levels, 364 indirect jobs,

and 285 induced jobs. This adds up to about 1,609 jobs during the development phase and about 2,220 during the operational phase. As such, the Town of Windsor would have significantly more employment opportunities for residents seeking local work, leading to more opportunities for these individuals to obtain health and safety benefits. Not only this, but the project would also provide the Nation with resources to support tribal members local to the Sonoma County region. In addition to this, the effects of creating new gaming facilities are expected to help stimulate the local market as visitors to the project would also be expected to patronize businesses in the Town of Windsor and the surrounding area. Based upon the economic data provided within the EIS, we are inclined to agree that the Shiloh Project's beneficial impacts would provide net benefits to the Town of Windsor and the surrounding Sonoma County area.

I feel strongly that this project will benefit the greater Sonoma County area without adverse impacts to the environment and existing community.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Belperio".

John Belperio  
1706 Corby Ave  
Santa Rosa, CA 95407



**From:** Debbie Deaton <debbie@mountstorm.com>  
**Sent:** Wednesday, August 21, 2024 2:18 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino"

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August 21, 2024

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

**Subject: EIS Comments, Koi Nation Shiloh Resort and Casino**

*Dear Regional Director Dutschke:*

We are Windsor; Sonoma County, residents and business owners and we oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) released on July 8, 2024, contains complex, technical information and is virtually impossible for a layperson to understand or comment on. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved. We often walk with our grandchildren and dog along East Shiloh Road and Faught Road. This area is not meant to have a large commercial presence as it is agricultural and most importantly residential. It is an area where families gather for sports, recreation and worship in a community park and church. A Casino would be devastating to our residents and who have spent years raising their children and now grandchildren in this community.

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts. Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the DEIS are framed as best management practices, but there is no guarantee that they will occur. My fear would be that by the time figure they out what the "BEST MANAGEMENT PRACTICES" are, it will be too late because the damage to the community will have already occurred. I am very concerned that the Bureau of Indians Affairs is rushing this process and has not adequately considered the local environmental impacts, especially the traffic study and water resources, which appears to be several years old. They cannot guarantee or enforce the mitigation that is proposed which is based on old data.

We support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,

Debbie Deaton  
Ed Mikowski  
211 Moll Drive  
Windsor, CA 95492

[debbie@mountstorm.com](mailto:debbie@mountstorm.com)

[ed@mountstorm.com](mailto:ed@mountstorm.com)

MOUNT STORM FOREST PRODUCTS, INC  
5700 Earhart Court  
Windsor, CA 95492

**From:** John Stobel <johndstobel@gmail.com>  
**Sent:** Thursday, August 22, 2024 3:45 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL]

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Koi tribe proposal for casino,  
No body in there right mind would even think this makes sense, that location is already overwhelming bad for traffic and if your a local bike rider, this area is already dangerous and not safe to ride around.

**From:** Paul Browning <paul.browning@comcast.net>  
**Sent:** Thursday, August 22, 2024 2:47 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] DEIS Comments, Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Broussard,

Please include my attached document to the public comments regarding the Shiloh Resort and Casino Project.

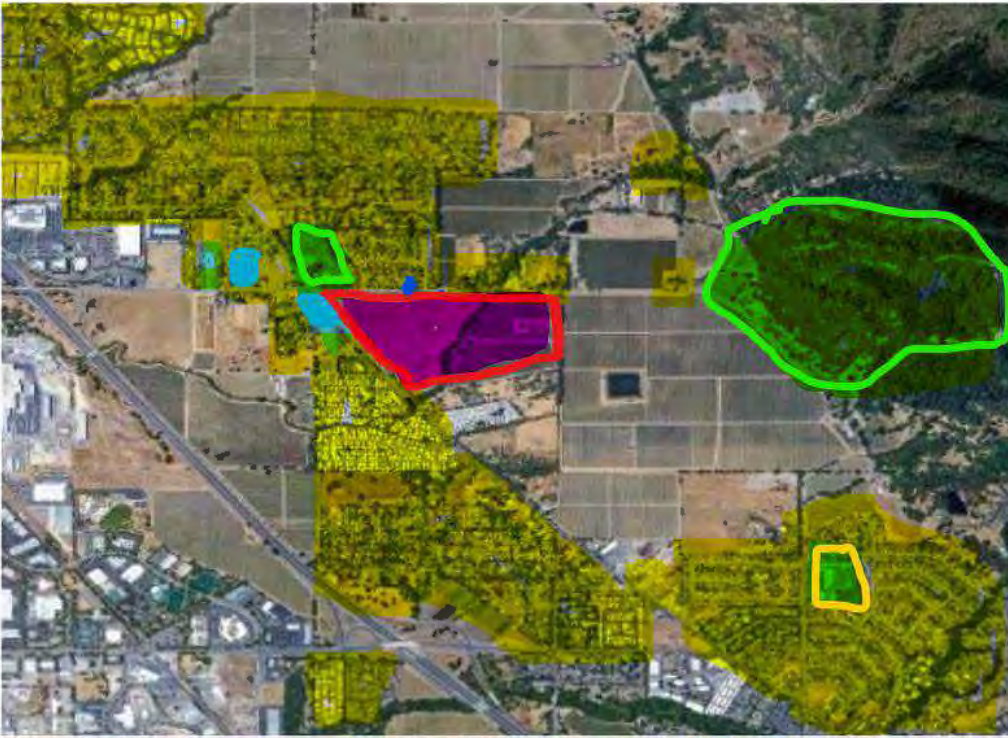
Kind regards,  
Paul and Stephanie Browning

Dear Amy Dutschke, Region Director of the Bureau of Indian Affairs, Chad Broussard and other BIA members,

This communication is to address the Draft Environmental Impact Statement and my absolute opposition to the Koi Nations attempt to build any type of development on the property located at 222 East Shiloh Rd. I support Option D, no project.

My home sits directly adjacent to the proposed casino (see picture directly below). As you can see by the pictures, this **development will have a profound effect on my family's quality of life and will dictate whether we stay in our** current home of over 26 years. The 4-story hotel portion of this project will look down into the windows of our home and backyard. Large transportation buses, being even closer, will have a clear view into our master bedroom, family room and kitchen. Based on the supplied information, the hotel portion of this project, will be roughly 75 feet from my home. The main entrance to the casino will be roughly 105 feet from my home as well, plus access to the massive parking garage will be just past my home. On the colored aerial map, the blue dot along the red line representing 222 Shiloh Rd., is my home and the other picture looks out from my family room to where the hotel and casino will be. This will literally be an invasion of privacy with innumerable strangers being able to look into our home and backyard. This will have a profound impact on our quality of life.





In referring to the aerial photo above, the proposed casino will be constructed among family homes (yellow), churches (blue), parks (green) and schools (orange/green). This would be the first full scale casino ever allowed to be built in the state of California that would be constructed among ***an already existing and well established residential community***. There is no such precedence at this time.

I would like to start by saying that in 2000, when Proposition 1A was place on the ballot, myself as well as 4 million plus Californians showed our support for Native American tribes in our state and voted YES. Myself, as well as others, voted yes under the premise that Indian gambling facilities would be built on tribal lands or at the very least in their aboriginal homelands. In the case of the Koi Nation, it is abundantly clear and established that **Lake County *is*** their home, NOT Sonoma County. If in 2000 the general population would have known that any tribe, could pursue any property, anywhere in the state, even within existing residential communities, there is zero chance Proposition 1A would have passed. **This has also been termed "Reservation Shopping."** The spirit and intent of this proposition must be upheld. This

is only fair to not only our Native American tribes that have already invested in their own gaming facilities but also to the general populace.

**The Koi's claim that the property is part of their ancestral home range is absolutely false:** it is a well-known fact that the Koi tribe does not call any part of Sonoma County home. Their ancestral home is in Lake County. This has been proven by and been acknowledge by them in their August 2023 lawsuit against the City of Clearlake because a sports complex was going to be built on what they consider to be a major cultural site next to the city. Their claim was also supported by the local Attorney General in **their case. This is the Koi's third attempt to seek property outside of their indigenous lands.** Please see the supporting information.

- <https://oag.ca.gov/news/press-releases/attorney-general-bonta-files-amicus-brief-supporting-koi-nation-lawsuit-against>
- <https://www.pressdemocrat.com/article/news/koi-nation-sues-city-of-clearlake-over-development-of-sports-complex/>
- The Koi Nation should be encouraged to seek a viable alternative in their true ancestral home range of Lake County.

**Here are what in my opinion will be the most impactful elements of the project being built to both myself and our surrounding community:**

**Noise:** 222 East Shiloh Road is all vineyards with one residence. The only noticeable noise generated from this property is the occasional spraying in the spring and harvest in the fall, which this year lasted only one night. The proposed casino will employ over 1,000 people and will generate thousands of car trips per day which will extend to all hours of every night. This will result in an endless increase in noise at all hours. It will be impossible for us to keep our windows open, all night during the summer, this added noise that will be created by cars, buses and delivery trucks. Despite what a previous study (EA) had said, from 9 PM to 6 AM there is virtually zero traffic on East Shiloh Rd., if built the traffic will be exponential at all hours of the day and night. The noise will be life changing for us. And to add to this, as I work from home 50% of the time, the noise generated during the construction phase would make it impossible for me to work from home. The suggestion of mitigating noise, in the DEIS, by keeping windows closed at all times is not acceptable.

**Lights:** being roughly 75 feet from a 4 story structure, every night we will be bathed in light shining down into our windows.

**Traffic:** the property currently generates almost zero traffic. The DEIS listed this impact as both Significant/LS. For all intents and purposes, East Shiloh road only sees traffic from the residences in the Mayacama development and those visiting Shiloh Regional Park. With over 5,100 parking spaces for both cars and buses, as well as ongoing delivery trucks, the anticipated impact will be overwhelming. The proposed mitigation measures in the DEIS will provide virtually zero easing when taking into consideration the massive amount of traffic that this project will generate.

**Effects on surrounding parks:** Esposti Park, directly across the street on Shiloh Road (outlined in green on map below), is the primary park in Windsor for children that participate in T-ball. Tuesday through Thursday as well as Saturday for 9 weeks in the spring, the park is packed with children between the ages of 5-7. At times this park is so crowded cars are forced to park along Shiloh Road directly adjacent to the proposed property. This means that children and their families have to cross Shiloh Road to get over to the park. Keep in mind, the main entrance of the proposed casino is 45 feet east along Shiloh Rd. at Gridley Drive (I walked it off yesterday), in line with the heaviest traffic this project would generate. The added traffic will make this an accident in waiting.



Shiloh Regional Park (in green on the map below), located roughly 250 yards north of the property is a favorite of outdoor enthusiasts. For patrons of the casino wishing to take the backroads into or out of the casino, this added traffic will create another safety hazard as many park goers park on the west side of Faught Road, requiring the road to be crossed. On any given weekend, there can be 20 or more cars parked along the road.



**Crime:** my neighbors and I have experienced zero crime over the last 26 years. The DEIS report suggests very little if any additional violent crime will be seen. I find this incredibly hard to believe. By putting a casino amongst neighborhoods, the inevitable crime that this type of establishment will draw will spill into our streets. Here is a list of just a few of the reported crimes generated by the Graton casino in Rohnert Park. Please keep in mind, there are no residential neighborhoods close to this property so at the very least, the communities were buffered, that will not be the case with **the Koi's proposal**. This is in addition to knowing there will be an increased likelihood of drunk driving taking place on the roads in our neighborhood.



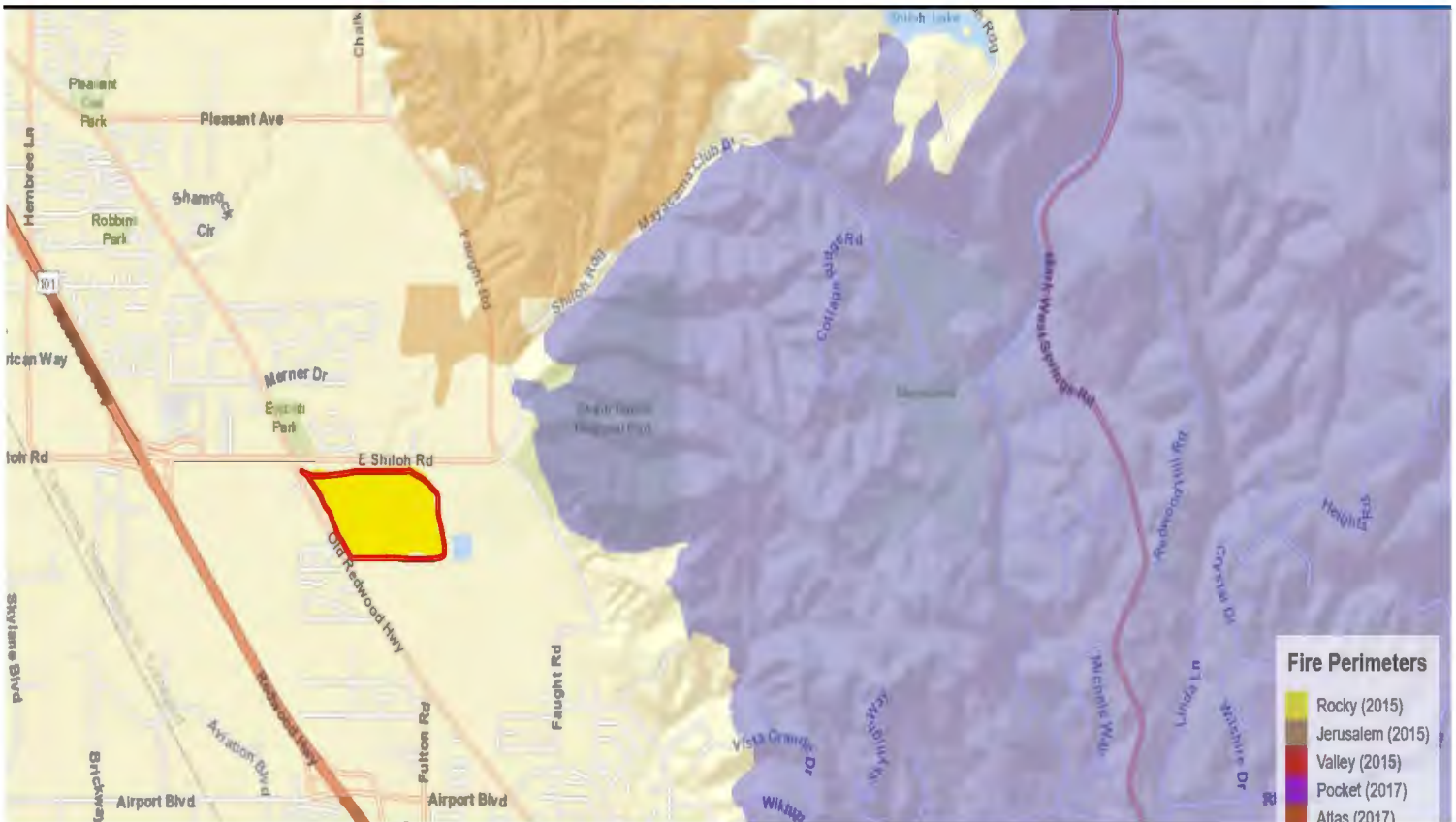
- <https://www.pressdemocrat.com/article/news/at-graton-casino-east-bay-couple-arrested-on-drug-weapons-charges/>
- <https://lakeconews.com/news/57880-lake-county-man-arrested-in-assault-at-graton-casino>
- <https://www.nbcbayarea.com/news/local/man-arrested-in-connection-with-assault-with-deadly-weapon-at-graton-casino/1968921/>
- <https://www.cbsnews.com/sanfrancisco/news/lake-county-man-gets-4-years-for-fatal-casino-parking-lot-confrontation/>
- <https://www.cbsnews.com/sanfrancisco/news/2-arrests-made-in-christmas-eve-robbery-outside-graton-casino/>
- <https://www.sonomanews.com/article/news/cops-find-borrowed-car-at-graton-casino/>
- <https://www.kron4.com/news/bay-area/bus-driver-arrested-on-dui-charges-at-graton-casino/>
- Here is a posting from the Sonoma County Sheriff's office from several months ago.



**Wildfire Evacuation:** over the last 6 years we have lived through 2 devastating fires, Tubbs and Kincaid. Both of these fires required the surrounding communities to evacuate which caused gridlock and panic. In both instances, the fires burned down to and across Faught Rd. making it completely impassible, for the Tubbs fire south at Shiloh Rd. and the Kincaid fire north at Shiloh Rd. Please see the map below. If a mass evacuation of the community and casino were required, people exiting the casino and heading west would effectively create a roadblock while entering Shiloh Rd. while backing up traffic onto Faught Rd. and into the Mayacama development. This would have the potential of repeating what happened in Maui with gridlock resulting in people burning to death in their vehicles while trying to escape. The DEIS states that a potential evacuation would be handled by having an individual(s) direct traffic at the entrance of the casino at Shiloh Road. Based on what we experienced during past evacuations, there is nothing one, two or even three people could do to prevent a complete blockage of vehicles which could result in people abandoning their vehicles, attempting to flee on foot thus blocking the roadways. The links below are to videos from the Tubbs fire, the last 20 seconds of the

helicopter video is of Wikiup Dr. area less 2 miles from the proposed casino site and then the second video is from Vista Grande Drive less than one mile from the proposed casino. A fire in this area could have catastrophic consequences.

- <https://www.youtube.com/watch?v=zmAmxkTdElo>
- [https://www.youtube.com/watch?v=f2QXrR\\_zmVM](https://www.youtube.com/watch?v=f2QXrR_zmVM)



Here is an estimated amount of time it would take to evacuate the casino and the surrounding area taken directly from the EA. The Tubbs Fire, fueled by 65 mph winds traveled over 12 miles in less than 2 ½ hours. If a fire were to start closer to this area with similar conditions, the results would be catastrophic due to the roads being blocked by fleeing patrons and residents.

- At the signalized exit onto Old Redwood Highway, the exiting would be less efficient due to the signal itself and a higher proportion of other traffic using the signalized intersection. At a service rate of about 800 vehicles per hour, it would take about two hours and 45 minutes to handle all the traffic at this location.

**Property Values:** the EA stated that the effect on property values would be LS-Less than Significant hence the DEIS listing it as “No mitigation required.” This was incredibly flawed and should have been given much more consideration and credibility. 224 Lea St, the house across the street from mine is owned by my mother-in-law. As you can see in the screenshot below, once listed within days, two buyers made over asking price offers. Once the home was in escrow and going through the disclosure period, the buyer(s) backed out after learning about the proposed casino. The house has now been on and off the market with its price now reduced over \$100,000. The real estate agent has said there is considerable interest until the proposed casino is disclosed and is recommending an even more significant reduction in price. There are several homes in the Oak Park neighborhood that are not selling and all have been reduced in price despite most homes selling at full price within days throughout Windsor. Even the mention of a casino has had catastrophic financial impacts on those attempting to sell their homes. These families may be forced out of Sonoma

County to find comparable housing, with some already suffering irreputable financial harm due to just the prospect of this development taking place.

**\$1,195,000**

224 Lea St, Windsor, CA 95492

**3**

beds

**2**

baths

**2,042**

sqft

### Price history

Date	Event	Price
8/21/2024	Listed for sale	\$1,195,000 -4.3% \$585/sqft
Source: <a href="#">Zillow</a> BAREIS #324066129 Report		
6/18/2024	Listing removed	\$1,249,000 \$612/sqft
Source: <a href="#">Zillow</a> BAREIS #324032515 Report		
6/4/2024	Price change	\$1,249,000 -3.6% \$612/sqft
Source: <a href="#">Zillow</a> BAREIS #324032515 Report		
5/17/2024	Listed for sale	\$1,295,000 \$634/sqft
Source: <a href="#">Zillow</a> BAREIS #524032515 Report		
5/14/2024	Contingent	\$1,295,000 \$634/sqft
Source: <a href="#">Zillow</a> BAREIS #324032515 Report		

It is telling that Governor Newsom, both United States Senators, Alex Padilla and the late Dianne Feinstein, both surrounding United States House of Representatives members, Jared Huffman and Mike Thompson, our California State Senator, Mike McGuire, Sonoma County Board of Supervisors, Town of Windsor officials, historically Sonoma County based local Indian tribes and many others, have spoken out against the Koi Nations efforts, in addition to hundreds of community members. The only local supporter has been the Northern California Carpenters Union who obviously have entered into a lucrative agreement with the Koi Nation. The opposition has been broad, diverse and comprehensive.

For all of these reasons, I am asking you to decide option D, **NO Project.**

Thank you for your time and consideration,

Paul and Stephanie Browning

243 Lea St.

Windsor, CA

**From:** Wafa Jolivette <wafsterj@gmail.com>  
**Sent:** Wednesday, August 21, 2024 10:49 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Casino

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To :Amy Dutschke

My name is Wafa Jolivette and I have lived in the Mark West neighborhood since 1988. I can't believe that the County will actually consider building another casino in this county! Do they ever consider the impact this will have on everyone and on the environment? My family and I were impacted by the fire severely. The traffic jam caused by so many people trying to escape was something I'll never forget.. The water that will be needed to keep a casino and a hotel functioning is outrageous. It won't be fair to then ask the locals to sacrifice and conserve even more during a drought. It's not right to have a casino near homes where people are trying to raise families and enjoy family time at the park. Would you like having a casino and all that it brings with it near your homes? TRAFFIC on Old Redwood and HWY 101 , WATER USAGE, DRUNK DRIVING etc. and this is just the tip of the iceberg. Please don't allow such a monstrosity in such a beautiful place.

Thank you for listening, Wafa Jolivette

**From:** Ron Rowlett <rowlett@nccrc.org>  
**Sent:** Thursday, August 22, 2024 7:02 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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Please see attached support letter. Thank you.

**Ron Rowlett**  
Director of Public Relations and Governmental Affairs  
Nor Cal Carpenters Union  
  
(707) 974-7936  
rowlett@nccrc.org  
<https://norcalcarpenters.org>

8/20/24

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

Subject: Support for the Koi Nation of Northern California's Shiloh Project

Dear Ms. Dutschke:

I submit this letter to the United States Department of the Interior's Bureau of Indian Affairs to support the Koi Nation of Northern California ("Nation") in their effort to develop the proposed Shiloh Project. My review of the Environmental Impact Statement ("EIS") leads me to believe that the Nation has thoroughly considered all environmental and socioeconomic elements that will factor into the construction and operation of the Shiloh Project. It is my belief that this project has the potential to benefit the local economy in the Sonoma County area and, by employing the mitigation measures proposed within the EIS, will not lead to significant adverse environmental impacts.

In accordance with the National Environmental Policy Act ("NEPA") implementing regulations, the EIS is thorough in its coverage of topics ranging from potential soil erosion to demand for law enforcement services. This meticulous review was especially important given the local community's concern for pressing issues such as wildfire safety, traffic impacts, groundwater usage, cultural resources, and public services. The EIS thoroughly addresses these issues in addition to multiple other community concerns and reflects the Nation's thoughtful consideration of the local community's comments throughout the public notice and comment period.

*Wildfire Risk and Evacuation Measures*

Given the wildfire traumas that the Town of Windsor has previously experienced in the Tubbs and Kinkade fires, it is understandable that the community surrounding the project site would be wary of any development on the Shiloh property. However, in reviewing the mitigation measures relating to wildfire risks and evacuation, we find that the proposed plan reflects the Nation's willingness to go above and beyond in ensuring that the project does not create significant risk for wildfires. The mitigation measures that the EIS proposes begin with a retainer for a professional, such as a biologist or an arborist to develop a riparian corridor wildlife management plan for the purpose of reducing fire hazards before the risk is even created. This includes such requirements as the continued maintenance of dead or otherwise flammable vegetation in the riparian corridor and adherence guidelines that would prevent unnecessary risks in the wetted area. In addition to this, prior to the gaming facility's opening, the Nation would coordinate with traffic experts to develop an evacuation plan tailored to the project itself and aimed towards coordination with existing town and county plans. Voluntary evacuation warnings within a specified zone would

also be made mandatory for the entire Shiloh property, ensuring that patrons, staff, and neighbors have ample time to evacuate in the event of an emergency. We believe that this measure of early evacuations could be especially important in assuaging community concerns for lengthier emergency evacuations. Further, the EIS demonstrates the Nation's willingness to work with the Town of Windsor and Sonoma County in the proposal to implement or contribute to the implementation of early wildfire detection measures. The measures proposed to mitigate wildfire risks would assure concerned community members that protective measures will be implemented both before the project is developed and throughout the course of its operation. The Nation's commitment to adhering to these measures will ensure that the Shiloh Project does not put the Town of Windsor at significant risk for increased wildfires.

### *Traffic and Noise Analysis*

In its consideration of emergency evacuation routes, the EIS also proposed a series of measures that would relieve the potential traffic burden of the project on the surrounding neighborhood. Namely, the Nation has offered to complete, or make in-lieu fair share contributions to mitigation measures for 2040, prior to the need for such improvements. Additionally, the Nation has proposed to expand, convert, restripe, or add signals to eight intersections around the Shiloh property at different periods of the project's operation. It is my understanding that such measures will ensure that the daily traffic patterns do not significantly increase, nor will emergency evacuations become unnecessarily burdensome. Much like the other appendices, the Traffic Impact Study is incredibly thorough in its calculation of estimated traffic patterns. In this study and the final EIS, intersections identified as having potential significant impacts were discussed in depth and were mitigated based upon the projected traffic patterns and their effects on the surrounding roadways.

The Nation also considered the cumulative impacts of the traffic patterns on ambient noise levels in the surrounding area. In its efforts to mitigate such impacts, the Nation offered to pay a fair share towards repaving identified road segments. Alternatively, in the instance in which repaving would not be necessary due to traffic improvements prior to 2040, the Nation has offered to compensate homeowners adjacent to the identified road segments for noise reducing measures at the request of the homeowners. Although the audial effects were not heavily raised during the public notice and comment period, increased noise levels are a common concern for the residential neighbors of any type of development. As the potential developers of a gaming facility, the Nation is aware of this, and provided what I believe to be a considerate solution that encourages cooperation with the neighboring community. As such, I wholeheartedly believe in the EIS' conclusion that such measures will prove helpful in preventing significant impacts to both traffic and noise.

### *Groundwater Resources*

The public comment period also demonstrated the local community's concern for the project's impacts on water resources. While the EIS identifies potential minor issues that could affect surface water, wastewater treatment, and Pruitt Creek, the largest concern for the community

appeared to be the Town of Windsor's groundwater resources. The EIS identified the potential for impacts to groundwater recharge stemming from the development of parking lots and other impervious surfaces on the property, or for impacts to the quality of groundwater stemming from polluted runoff. While the EIS thoroughly investigated these concerns, it found that adherence to best management practices would be enough to diminish the potential for these effects to be significant. In its discussion of effects to existing neighboring wells, however, the EIS did propose mitigation measures after significant consideration of the data collected and the comments received from the public vocalizing local concern for the groundwater supply.

I have found the proposed mitigation measures to be incredibly detailed in their analysis of cumulative effects in a scenario in which the Town of Windsor builds two new municipal wells. Specifically, the creation and implementation of a drawdown monitoring and mitigation plan serves the Nation's goal of ensuring that the surrounding wells do not experience impacts to natural recharge or surface streamflow. The Nation has also proposed the potential payment of a share of mitigation costs proportional to the Nation's contribution to the impact being mitigated. While this fair share contribution will be limited, the plan as a whole utilizes the Town of Windsor's potential future adoption of its own mitigation measures. Even absent the Town's adoption of such measures, the Nation has proposed alternative measures which would implement a drawdown monitoring program and allow neighboring well owners to submit claims for diminished well capacity.

Further, the EIS proposed a second mitigation measure which would implement an onsite groundwater level monitoring program. This would involve the installation of three shallow groundwater monitoring wells at different boundary points of the property and would continue monitor groundwater levels for a period of five years after the Town of Windsor commences pumping at the Eposti Park well. In doing so, the Nation will have the ability to remain aware of any interference with domestic wells before adverse impacts may occur. As groundwater levels posed a genuine concern for the community, the Nation emphasized the role of monitoring in taking precautionary measures that would attempt to prevent adverse impacts from occurring and would ease the burden of such impacts if they are to occur.

I also applaud the EIS' third mitigation measure, proposed in the event that the Town of Windsor develops and operates the municipal potable water supply wells that had been previously proposed in a water management plan. The proposed measure would require the Nation to develop and implement a Groundwater Dependent Ecosystem ("GDE") Monitoring Plan which would aid in determining whether vegetation stress and habitat degradation is occurring along Pruitt Creek. This would include a variety of data collection regarding existing species, groundwater level trends, and vegetation stressors, and the compilation of a subsequent monitoring report that would be submitted to the BIA. The report would grant the BIA, the Town of Windsor, and Sonoma County the ability to reevaluate the groundwater management procedures employed by the Nation if habitat degradation does occur. While the local community seemed less concerned by potential impacts to local vegetation, I find it important to highlight the Nation's willingness to further



coordinate with the surrounding area to ensure that the Shiloh project does not create issues that could later burden the local municipalities.

### *Cultural Resources*

Tribal Nations opposing the project also expressed their concern for local cultural and paleontological resources. In response, the EIS discusses potential impacts to cultural sites or human remains with an emphasis on the Koi Nation's genuine sensitivity to such issues. While development of the property has the potential to affect archeological resources, the Nation proposed a number of measures that would be implemented prior to and during ground disturbing activities. The Nation's employment of canine forensics during a Canine Field Survey is one such example of the lengths that the Nation has been willing to take to ensure that historic preservation remains a key component in the development of the Shiloh Project. In mitigating impacts to such resources, the ground disturbing activities within fifty feet of these Canine-identified areas, or within 150 feet of Pruitt Creek would be monitored by a qualified archeologist, a Koi Nation Native American Tribal Monitor, and/or a Native American Tribal Monitor or archeologist selected by interested Sonoma County tribes. The mitigation measures also state that in the event that resources are discovered, the Nation would adhere to applicable federal laws, such as the National Historic Preservation Act and its implementing regulations and would halt work within fifty feet of the site until the Nation receives an assessment from a professional archeologist. As the Nation has offered in other proposed measures, in an instance that findings are significant, the Nation would collaborate with experts to consider the appropriate treatment or avoidance plans. Finally, the third, and perhaps, most important measure that the Nation has proposed is that in response to the finding of human remains. In the event that this occurs, a BIA representative would immediately be contacted, and an analysis of the remains would occur to determine their potential origins and disposition. As I have stated in the beginning of this section, I believe that the Nation has managed the issue of cultural and human remains with the utmost sensitivity. Based upon the data provided within the EIS, a significant finding is unlikely in the developed area, but I feel secure in the knowledge that if remains are identified, the Nation will take all necessary precautions to ensure that such artifacts are managed with care.

### *Public Services*

While the public did not express significant concern for the demand for public services, such as police responders and fire protection, I feel that it is pertinent to highlight the efforts that the Nation has proposed to make in ensuring that the Town of Windsor's public services are not unduly burdened by the development and operation of the Shiloh Project. For example, although the EIS identified potential issues relating to the increased demand for police, fire, and emergency medical services, I feel confident that the proposed mitigation measures will serve to ease the burden on these local public services. The Nation proposes to make good faith efforts to negotiate agreements with the Sonoma County Sheriff's Office and the Sonoma County Fire District for the provision of law enforcement services, and fire protection and emergency medical services, respectively, in

exchange for compensation. This compensation would grant local public service providers with greater resources for hiring and/or gear. This benefits both the Nation and the local community, which would, in turn, receive better funded police and fire departments. The EIS also explained that if the fire department cannot come to an agreement for the provision of services, the Nation would establish, equip, and staff a fire department on the Shiloh Property. This would include a staff of at least three individuals trained as both firefighters and emergency medical technicians, and adherence to BIA-established certification standards. Should the Nation establish its own fire department, I am of the belief that adverse impacts to the community would become even less likely, as this would result in the provision of on-site fire and medical support that would not take away from the resources of the existing fire department.

### *Economic Benefits*

Finally, adherence to BMPs and the outlined mitigation measures would also aid in ensuring that the beneficial economic impacts that the Shiloh Project will have on the Town of Graton and Sonoma County could outweigh the general potential adverse impacts. Namely, the EIS predicts that the project would generate employment opportunities during both the construction and operational phase of the project. The EIS explains that the construction phase would create an estimated 1,098 direct full-time jobs, 135 indirect jobs, and 376 induced jobs, and the operational phase would create an estimated 1,571 full time equivalent positions varying from entry to management levels, 364 indirect jobs, and 285 induced jobs. This adds up to approximately 1,609 jobs during the development phase and approximately 2,220 jobs during the operational phase. As such, the Town of Windsor would have significantly more employment opportunities for residents seeking local work, leading to more opportunities for these individuals to obtain health and safety benefits. Not only this, but the project would also provide the Nation with resources to support tribal members local to the Sonoma County region. In addition to this, the effects of creating new gaming facilities are expected to generally help stimulate the local market as visitors to the project would also be expected to patronize businesses in the Town of Windsor and the surrounding area. Based upon the economic data provided within the EIS, we are inclined to agree that the Shiloh Project's beneficial impacts would provide net benefits to the Town of Windsor and the surrounding Sonoma County area.

I feel strongly that this project will provide an overall benefit to the greater Sonoma County area without significant adverse impacts to the environment and existing community.

Sincerely,



Ron Rowlett

1706 Corby Ave  
Santa Rosa, CA 95407

**From:** erin clark <erinclark10@gmail.com>

**Sent:** Thursday, August 22, 2024 11:03 AM

**To:** Broussard, Chad N <Chad.Broussard@bia.gov>

**Subject:** [EXTERNAL] Koi Nation Casino on Shiloh Rd. in Windsor, CA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I have written several letters to you and our local paper to voice my family's dissent to the proposed casino by the Koi nation. We still feel it is the wrong use of land and the Koi are not native to this area. Please do not let this project go through. This is a rural residential neighborhood that does not align with the idea of a commercial gambling casino. No casino, period.

Sincerely,  
Erin Easton Clatk  
825 Leslie Road  
Healdsburg, CA 95448  
707-953-7034

**From:** Shelley Ocana <shelleyo@sonic.net>  
**Sent:** Thursday, August 22, 2024 12:25 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi/Chickasaw Casino in Sonoma County, CA

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Attn: Amy Dutschke, Regional Director, Bureau of Indian Affairs:

Dear Ms. Dutschke:

This purpose of this letter is to express my vehement opposition to the proposed Koi/Chickasaw casino project slated for Sonoma County near the Shiloh Regional Park. I am a long-time resident of the Wikiup/Larkfield neighborhood of Santa Rosa and am nearly adjacent to the proposed site of a new Koi/Chickasaw casino project. For myriad reasons, this project is ill thought out, ill planned and ill advised. Please consider the following major impacts this project will have on our quiet community (not necessarily listed in order of priority):

- 1) **Population density and fire evacuation/safety considerations.** I am a victim of the Tubbs fire that ravaged our community in 2017 and the life-threatening, harrowing experience of trying to evacuate all the people of our community through only two exit routes during a raging wildfire. It took over two hours to evacuate from the Larkfield/Wikiup neighborhood a half mile to highway 101 during the devastating fire. We simply do not have the infrastructure to accommodate many thousands more people staying in a new casino complex along those same roadways in case of a similar catastrophic environmental occurrence.
- 2) **Lack of sufficient water resources.** We are on private wells and a small private water system managing our community on a limited water supply system. We do not have the capacity to take on a tremendous mega-complex such as a casino in our rural area. We do not have sufficient water to support this project and due to climate change, will not have additional water resources in the future.
- 3) **Solid waste management.** The projected increase of the solid waste this project will produce will over tax our existing solid waste management systems. We have all been taxed for years to fund our projected goals of 30% reduction of GHG emissions in local landfills by 2035. These goals will be dashed by this mega-project. The projected solid waste produced by this project is detrimental to our community, unsustainable, environmentally irresponsible and unacceptable.
- 4) **Crime.** No one can discount the impact of increased crime in and around casino locations. We do not want to endorse a project that will foster an increase in crime levels throughout the neighborhoods in Windsor and Santa Rosa. Discounting this valid concern is at best naïve and short-sighted and at the very least irresponsible.

Despite the fact that project promoters have offered solutions, mitigations and explanations why the above concerns have been considered and resolutions found, we of the surrounding communities are not so ill informed that we will fall for these false premises. Please do not insult our intelligence. We are savvy, informed consumers and citizens of a community which is deeply concerned with our environment, our future quality of life and the lives our future generations.

We are **vehemently** opposed to the installation of the Koi/Chickasaw casino/hotel project in our community.

Cordially,  
Shelley Ocana  
5266 El Mercado Parkway  
Santa Rosa, CA 954503

**From:** Renee Avanche <renee.lorenz73@gmail.com>  
**Sent:** Thursday, August 22, 2024 2:42 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh resort and casino project

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August 22, 2024

Chad Broussard  
Bureau of Indian Affairs

Dear Mr. Broussard,

My name Renee Lorenz and I live in the Larkfield area near the proposed Koi Nation Shiloh Casino site. In fact, I grew up on E Shiloh Rd across the road from this site. I am the mother of two school age children who attend Mark West Elementary School. They spend much of their free time at my mother's home who continues to live on E Shiloh Rd. My son and daughter enjoy riding their bikes and going to Esposti Park which is located at the intersection of E Shiloh Rd. and Old Redwood Highway. They play in the creek area and even have a swing hanging from a tree over the creek next to the bridge.

The issue of safety for my kids is of primary importance to me as it is for our neighbors and all parents. What are the chances that the problems associated with bringing in a casino will increase danger for our children? Many more cars on the road to navigate, unshady characters lurking about, drunk drivers, discarded needles? In short, a casino means no more outdoor time like they are used to.

The EIS has a section that addresses traffic and safety and crime, yet the statistics etc seem to be taken from 2020/2021 when COVID was present so the numbers are not to be taken seriously as everyone was laying low. It is actually disingenuous for the Koi Nation to base their proposed mitigations on this outdated and misleading data. We are very leery of the casino proponents being forthright and honest with us.

Lastly, we have had to evacuate twice in the past few years and the whole idea of our being able to evacuate safely with our kids with all the extra cars and chaos is a nightmare scenario. No thank you, its just not feasible.

Thank you,  
Renee Lorenz

**From:** dianaborges101@att.net <dianaborges101@att.net>

**Sent:** Thursday, August 22, 2024 1:28 PM

**To:** Broussard, Chad N <Chad.Broussard@bia.gov>

**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Attached is my letter regarding the draft EIS for the proposed Shiloh Resort and Casino. Please let me know if you have any questions.

Diana Borgs

August 22, 2024

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)  
Sent Via Email

Draft EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Mr. Broussard,

I am providing comments regarding the draft Environmental Impact Statement (EIS) that was prepared for the Koi Nation Shiloh Resort and Casino. I have owned a home in Windsor essentially since 1987 and have seen many changes. It is my opinion that if the proposed development is constructed not only will it have significant negative impacts to our community but that many residents will relocate because the reasons we moved here will be gone.

I echo many of the concerns included in the Town of Windsor's letter on the draft EIS and those provided by the public. The arguments raised in Governor Newsom's August 16, 2024 letter and concerns from other Indian Tribes are not only significant but appear to have legal references why this project should not move forward. I request the BIA take into consideration the precedence being set for the United States, if this project is approved. That includes how close to residential areas, churches, parks and schools, location in a high wildfire area with evacuation limitations, the distance between casinos, the impact to other Tribes and more.

I support Alternative D, no action and believe that the draft EIS is inadequate and unacceptable, with underestimated risks and proposed mitigative measures that will not address the risks. Although I have concerns relating to many other topics, my comments below focus primarily on areas that are related to my background/experience.

### **Earthquakes**

- The Project Site is approximately 0.5 mile west of the Rodgers Creek Fault.
- According to the California Office of Emergency Services, there is a 33% chance that a 6.7M or larger earthquake will occur on the Rodgers Creek fault from 2014 to 2043.
- The Rodgers Creek fault is now thought to be connected to the Hayward fault and that a strong earthquake on the Hayward fault has the potential to cause extensive damage in Sonoma County. An evaluation of potential impacts from a strong earthquake on the Hayward fault should be conducted.
- It is not a question of if but when a strong earthquake will impact Sonoma County, causing significant damage. When a strong earthquake hits, the likely scenario will be sheltering in place because of blocked roadways, collapsed bridges/overpasses etc. In this scenario, first responders will not be able to get to us or to the project site.
- Another scenario where wide-spread damage is not as extensive could have our emergency personnel responding to the project site before residential areas because of the

large number of people located in the hotel and casino. The priority is often areas of mass casualties.

- The draft EIS states “a project-specific geotechnical report would be prepared prior to construction with standards no less stringent than the California Building Code (CBC). Use of these standards would allow ground shaking related hazards to be managed from a geologic, geotechnical, and structural standpoint such that risks to the health or safety of workers or members of the public would be reduced. Therefore, impacts from potential seismic conditions and induced hazards would be less than significant.” This implies that because risks would be “reduced” the impacts would be less than significant. Please keep in mind just because something is mitigated (reduced, made less severe) does not mean it is no longer a risk. The potential for life threatening situations due to an earthquake has not been properly evaluated and there are no actions in place to address the situations should they arise.

### **Traffic**

- The draft EIS does not address traffic impacts on Faught Road, Old Redwood Hwy south of the intersection of Old Redwood Hwy and Shiloh Road, Highway 101 at River Road and Highway 101 at Airport Blvd. Most of the visitors to the casino will likely come from the south, via Highway 101. Some of these will use the Airport Blvd offramp (possibly also River Road) then take Old Redwood Hwy north. This will cause significant increase in traffic south of the project site, where no mitigative measures are proposed.
- The existing traffic studies are inadequate and use non-representative data due to the times conducted. Traffic studies should take into consideration all proposed/under construction developments in the vicinity, including Larkfield, such as the 175 Airport Blvd development.
- There is no traffic evaluation for large events (concerts, etc), which would happen mostly at night, with no street lighting in some areas and everyone leaving at about the same time.
- The draft EIS states “Construction of Alternative A would require grading a significant portion of the Project Site (Appendix D3). The estimated overall earthwork volume under Alternative A is 115,000 cubic yards (CY), and the grading concept accomplishes a near balanced site with less than 10,000 CY of imported fill required. If a seasonal storage pond is used to store treated effluent during the dry season (see Section 2.1.4), the overall earthwork volume would increase by 55,000 CY and no import or export of fill would be needed.” There are many assumptions in these statements, including estimated volumes and that excavated soil will be suitable for reuse fill material, which may not be the case. If the 10,000 cy of import soil alone is required, that would be about 500 end dump trucks (20 cy per truck) going to and from the site. That number of loaded trucks travelling on Shiloh Road or Old Redwood Hwy would likely cause damage to the roads. The draft EIS does not address who would be responsible for road repairs due to project construction vehicles.
- Even if Shiloh Road is widened, the Shiloh Road/Highway 101 overpass will become an even larger bottleneck than it already is at certain times of the day. I found no mitigative measures to address this overpass or coordination with the California Department of Transportation. The California Department of Transportation should be contacted to discuss traffic impacts and evacuations.



- The Town of Windsor, Sonoma County and the California Department of Transportation should not be burdened with costs to mitigate impacts caused by the project. All road improvements should be completed prior to the project opening, not in phases.

### **Evacuations**

- The evacuation times and associated mitigative measures are not acceptable or reasonable. Even with the proposed mitigative measures, the risks are not only potentially significant but life-threatening.
- The Environmental Assessment pointed out a potential life-threatening situation. “An increase in vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires.” This will include buses and large RVs attempting to merge into already gridlocked traffic.
- In an evacuation, some project visitors would be drunk (possible drugged), panicked (fight, flight or freeze response), and not familiar with evacuating or the area. These people will be quickly placed into vehicles to join the rest of us on the roadways. Individuals with mobility issues, elders, people who were bused, took public transportation and dropped off would also need to be evacuated. An evaluation should be done to estimate how long it will take to just get people out of the buildings.
- The draft EIS states “Guests without cars or those who are uncomfortable driving themselves in an emergency shall be offered off-site transportation by staff in a resort vehicle, ride share, public transportation, and/or on-site shuttles” But these are the same staff who will be directing traffic and helping with evacuating the buildings. In a No Notice Event, public transportation will likely not be available. The staff will not know how many people do not have their own transportation, or want transportation until they are in evacuation mode. How can you adequately plan for a situation where you do not know the number of people who will need transport until it is happening?
- One of the mitigative measures is to have trained staff direct traffic. However, project staff would only be allowed to direct vehicles on the property and would not be allowed to interact with vehicles on public roadways, even if they are CERT trained. Under the stress of evacuating, many will not pay attention to an individual directing them. I do not see how directing on-site traffic is going to help public road gridlock.
- If the project is built, additional residential and commercial developments will be built near the project site, thus exasperating evacuation conditions even more.
- When Windsor evacuated during the Kincade Fire, Highway 101 and many other roads, including Shiloh Road and Old Redwood Highway became gridlocked. This occurred when Windsor evacuated, with a 6-hour evacuation warning notice and without the addition of 5,367 project vehicles or even half that amount.
- At the end of this letter are images that show Highway 101 gridlock during the Kincade Fire evacuations. As stated in one article, by about 1 pm, three hours after being told to evacuate and three hours left to evacuate, “traffic on southbound Highway 101, between Santa Rosa and Windsor, was at a standstill but creeping along between Healdsburg and Windsor.” It is my understanding that traffic conditions worsened towards the end of the six-hour evacuation window. The addition of thousands of project vehicles could cause

life-threatening situations, especially under a No Notice Event or even an hour notice event, when a wildfire is in the vicinity.

- As proof that Old Redwood Hwy and Shiloh Road become gridlocked during an evacuation, I provide the following two circumstances. During the 2017 Tubbs Fire, my friend and her husband lost their home at Old Redwood Hwy and River Road, barely escaping the wildfire. When she left her home and traveled north along Old Redwood Hwy, she used the southbound lane because the northbound lane was gridlocked. When she finally reached Shiloh Road, she was not allowed to turn west because it was gridlocked. Instead, she was directed to continue further north along Old Redwood Hwy to the main Windsor highway onramp. Please note that this gridlock along both roads was caused from just the Mark West (Larkfield) area evacuating, not the Town of Windsor or the project.
- During the 2019 Kincade Fire evacuation, I evacuated early, at 1:30 pm. Even leaving mid warning, I waited in the southbound Old Redwood Hwy gridlock, thankful I was not being chased by a wildfire. When I finally reached Shiloh Road, I chose to continue south on Old Redwood Hwy because the westbound Shiloh Road traffic was at a standstill and the traffic on Old Redwood Hwy was at least stop and crawl. Once again, this was without thousands of project vehicles added to the chaos.

### **Water Supply**

- The draft EIS evaluations are based on old Town of Windsor Esposti well data (test done in 2017 and for only 28 hours) and on major assumptions. Some of these assumptions include: 1) current groundwater conditions are similar to those in 2017, however there has since been several years of recent drought, 2) lithology at the Esposti well is homogeneous throughout the vicinity, 3) on-site production wells will be screened in the same water-bearing units as the Esposti well, 4) a 28-hour pumping test represents long-term pumping and more.
- An on-site long-term, constant-rate aquifer test, with appropriately screened observations wells, at varying distances from the pumping well(s) should be performed to evaluate potential impacts to nearby domestic, irrigation and production wells. Pumping conditions should simulate the same stress on the aquifer system that would be observed during operation of the project wells. For example, the simultaneous pumping of multiple on-site wells, if that is the expected condition and the pumping of offsite production wells.
- The draft EIS states “It is expected that the subsurface conditions at the Project site will be similar if not identical to those at Esposti Park.” But the Esposti well is screened in heterogenous material, about 0.5 mile from the on-site wells. It is not practical to assume the subsurface conditions at the Esposti well are identical (same material and at same elevations) as those at the project wells, given the distance and non-homogenous characteristics of the units. An on-site exploratory boring would need to be drilled to investigate the soil beneath the property, in the area of their production wells.
- No well construction details are available for the four existing project wells. If these wells are to be used, well construction details (including upper seal) are needed to evaluate potential impact to the area. Since the Esposti well is screened in six separate zones it is unlikely that the on-site wells are screened similarly.

- The draft EIS proposes the on-site wells have only a 100-foot surface seal. The upper seal for the new wells should extend into the clay layer separating the upper water-bearing zones from the deeper zone, expected at about 200 feet below ground surface. This will reduce the possibility of pulling groundwater from the upper zones down through the gravel pack into the well. The Esposti supply well has a cement/bentonite seal that extends from 0 to 370 feet below ground surface, with an apparent conductor casing from 0 to 60 feet below ground surface.
- Per the draft EIS, “To register for the Well Interference Drawdown Monitoring and Mitigation Program, well owners will be required to complete a Well Information Questionnaire regarding the construction, use, history and performance of their well...” This is asking a lot of property owners when the Koi Nation do not even know well construction details for their own wells and Well Completion Reports may not be available. In addition, many property owners are very protective of their domestic wells and hesitant to provide information. Please note this proposed program is not a Mitigation Program but a Compensation Plan (after the fact) that is biased toward the Koi Nation. One of the proposed possibilities is to connect an impacted domestic well to the project wells, thus forcing the property owner to rely on the Koi Nation for water.
- The Environmental Assessment stated, “Site specific monitoring is needed to confirm the hydraulic separation between the upper and lower aquifers underlying the site and to ensure that there would be no significant impacts to surrounding wells,”. What monitoring/study has been performed since the Environmental Assessment report?

I support the Koi Nation in obtaining sovereign land but it is my opinion that the project location is not appropriate for Alternatives A, B or C and that there will be significant impacts to the environment and residents of the area if the project is built. I urge the BIA to conclude no action for this property. Thank you for considering my comments.

*Diana M Borges*  
Diana Borges, PG  
Windsor Resident

## Images from Kincade Fire Evacuation in 2019



Photo Caption: Traffic backs up on Highway 101 at Shiloh Road in Windsor on Saturday as residents follow evacuation orders for the Kincade fire. (CHRISTOPHER CHUNG / The Press Democrat)

From article: **1:25 p.m.** Just before 1 p.m., traffic on southbound Highway 101, between Santa Rosa and Windsor, was at a standstill but creeping along between Healdsburg and Windsor.

Reference: <https://www.sonomanews.com/article/news/kincade-fire-mandatory-evacuations-for-healdsburg-windsor-warning-zone/?artslide=3>



Photo Caption: Windsor (California, US): Traffic is backed up heading south on a highway during mandatory evacuations due to predicted danger from the Kincadee Fire.—AP

Reference: <https://www.dawn.com/news/1513377>



Map from October 26, 2019 at 1 pm shows congested areas along Highway 101. Obtained from Town of Windsor Police Department.

**From:** Debra Avanche <d\_avanche@yahoo.com>  
**Sent:** Thursday, August 22, 2024 1:26 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino operation

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing to again express my complete opposition to the proposed Shiloh Resort and Casino being considered by the Bureau of Indian Affairs. I am very disheartened that this is still being considered by your agency and the US Department of the Interior.

In previous correspondence and zoom meetings I have noted my alarm about placing a casino with lots of cars, people, huge footprint impact to what is **designated** as "Rural, Residential, Agricultural, and Open Space corridor in this unincorporated area of Sonoma County. Much has been said about the inappropriate idea of picking this 68 acre vineyard for a concrete behemoth with a waste water treatment plant and paved parking area for thousands of vehicles to park and mess up our **"carefully planned carbon emission reduction goals"**. Windsor has carefully designed and installed miles of bicycle lanes to get residents out of their cars. The construction phase alone will have a huge environmental impact on the area and neighborhoods beyond acceptable limits. Air quality, water resource depletion, riparian corridor disruption and most of these concerns seem to be "mitigated" by suggestions and the honor system by the Koi to follow through. The EIS was lengthy but not a document to hold in high regard for concise and thorough reporting on such an important matter.

I won't belabor all the other issues that have been raised before, but I will ask if you have been able to come here in person to view what it is you are considering? It seems like a fair question.

This whole land grab is wrong on so many levels. The Koi Nation deserves compensation for past treatment regarding their ancestral lands in Lake County. But shopping outside their own homelands is wrong, particularly if they will ruin an existing safe, peaceful, healthy community to do it, which is the case here. We lose everything and gain nothing!

Lastly, in 1999, the people of California, my husband and I included, voted to allow Native Americans the chance to develop casinos in their ancestral homelands. Its my understanding that the law authorizing this is clear about the parameters and guidelines which must be adhered to if and when they decide to pursue such a venture. It seems clear that the Oklahoma-based Chickasaw Nation and the Koi Nation of Lake County are trying to usurp the intent of the measure and are in violation of trying to fit a square peg into a round hole, specifically, they have no claim to this property and our community will be negatively affected on a large scale. This is not hyperbole.

**Please, please, please do not approve this project.**

Respectfully submitted,

Debra Avanche

127 E Shiloh Rd.  
Santa Rosa, CA 95403



**From:** Margo Addison <mhanna4@sonic.net>  
**Sent:** Friday, August 23, 2024 5:02 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino and Comments on the TEIR on "off-reservation" environmental impacts

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23 August 2024

Dear Regional Director Amy Dutschke:

I live in the Wikiup/Larkfield neighborhood which, though adjacent to the Koi Nation's proposed casino development project, was not even mentioned in the DEIS report. While I support local indigenous tribes, this project is not right for Sonoma County and will not do anything to restore ancestral lands to the Koi Nation. I am opposed to this project for a variety of reasons including, but limited to, the significant environmental impacts it will have on our area. The only way to avoid these significant and dangerous impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative D in the DEIS.

As someone who lived through the Tubbs Fire and subsequent evacuations, I am acutely aware of the dangers of evacuation in emergency situations. It took my family 45 minutes to get down our hill in Wikiup during the Tubbs Fire - a trip that usually takes about 3 minutes. The increase in cars and traffic from the proposed casino will make it impossible for residents to safely evacuate their homes in an emergency situation. There will be gridlock far worse than there was on the night of the Tubbs Fire.

I am also concerned about the water supply which is precarious in the best of times and the drilling of new wells will have a negative impact on the existing water supply. I am concerned about the effect of such a large project on climate change, greenhouse gas emissions, stress on the electric grid, and the increase in pollution of many different kinds: noise, light, and heat.

This agricultural land is available because voters set the Windsor border next to it as a community separator. It is in the urban Growth Boundary of Windsor. This was a choice of the voters to keep the area from becoming built up, to keep open spaces, to maintain the views from Shiloh Park. The DEIS does not seem to take into consideration the number of hotels that are already approved for Sonoma County.

This project is not in the spirit of restoring lands to a tribe that is not local; rather it would stretch the "restored lands" exception beyond its legal limits.

For all these reasons, I strongly urge the approval of a "no project: alternative D in the DEIS.

Sincerely,  
[Margo E. Addison](#)  
5386 Vista Grande Dr

Santa Rosa, CA 95403

**From:** Don Ziskin <donziskin@gmail.com>  
**Sent:** Friday, August 23, 2024 5:44 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

August 23, 2024

**Subject: EIS Comments, Koi Nation Shiloh Resort and Casino**

Dear Mr. Broussard:

My family and I have lived in Oak Park, the neighborhood directly across the street from the proposed hotel/casino complex for 33 years. This project is completely surrounded by single family homes, two senior mobile home parks, high-density low-income housing, a church and a park. I cannot imagine a more inappropriate site. My neighbor's homes will be within 200 unobstructed feet of the grand entrance to the casino. Ultimately thousands of people will be adversely affected.

Before making specific comments I would like to make some general comments. The Draft Environmental Impact Statement (DEIS) released on July 12, 2024, contains complex, technical information and is virtually impossible for a layperson to understand or comment on. It is over 6000 pages including Appendices. It was drafted by a company specializing in fee-to-trust applications for Indian tribes. As a retired trial attorney, it is understandable Acorn Environmental was retained based on their history of supporting fee-to-trust applications. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved.

The number of people and cars visiting the site on a daily basis will have a significant adverse impact on the environment and surrounding community. Solutions to these impacts in the DEIS described as mitigation efforts are vague and frequently pushed off to future planning or adoption of undefined Best Management Practices. Saying they will come up with a plan is not adequate! The DEIS repeatedly fails to provide specific information to back up conclusions based on undefined mitigation efforts.

Allowing the Koi to purchase land in Sonoma County (a county outside their historical lands) and build a casino complex in a residential neighborhood in direct conflict with city and county planning sets a dangerous precedent. It is opening the door for casino developments at any location in the country. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

**Comments**

## **Transportation and Circulation-**

TJKM was retained to prepare a Traffic Impact Statement (TIS) on the impact the three proposed alternatives, A, B and C, would have on transportation and circulation services in the area.

TJKM prepared the TIS with minimal inadequate data. The only actual data related to this project was collected from traffic monitors set up between 7-9 a.m. and 2-4 p.m. on January 22 (Thursday) and 28 (Sunday), 2022, and on July 28, 2022 (Thursday). The weather is cold and wet in January and the data collected would be significantly different from that gathered over spring and summer when baseball leagues are active, and people are using the two neighborhood parks. The volume of people using Shiloh Regional Park and Esposti Park is minimal compared to summer months. During Spring and Summer, the parking lot is full with overflow parking on Old Redwood Highway and E. Shiloh Road. The park is used daily by boys' baseball and girls' softball. One Sunday morning study from 7-9 a.m. does not reflect actual usage. During the days the parking lot is full with adult and youth baseball.

The DEIS references seven Cumulative Projects in section 3.14.1 (page 3-145) that are either in construction or the Planning and Development stage, four of which are within one-quarter mile of the proposed project. They will bring in approximately 480 new residential households making multiple daily trips within ½ mile of the proposed Casino/hotel complex. While generally referencing in the study that the cumulative projects will have an impact on Transportation and Circulation, there is no specific information in the report or Appendices on how the cumulative projects will impact traffic conditions and loss of services.

Appendix I to the DEIS estimates there will be 11,213 daily trips and 15,799 Saturday trips to and from the Koi Casino complex. There are estimates of as many as 1340 hourly trips... or 22 cars per minute. On evenings when there is a concert in the 2,800-person Event Center, events in the ballrooms as well as patrons of the casino and restaurants... there will be two or three times as many cars per hour going to the complex... all on single lane roads. The Traffic Impact Study does not address specific situations such as this.

The Traffic Impact Study confirms that this traffic increase will have a substantial impact on the roadways and intersection that rise to a level of unacceptable Loss of Services (LOS). The TIS then cites mitigation efforts that will make the LOS acceptable without providing any substantive information how. It does not offer any concrete information on how the mitigation efforts will improve conditions or any guarantees that they would be effective. All three Alternatives will undoubtedly cause loss of services. For example, cars traveling on east/west Shiloh road at Gridley Avenue currently have no waiting time between Faught Road and Old Redwood Highway. Cars on southbound Gridley have minimal if any wait time to enter Shiloh Road. Signalizing this intersection will cause delays in all directions; especially following any special events. Waiting for exiting casino/hotel traffic and then traffic on Shiloh road would force significant delays

## **Water resources –**

Potable water- The EIS projects that Alternative A would pump between an average of 170,000 gallons per day (gpd) per day to a daily peak of 294,000 gpd from onsite wells. The new well(s) will require a water treatment plant to remove arsenic and magnesium and a large storage tank to hold the treated water. Water from the treatment plant would be sent to a one-million-gallon storage tank and then to pumping station for distribution to the facility. Between 1,250,300 to 2,005,800 gallons per week. The drawdown on existing wells is a very real likelihood. Global warming, drought and water rights issues are all discounted or ignored factors in the evaluation. The DEIS indicates that the onsite wells would be deep wells (700 feet) and that the shallow

wells belonging to nearby residents are at most risk. The report then discounts the risk, cost and impact of reduced or inadequate water supplies to local residents based on projections. It also fails to provide adequate remedies to neighboring homeowners who do lose access to well water. Wastewater- The DEIS calls for the construction of a Wastewater Treatment Plant (WWTP) to treat the estimated average of 232,000-335,000 gallons of wastewater discharged each day (1,624,000 to 2,345,000 in an average week). WWTP are designed to reduce wastewater and environmental pollution, but the raw materials, energy consumption and emissions from the WWTP subsequently result in different environmental impacts. The process emissions from wastewater treatments account for two thirds of the total greenhouse gases generated by the water and sewage companies. The operation of a wastewater treatment plant involves a range of direct and indirect emissions. These are called the social cost of greenhouse gases (SC-GHG). These are dismissed in the DEIS as less than significant. The report also fails to provide adequate information on what would occur in the event of a system failure.

Figure 2.5 in Appendix D is a diagram of the Project Water and Wastewater Feasibility Study Wastewater Treatment Process Flow. Estimating its size (using the truck as a gauge), the system will be over 500 feet long x 300 feet wide and up to three stories high. There will be hundreds of families living ¼ mile to several hundred yards away who are subject to these emissions. There is also the strong possibility of odor emanating from the plant.

Groundwater Discharge- The project site is currently a 68-acre vineyard. As farmland, the landscape is permeable, allowing for water to permeate the soil. The proposed project will result in over 35 acres of this land being paved and developed, significantly altering groundwater conditions. In addition to the loss of permeable land there is significant risk of pollutants entering Pruitt Creek despite “best management practices”. The EIS calls for use of bioswales which may keep debris from entering Pruitt Creek but may allow other pollutants through. This was determined to be less than significant!

### **Evacuation**

The proposed Alternatives A, B and to a lesser extent C will attract a large volume of patrons and increase the total number of people onsite that will need to be evacuated during a wildfire event. The facility will have parking for over 5,000 cars and will accommodate more people than cars. There will also be people using rideshare and public transportation and any evacuation plans will need to account for this group.

The Project Site has access to two major emergency routes identified by the Town of Windsor, Shiloh Road and Old Redwood Highway (Town of Windsor, 2021). The DEIS confirms that an increase in vehicles on emergency evacuation routes during a wildfire would worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires. These are single lane roads which will not only be accessed by casino patrons but also used by evacuating neighborhoods.

I have been evacuated twice in the past seven years. Past evacuations during the Tubbs and Kincaid fires resulting in stopped traffic and dangerous conditions on both of these roads with embers landing around homes and cars. Old Redwood Highway and Shiloh Road cannot handle the addition of thousands of more cars and people.

The DEIS recommendations include following best management practices and training employees on evacuating guest in the event of a fire. A consulting fire expert stated, “A comprehensive evacuation plan is critical for life safety”. While the report discusses recent fire detection advances and strategies for evacuations, it fails to come up with substantive

information on how 5,000 cars and more people will access and manage the roads in an emergency setting. One accident at the intersection of Old Redwood Highway and Shiloh road would be devastating to an evacuation. Situations like this are not incorporated.

#### **Socioeconomic Conditions-**

Property values- The DEIS cites other casinos in California that have had minimal impact on property values within a five-mile radius. In fact, the EIS states that values increased between the years 2000 and 2021. This general statement does not provide any substantive information. Property values throughout California, and in these particular areas, all increased during the years 2000 through 2021. There is no information on what the increased values were and how they compared to neighboring communities. There has been three houses for sale in my neighborhood for the past three to five months. There has not been one offer on any of the houses, with one owner reporting no viewings. Extremely uncharacteristic for our neighborhood and Sonoma county. One of the brokers advised me the unknown nature of the development property values are down 20%.

Crime- The DEIS and Appendix B-1 do not provide any substantive information other than the fact that law enforcement received 1,700 calls and made 39 arrests at the Graton Rancheria in its first year of operation. After a comparison of the Graton Rancheria Casino and the proposed Alternative A, the EIS concludes "As a result of this quantitative and qualitative analysis, GMA finds that the negative impacts on community services in areas in which a casino has opened are generally minimal." The report does not include any "quantitative and qualitative" information other than from the 2014.

Drunk Driving- The EIS states "The proposed project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents." It then say "Drunk driving prevalence is not anticipated to increase significantly as a result of the proposed casino resort...". The only mitigation offered is the implementation of a "Responsible Alcoholic Beverage Policy". The conclusion of little impact is not supported by any substantive information.

Site visit- The proposed hotel/casino complex will have a significant physical, emotional and psychological impact on the surrounding community. It will forever alter it from a quiet area that shuts down at dark to a 24 hour a day entertainment center with cars coming and going. Sound will carry through to neighboring homes on what are now silent nights. The report does not contain any specific information on what sound levels will travel to neighboring homes.

I do not begrudge the Koi developing a casino/hotel complex in a more appropriate location, more central to their historical lands and in a location more conducive to a commercial venture.

This is the wrong project at the wrong location.

Sincerely,

Donald Ziskin  
5862 Leona Court  
Windsor, CA.95492

**From:** Deb Ball <caranchgirl@gmail.com>  
**Sent:** Saturday, August 24, 2024 9:34 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Fwd: EIS Comments, Koi Nation Shiloh Resort and Casino

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## Forwarded Conversation

**Subject:** EIS Comments, Koi Nation Shiloh Resort and Casino

-----  
**From:** Deb Ball <caranchgirl@gmail.com>  
**Date:** Sat, Aug 24, 2024 at 8:25 AM  
**To:** <chad.broussard@bia.gov-email>

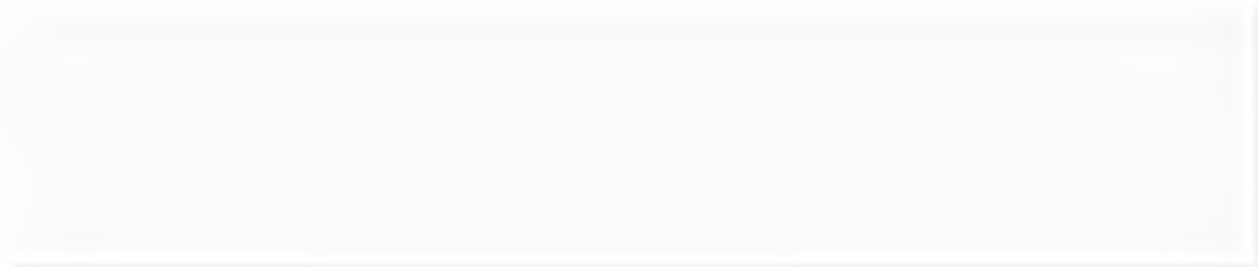
Dear Mr. Broussard:

My name is Deb Ball, and I'm a retired educator living in Healdsburg only five miles away from Windsor and the proposed site. I have many concerns about the location of this proposal, most of which are extreme safety concerns. They are outlined in the enclosed attachment which I respectfully ask you to please open and add to the other letters of concern for this site proposal.

Thank you in advance for your help with this matter.

Sincerely,  
Deb Ball

-----  
**From:** Mail Delivery Subsystem <mailer-daemon@googlemail.com>  
**Date:** Sat, Aug 24, 2024 at 8:25 AM  
**To:** <caranchgirl@gmail.com>



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Your message wasn't delivered to [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)-email because the domain bia.gov-email couldn't be found. Check for typos or unnecessary spaces and try again.

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Domain name not found: bia.gov-email For more information, go  
to <https://support.google.com/mail/?p=BadRcptDomain>

----- Forwarded message -----

From: Deb Ball <[caranchgirl@gmail.com](mailto:caranchgirl@gmail.com)>

To: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)-email

Cc:

Bcc:

Date: Sat, 24 Aug 2024 08:25:28 -0700

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

----- Message truncated -----



## EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Mr. Broussard and the Bureau of Indian Affairs,

While listening to the hearing on 7/31/24, there were many points raised against the proposed casino build with which I wholeheartedly agree.

Some of these are the following: The location is wrong on all counts. It is an agricultural area between residential areas, and is already unable to evacuate the number of cars in an emergency. Adding even more vehicles during an emergency evacuation will exacerbate the already experienced chaos and inability to keep traffic from being at a standstill, as it was reported in the 2019 Kincaid Fire. Since the 2019 fire there is a newly constructed and not yet inhabited four-level apartment complex on the corner of Shiloh and Old Redwood, with another such complex planned for the area behind it, not to mention more commercial buildings being constructed along Shiloh close to the Walmart center and the freeway.

Old Redwood Highway is a two-lane road, as is Shiloh Road, and cannot handle evacuation traffic as it was in 2019. Drivers report that it was gridlock and took hours to reach 101 onramps less than a half mile away.

Faught Road, which runs behind the proposed site next to the hills, is two-lane, winding, curvy and narrow in spots. It is already overburdened with drivers trying to avoid the main roads, often speeding and driving carelessly, as well as with recreational users.

**As a driver on Faught I've narrowly missed** head-on collisions with other drivers more than once, speeding and hogging the center on a hill with an obstructed view and recreational users in the road as well, and especially where there is no shoulder, as is true in many spots along Faught. Adding casino traffic, as well as drivers under the influence of alcohol served at said casino, is a recipe for disaster and for a loss of lives. Slowing evacuation times out of the area in an emergency, with greatly increased traffic from a casino, is also likely to contribute to a loss of lives.

The other casinos in Sonoma County, Graton and River Rock, are built in areas with less impact on the safety and well-being of the communities around them. Graton is in an industrial area and River Rock is located in the rural area of the reservation with few houses nearby.

The Koi and Chickasaw Nations are focused on profit only and are showing blatant disregard for human life by requesting to put a casino in an area already underserved by inadequate roads. It is a beautiful **property in an agricultural setting, agreed. It's also a recipe for disaster if allowed** to construct a casino, or even a hotel without casino, in such a heavily impacted area.

I would also ask that, at the very least, a more detailed environmental impact study be required, with current traffic rates, and those of the immediate future with the two new apartment complexes and commercial buildings on Shiloh. The current EIS by Acorn is completely inadequate to the many issues raised by the possibility of a casino in this area.

Please deny this ill-advised request by the Koi and Chickasaw Nations. Human life and safety are intrinsically more important than profit. There are suitable nonresidential places for casino construction in Sonoma County that are located where emergency evacuation is still possible.

**From:** kenhmiller@comcast.net <kenhmiller@comcast.net>  
**Sent:** Saturday, August 24, 2024 9:54 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Casino Project in Windsor CA

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Dear Mr. Broussard,

We are California natives and longtime Sonoma County residents. It is our opinion and desire that no additional casinos or gaming establishments are needed or necessary in the region.

This opinion extends to Native American, Corporate and any other entity that would want to build, own or operate such a business in Sonoma County. It simply is not needed and would most certainly no enhance the quality of life here in the area.

Thank you for considering our feelings on this matter.

Respectfully,

Ken and Teresa Miller  
629 Jean Marie Dr.  
Sants Rosa CA 95403

707-478-2294

**From:** bill mccormick <billmccormickiii@gmail.com>  
**Sent:** Saturday, August 24, 2024 10:05 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments Koi Nation Shiloh Resort and Casino

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Mr. Broussard

Attached please find my letter regarding the EIS document and casino resort development proposed by the Koi Nation near Windsor, California.

Thank you for accepting my comments.

Sincerely

William McCormick

August 24, 2024

**TO:** Mr. Chad Broussard  
Bureau of Indian Affairs -Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

[Brad.broussard@bia.gov](mailto:Brad.broussard@bia.gov)

**SUBJECT: EIS Comments**  
**Koi Nation Shiloh Resort and Casino**

**FROM: William V. McCormick, CEG**  
**5811 Faught Road**  
**Santa Rosa, CA 95403**

Dear Mr. Broussard,

I continue to find it hard to believe that I am actually obligated to respond to such a preposterous land development proposal as this one put forward by the Koi tribe for a casino and resort at the border of the Town of Windsor, within Sonoma County. My property is bounded by Shiloh and Faught Rd, immediately east of this project. I am a local, licensed California Professional Geologist and Certified Engineering Geologist (CEG) who has spent the last 38 years providing input into and/or evaluating the engineering and environmental feasibility of proposed development projects in Northern California, including EIR/EIS documents. ***In all my professional career, I have never seen such a flawed, incomplete and down-right unprofessional environmental document than the EIS that was produced for this ludicrous development by Acorn Environmental. Acorn deliberately omitted and down-played key environmental issues, which makes this document invalid and it should not be accepted.***

Clearly this firm is a paid advocate for the Koi tribe and their work product is subject to further scrutiny and professional investigation. This out-of-town firm clearly has no understanding of the local conditions and has produced this document using desktop study procedure, outdated data and no true field ground-truthing. ***Miraculously, all issues discussed in the EIS are deemed to be less than significant, to the public.*** This clearly shows that the EIS was written only to the benefit of the Koi tribe and WITHOUT consideration to the surrounding neighbors or current environmental reality. This study is so flawed that it never even defines what the phrase Less Than Significant means, and to whom. In order to accurately point out the numerous flaws of this 200+-page study, it would take another 200+-page letter. For sanity sake, I will only include a few examples that clearly demonstrate why the EIS is worthless, should not be considered for acceptance and that **the only project that is acceptable is Alternative D – No Action Alternative**. This property should not be taken into trust.

## **TRAFFIC**

The provided traffic study is incomplete and purposely omitted a key intersection in the evaluation. First of all, new traffic volumes will increase by up to 16,000 cars a day, within a residential neighborhood with NO mitigations whatsoever proposed. We cannot accept or be forced to accept such a degradation to our way of living. This amount of traffic will severely decrease the safety of our neighborhood.

The presented traffic study is completely flawed because it does not even consider traffic generated from the second closest major intersection of Shiloh and Faught Rd; the corner I live on (see Figure 1, attached). This is already a major traffic artery, especially at commute times for travel to and from Chalk Hill Road, Shiloh Ridge Road and the surrounding neighbors of Larkfield. Casino patrons will try to go around the traffic created on Old Redwood Highway at the main entrance, for the Faught Road/Shiloh back entry. For us who live here, we all know that Shiloh road is a part-time drag strip already...adding 16,000 cars to this will result in many injuries, death, property damage and overall degradation to our current peace and lifestyle with endless, 24-hour traffic noise. The hazard of thousands of additional cars will only increase exponentially when taking into account casino patrons who have been drinking alcohol: this issue is also purposely excluded from the EIS.

## **VISUAL, NOISE AND LIGHT POLLUTION**

The casino project, amongst other things, includes a four-story parking structure with pertinent lighting that will be operational 24-hours a day. This part of the project is adjacent to my property and will permanently damage and impair the visual enjoyment from my property and the light and noise pollution 24-hours a day will detrimentally affect my peaceful living environment (See Figure 2 and 3).

## **OBJECTION OUTLINE**

In order to be succinct, I will outline a few of my key objections to this project and the validity of the EIS.

- Accepting a flawed EIS document **IS NOT LESS THAN SIGNIFICANT**
- Increased Traffic in a residential neighborhood **IS NOT LESS THE SIGNIFICANT**
- Putting a casino/gambling facility in a residential neighborhood **IS NOT LESS THE SIGNIFICANT**
- The increase of casino generated crime in a residential neighborhood **IS NOT LESS THE SIGNIFICANT**

- An unregulated wastewater treatment plant in a residential neighborhood **IS NOT LESS THE SIGNIFICANT**
- Use of hazardous chemicals on-site/next to a residential neighborhood **IS NOT LESS THAN SIGNIFICANT**
- The drawdown of residential water supply wells **IS NOT LESS THE SIGNIFICANT**
- The increase of wildfire evacuation hazards **IS NOT LESS THE SIGNIFICANT**
- Degradation of air quality in a residential neighborhood **IS NOT LESS THE SIGNIFICANT**
- Degradation of existing biological resources **IS NOT LESS THAN SIGIFICANT**
- Increasing adverse visual impacts in a residential neighborhood **IS NOT LESS THAN SIGNIFICANT**
- Abruptly changing land use next to a residential neighborhood **IS NOT LESS THAN SIGNIFICANT**
- Reservation shopping **IS NOT LESS THE SIGNIFICANT**
- Violating Sonoma County Tribes culture **IS NOT LESS THE SIGNIFICANT**
- Increasing noise and light pollution in a residential neighborhood **IS NOT LESS THAN SIGNIFICANT**
- Only using casinos to help tribes gain financial independence **IS NOT LESS THE SIGNIFICANT**
- Violating my rights as a U.S. citizen **IS NOT LESS THE SIGNIFICANT**

## **SUMMARY**

In a nutshell, this proposal is absolutely ludicrous and the EIS is flawed, purposely omits key environmental issues and is therefore unacceptable. Let me summarize the fatal flaws for this project:

- The EIS as presented does not adequately characterize the overwhelming negative effects to the neighborhood and Sonoma County Citizens.
- The EIS and the tribe do not present acceptable mitigating factors for critical issues
- There is no definition of Less than Significant and this implication for all issues clearly ignores the concerns of neighbors and Sonoma County citizens
- The proposed development is opposed by every civic organization, the overwhelmingly majority of Sonoma County citizens and the Governor of California; whose participation would be needed for a casino compact.
- The proposed development is opposed by existing Tribes that originate from Sonoma County
- We already have two casinos in Sonoma County, we don't need a third

**What is completely omitted from this EIS document is the description and acknowledgment of the permanent damage to the existing residential and agricultural culture that exists in this area.** No credence is given to forever changing the lives of the current residents, which far outnumber the 90 Koi members who would be

the beneficiaries of residential neighborhood destruction. Clearly none of the Koi would live in this neighborhood once the casino is built. I would also like to point out that never has permission been granted in the past for a tribal casino more than 15 miles from their native origins nor has a casino ever been permitted next to a residential neighborhood...this policy should not be changed!

I have one final comment that needs to be taken into consideration by the BIA. This current process of **RESERVATION SHOPPING** at will needs to cease, and the Federal Government needs to find other more positive ways to assist tribal communities that doesn't destroy the lives of others in the process and is not based on a monopoly of casino greed that creates instant millionaires. Tribal rights should not be more important than all other citizens' rights. We are all **US Citizens** and one group should not be allowed to infringe upon the rights of others for selfish means, especially since the citizens that could be negatively and permanently affected have lived here for many decades.

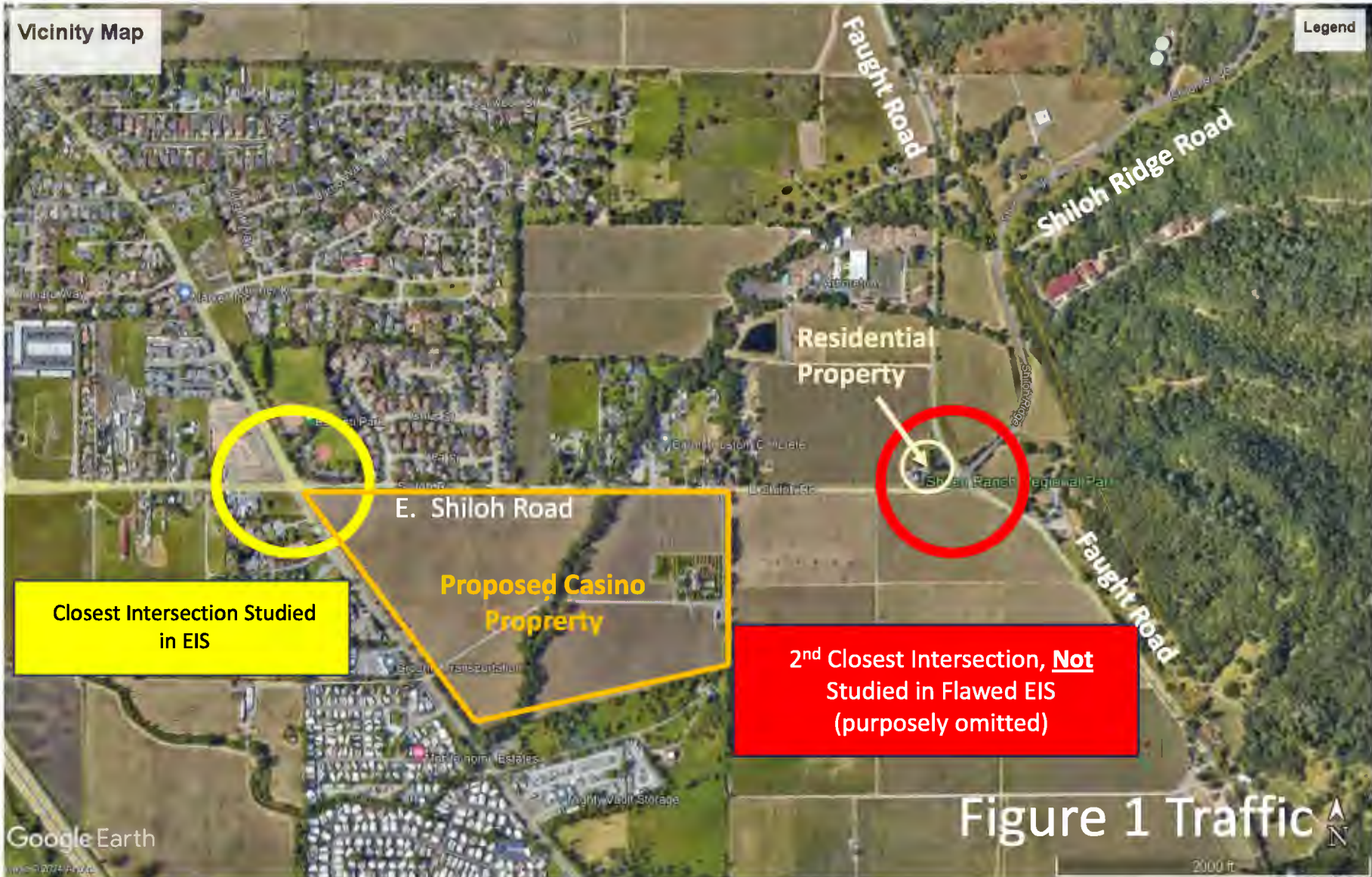
In closing, I implore you to reject the EIS, and only consider **Alternative D- No Action Alternative**, and **this site should not be taken into Trust**. I also strongly encourage you to guide the Koi tribe into finding fee-to-trust land opportunities outside of Sonoma County.

Respectfully submitted,

William V. McCormick, PG, CEG

Neighborhood Resident





Backyard View

Legend

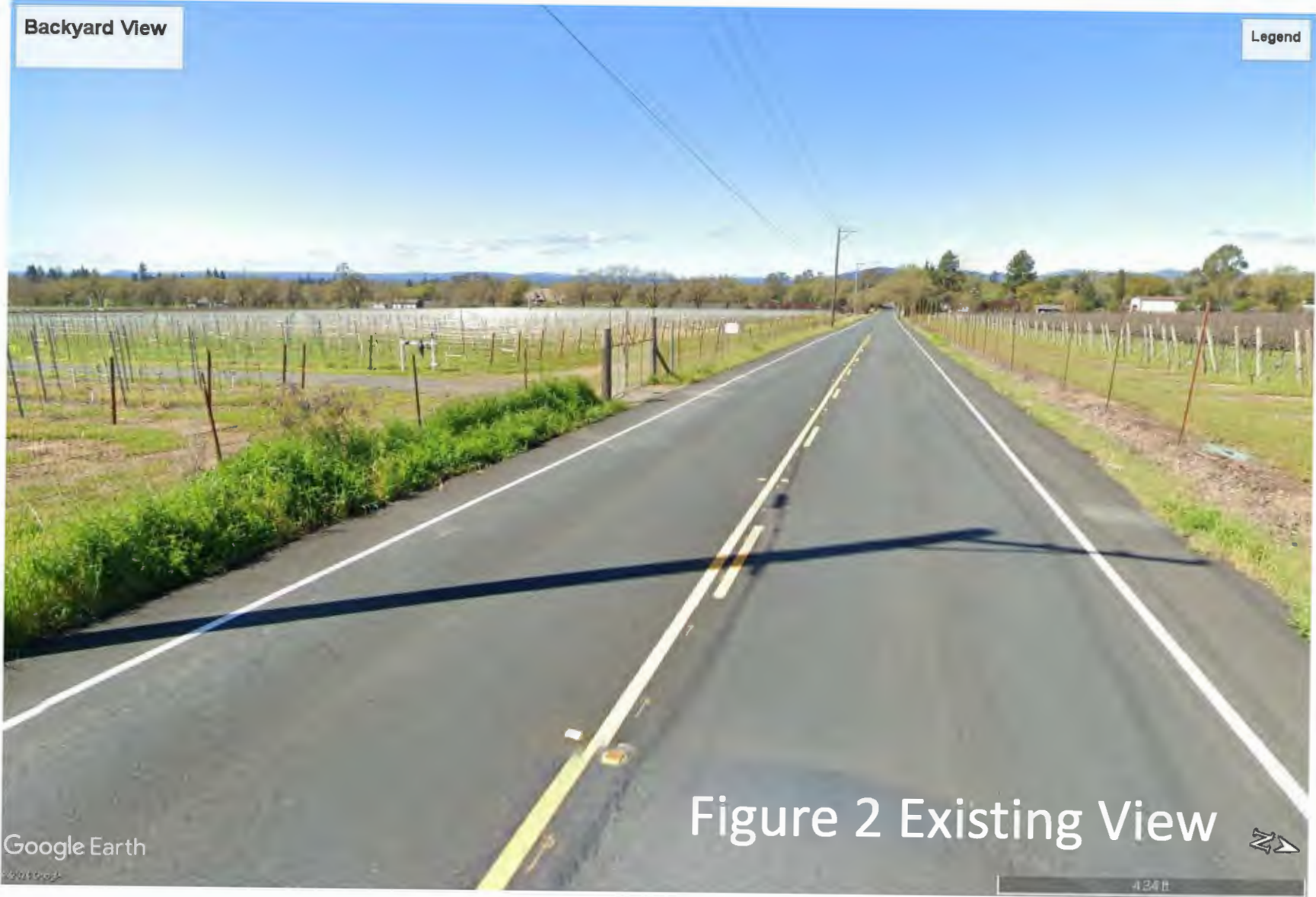
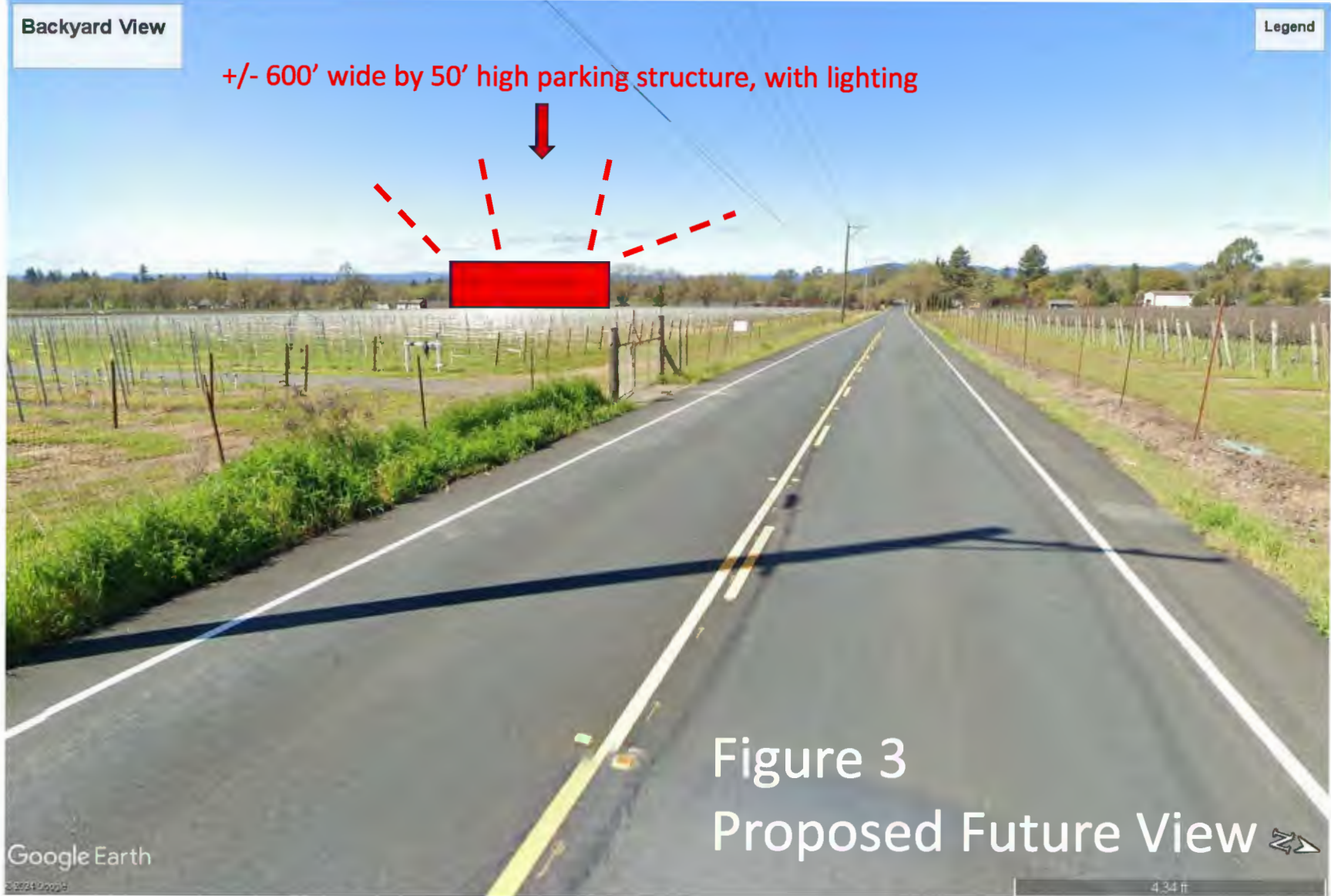


Figure 2 Existing View

Google Earth



434 ft



Backyard View

Legend

+/- 600' wide by 50' high parking structure, with lighting

Figure 3  
Proposed Future View

Google Earth

4.34 ft

**From:** Jennifer Castle <castlesca@gmail.com>  
**Sent:** Saturday, August 24, 2024 11:12 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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Dear Regional Director Dutschke,

My name is Jennifer Castle and I live in the Larkfield/Wikiup neighborhood which has previously not been mentioned in the DEIS, and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the town of Windsor for a hotel and casino gaming project. As a 4th grade teacher in a public school, I appreciate the importance of our local, indigenous tribes but this project is not going to help the Koi Nation tribe or our community.

I am very concerned that the environmental impacts on our neighborhood were not addressed in the DEIS. Here are my top three areas of concern that need to be addressed for my neighborhood.

1. Water supply and wastewater treatment- The additional wells that will be drilled will greatly impact the amount of available water for the communities that already exist in this area. Water conservation has been a very high priority for our neighborhood and there is great concern and not enough research about what these additional wells will do to our water supply going forward. The wastewater treatment plant will be an eyesore and create odors and run off that will affect our local creeks and tributaries. As a steward of the land, the Koi Nation should be highly sensitive to these issues.

2. Wildfire Evacuation- As a mother who was trying desperately to evacuate her family to safety in the 2017 Tubbs fire and fighting endless gridlock on the roads, I am terrified about how the additional traffic from a hotel and casino will hinder our escape in a fire event. Cal Fire has designated the area where the proposed casino/hotel is planned to be level 3 and level 4 zones. I can not understand why adding thousands more people to an already clogged evacuation route makes sense in designated "High" and "Very High" fire zones. 5,000 more cars on a small, two lane road, heading towards a one lane highway onramp will create an impossible situation and more people will be injured or die while trying to evacuate. During the day there will be local schools to evacuate, a shopping center with multiple big box stores, several trailer parks with residents that depend on rides or buses to get around, all these people should not live in fear that they won't be able to get to safety because a casino had to be built in their neighborhood. I watched people drive the wrong direction on roads trying to flee the fire in 2017, I am confident that the proposed traffic attendants are not going to help at all.

3. Solid Waste- I am very proud of the work done in Sonoma County to mitigate the amount of solid waste that is produced. Adding the casino/hotel will produce an astronomical amount of waste every day that will overflow our landfills and erase all the hard work we have been doing for decades. The residents of our county have been working on, and paying for, these positive changes for years and now an outside entity wants to come along and destroy all our progress. I feel that there needs to be a much higher level of scrutiny applied to this problem before we start dumping thousands of pounds of trash into our already precariously full landfills on a daily basis.

I support the local indigenous tribes, however this project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County.

The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,  
Jennifer Castle  
320 Candlelight Dr.  
Santa Rosa, CA 95403

**From:** Ronald Calloway <ronaldcalloway363@yahoo.com>  
**Sent:** Friday, August 23, 2024 9:04 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

As the recently retired Superintendent of the Mark West School District, I must state my adamant objection to this casino. For the record, not only did I serve as the Superintendent, but I am also a resident of the school district. I live at 531 Coachlight Place, which is one block from San Miguel Elementary School. This school is within a mile of the proposed casino, and I cannot understand how the Bureau of Indian Affairs could even consider approving a casino so close to an elementary school.

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts. Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the Environmental Impact Statement (EIS) are framed as best management practices, but there is no guarantee that they will occur. I am very concerned that the Bureau of Indians Affairs is rushing this process, has not adequately considered the local environmental impacts, and cannot guarantee or enforce the mitigation that is proposed.

Furthermore, as the Superintendent at the time of the 2017 Tubbs Fire, I can truly attest to the enormous dangers of a wildfire in our area. It is important to note the following year in 2018 there was a fire in Paradise, California during the daylight hours when school was in session. If such an event were to occur in our area with a casino added to our community, it would have disastrous consequences. In the case of the Paradise fire, the school district was able to use bussing to transport students out of the area. Unfortunately, the Mark West School District does not have Home to School transportation (bussing). All students either walk to school or are transported by vehicles to school. In the event of a daytime fire on the magnitude of the Tubbs or Paradise Fire, parents would be attempting to get to the school(s) in the Mark West District. With people fleeing the casino, inevitably they would use Faught Road next to San Miguel, which would endanger the lives of students, parents, and staff. Again, this was not addressed in the EIS study. There is no part of the evacuation plan that encompasses Faught Road, which is two lanes. As such, the EIS does not answer the questions brought forth by the community. Finally, I must reiterate that a casino within a mile of a school is absolutely shameful to consider. As an educator, who has built his entire career in supporting students, I cannot fathom a worse scenario than placing a casino in the proposed location.

Sincerely,

Ronald M. Calloway, Retired Superintendent of the Mark West Union School District

**From:** abendclaudia@gmail.com <abendclaudia@gmail.com>  
**Sent:** Friday, August 23, 2024 9:07 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino "

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

My husband and I have lived in Sonoma County for 39 years and across the street from this horrible proposed project for 37 years where we have raised our family. We now ,regularly have our grandchildren at this same home for visits and child care.

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This DEIS does not address the aesthetic change that would be forced on this area. A big

high rise project like this would erase views of the beautiful mountains and skylines and would decrease property values because it just doesn't fit into the community character. This can not be mitigated!

Seems there is a lot of support for this project from people and groups that don't live here and some from out of state that are relating it to our improved economy and are apart of big money themselves. Whose economy are they really talking about ? Not our community. After construction union builder workers leave projects it's on to something else! Sonoma Co. has a lot of other projects happening . We do not want to be left with this negative project . The negative out weights the benifents for our community neighborhood!

Enough! Stop this project now! If the Koi tribe really cares about the land and community neighborhood they would find another more appropiate place for this project in Lake County as Sonoma County has enough Casinos! Our community neighborhood does not deserve this abuse and needs to be protected for our children and grandchildren . Option D no project, is the only realistic choice.

Thank you ,Respectfully,  
Claudia Abend



**From:** Judi Swenson <judi@rocketmail.com>  
**Sent:** Friday, August 23, 2024 9:10 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino and on the TEIR

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825  
August 22, 2024

Dear Regional Director Dutschke,

I am writing in response to the Indian casino proposed for Windsor, California. I live nearby in the Larkfield/Wikiup area of Santa Rosa, but frequently ride my bike through this area and shop in the area of the proposed casino in Windsor. The effects of this proposed casino would extend to our nearby neighborhood.

The proposed five story building with parking structure would add a great deal of congestion to this area serviced by two lane streets. It currently serves as a beautiful biking area, already a bit tricky due to the narrowness of the lanes and lack of road shoulders. Shiloh Regional Park lies adjacent to this proposed site, and the congestion would completely change the current feel of this low key country environment. Voters originally designated this land as a separator in the Sonoma Countywide plan and the Larkfield-Wikiup 1980 specific plan.

Since the environmental impact study was done, a huge apartment structure has been built kitty corner to the proposed site. The apartment will already will have impact on congestion with more traffic, and use of water and utilities. I understand that there may be upwards of 1,200 employees working at the casino. Resources such as medical facilities will be stretched along with the use of water, sewer, etc... Since the pandemic, existing medical facilities everywhere are already stretched thin with shortages of medical personal. In Windsor, these limited support systems are already in very high demand and usage, with limited supply.

As you must already know, this area and much of Windsor and Santa Rosa were very much impacted by wildfires in recent years. We were not living here at this time, but have heard horror stories of immediate evacuations, and horrible traffic limiting the egress to safety. Neighbors who lived through the fires are genuinely terrified at the thought of having to evacuate for an imminent fire situation, yet sitting in traffic lines that hardly move.

Is there a reason that given that we have two busy Indian casinos already in the general area, that there is a need for another one? Graton is in nearby Rohnert Park and River Rock casino is in Geyserville which is a 20 minute drive from the proposed site. I support the local indigenous tribes here, and this project will do nothing to restore lands to the Koi nation whose ancestral lands are in Lake County.

It seems reasonable that folks wanting jobs in construction would want the nearby work, but what happens after the work is completed and the need for these workers is done? It is short sighted to use this as a consideration for building.

This proposed site is now agricultural, a beautiful vineyard, originally intended by voters to be kept that way. It is a sleepy little piece of country existence which would be severely affected by a 24 hour business and all that this entails (increased crime, pollution, traffic, water use, noise). There are homes just across the street that were integrated into this area as part of a planned quiet, slow lifestyle. Is there not a more appropriate site that would better accommodate such a large business?

Thank you for letting me express my concerns. I hope for a decision that will be favorable and take into account the multitude of concerns and considerations. Please endorse the environmentally preferred "**no project**" alternative D in the DEIS.

Best wishes,

Judi Swenson  
5305 Carriage Lane  
Santa Rosa, CA 95403

**From:** Richard Abend <richardabend13@gmail.com>  
**Sent:** Friday, August 23, 2024 9:20 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino"

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My wife and I have lived in Sonoma County for 39 years and across the street from this horrible proposed project for 37 years where we have raised our family. We now ,regularly have our grandchildren at this same home for visits and child care.

The most important missing element of this very bias DEIS is the negative impact it will have on our community of residential /school/church/recreational parks,rural wildlife parks with creeks that stretch into the agriculture and creeks on this property ! Our community neighborhood cannot tolerate a big influx of population in and out of 12 to 15 thousand or more . This will bring bottle neck traffic /noise to an all ready impacted road . The DEIS report is inadequate with addressing this. With this Casio/hotel (Las Vegas mini city )there will undoubtedly be increased violence, crime /drugs/DUI's and individual bad behavior of prostitution/sex trafficking from visiting people that don't care about our community's quality of life. This is not even addressed as a real problem and minimized in the DEIS. The DEIS is still not accurately addressing flooding,polluting of creeks and depleting area wells with the supposed self water recycling system . There is no solution for a project of this size ... it just doesn't belong. The water source is for the vineyard use and area residential active wells. This DEIS does not actually address the real possibility of depleted ground water for the multiple residents in the area and on my home road with the use of this projecting at least 40 million gallons per day . That would be from visiting people that don't realize or care about water conservation for our community. We all depend on our own private wells.

Having been here during the fires of 2017 and 2019 it has been a reality that things can happen very fast with a wild fire . Any added population to our roads will inhibit safe evacuation and ER service's for all . This DEIS minimizes this fact as not a real problem and inaccurate ,unrealistic with any preparation to safe guard the population .

This casino project would be a negative impact with increase noise,lighting , poor air quality, at risk safety to the multiple bikers and walking/jogging pedestrians in our peaceful beautiful community . This would cause irreparable abusive change and damage to the whole area. The recent mapping in the DEIS is inaccurate with its label of mix use /industrial/ commercial in a lot of areas that are actually residential, schools,churches,recreational parks and rural wildlife parks. Example : recent apartment structures x2 on Shiloh road ! A big population addition of low income /senior memory care housing coming soon to the main in and out of our area. In fact the reality is that any traffic back up or blockage on 101 already overflows to Old Redwood Hwy off of the exits from SR to Windsor and beyond . It's obvious when I start to exit my residence . This has been a problem for years and will be even worse with the new high density structures populated! There is no room for a added casino/hotel/resort/convention center population!

This DEIS does not address the aesthetic change that would be forced on this area. A big high rise project like this would erase views of the beautiful mountains and skylines and would

decrease property values because it just doesn't fit into the community character. This can not be mitigated!

Seems there is a lot of support for this project from people and groups that don't live here and some from out of state that are relating it to our improved economy and are apart of big money themselves. Whose economy are they really talking about ? Not our community. After construction union builder workers leave projects it's on to something else! Sonoma Co. has a lot of other projects happening . We do not want to be left with this negative project . The negative out weights the benifents for our community neighborhood!

Enough! Stop this project now! If the Koi tribe really cares about the land and community neighborhood they would find another more appropiate place for this project in Lake County as Sonoma County has enough Casinos! Our community neighborhood does not deserve this abuse and needs to be protected for our children and grandchildren . Option D no project, is the only realistic choice.

Thank you ,Respectfully,  
Richard Abend  
5925 Old redwood Hwy, Santa Rosa, Ca. 95403

Sent from my iPad

**From:** Carol Bloom <hillsbgirl56@gmail.com>  
**Sent:** Friday, August 23, 2024 4:08 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** Carol Bloom <hillsbgirl56@gmail.com>  
**Subject:** [EXTERNAL] EIS Comments Koi Nation Shiloh Resort

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am a native Sonoma County resident for over 75 years and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project.

The DEIS release dated July 8, 2024, contains complex, technical information and is difficult for most people not only to understand, but also to comment on. More importantly, however, it does not address the impacts this project will have on the surrounding community and Sonoma County if it is approved.

Sonoma County and the Town of Windsor have raised many concerns related to water supply, wastewater, wildfire risk, our evacuation routes during fire evacuations, law enforcement, traffic, public safety, housing and other economic impacts. Many of the mitigation measures in the DEIS are framed as best management practices, however, there are no guarantee they will occur.

I am very concerned this project is being "rushed" and that the BIA has not adequately considered the impact on the local environmental impacts, AND cannot guarantee or enforce the mitigation that is proposed.

This project is not right for Sonoma County.

The only way to prevent significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,  
Carol Bloom  
1045 Elsbree Ln  
Windsor, CA 95492

Sent from my iPhone

**From:** abendclaudia@gmail.com <abendclaudia@gmail.com>  
**Sent:** Friday, August 23, 2024 10:04 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] "EIS Comments, KOI Nation Shiloh Resort and Casino" re labeled copy

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

From : Claudia Abend  
 5925 Old redwood Hwy  
 Santa Rosa, Ca. 95403

"EIS Comments, KOI Nation Shiloh Resort and Casino"

My husband and I have lived in Sonoma County for 39 years and across the street from this horrible proposed project for 37 years where we have raised our family. We now ,regularly have our grandchildren at this same home for visits and child care.

The most important missing element of this very bias DEIS is the negative impact it will have on our community of residential /school/church/recreational parks,rural wildlife parks with creeks that stretch into the agriculture and creeks on this property ! Our community neighborhood cannot tolerate a big influx of population in and out of 12 to 15 thousand or more . This will bring bottle neck traffic /noise to an all ready impacted road . The DEIS report is inadequate with addressing this. With this Casio/hotel (Las Vegas mini city }there will undoubtedly be increased violence, crime /drugs/DUI's and individual bad behavior of prostitution/sex trafficking from visiting people that don't care about our community's quality of life. This is not even addressed as a real problem and minimized in the DEIS. The DEIS is still not accurately addressing flooding,polluting of creeks and depleting area wells with the supposed self water recycling system . There is no solution for a project of this size ... it just doesn't belong. The water source is for the vineyard use and area residential active wells. This DEIS does not actually address the real possibility of depleted ground water for the multiple residents in the area and on my home road with the use of this projecting at least 40 million gallons per day . That would be from visiting people that don't realize or care about water conservation for our community. We all depend on our own private wells.

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The recent mapping in the DEIS is inaccurate with its label of mix use /industrial/ commercial in a lot of areas that are actually residential, schools,churches,recreational parks and rural wildlife parks. Example : recent apartment structures x2 on Shiloh road ! A big population addition of low income /senior memory care housing coming soon to the main in and out of our area. In fact the reality is that any traffic back up or blockage on 101 already overflows to Old Redwood Hwy off of the exits from SR to Windsor and beyond . It's obvious when I start to exit my residence . This has been a problem for years and will be even worse with the new high density structures populated! There is no room for a added casino/hotel/resort/convention center population!

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Seems there is a lot of support for this project from people and groups that don't live here and some from out of state that are relating it to our improved economy and are apart of big money themselves. Whose economy are they really talking about ? Not our community. After construction union builder workers leave projects it's on to something else! Sonoma Co. has a lot of other projects happening . We do not want to be left with this negative project . The negative out weights the benifents for our community neighborhood!

Enough! Stop this project now! If the Koi tribe really cares about the land and community neighborhood they would find another more appropiate place for this project in Lake County as Sonoma County has enough Casinos! Our community neighborhood does not deserve this abuse and needs to be protected for our children and grandchildren . Option D no project, is the only realistic choice.

Thank you ,Respectfully,  
Claudia Abend

**From:** Richard Abend <richardabend13@gmail.com>  
**Sent:** Friday, August 23, 2024 10:24 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] "EIS Comments, KOI Nation Shiloh Resort and Casino " re labeled

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From: Richard Abend  
 5925 Old redwood Hwy  
 Santa Rosa, Ca. 95403

"EIS Comments, KOI Nation Shiloh Resort and Casino"

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Thank you ,Respectfully,  
Richard Abend

# ROBB & ROSS

PHILIP A. ROBB  
ALAN J. TITUS  
ANNE C. SLATER †  
JOSEPH W. ROBB \*\*  
\*\*(1926 - 2019)

JOSEPH W. ROBB A PROFESSIONAL CORPORATION

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STERLING L. ROSS, JR. \*  
\*RETIRED

†CERTIFIED SPECIALIST IN ESTATE  
PLANNING, PROBATE AND  
TRUST LAW, THE STATE BAR OF  
CALIFORNIA BOARD OF  
LEGAL SPECIALIZATION

August 23, 2024

Ms. Amy Dutschke  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825  
Email: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Re: EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

I write to submit comments on the draft Environmental Impact Statement ("EIS") for the project referenced above.

Section 1.1 of the EIS discusses the statutory authority for acquiring lands in trust but fails to address the corollary issue of legislative and governing jurisdiction over the site. This parcel lies within the borders of the State of California, and is currently under the legislative jurisdiction of the State. State law both prohibits casino gambling on the site and would control any development project of the site. I don't think anyone disputes that.

The EIS seems to assume that transference of title to the federal government in trust for the tribe somehow automatically displaces the state of California's legislative jurisdiction over the site and vests that jurisdiction with the Federal government, but that is not consistent with law.

Under the law, the only way for the Federal government to obtain the legislative jurisdiction over the site contemplated is with the consent of the state and the state's express cession of its jurisdiction. The Federal government has no rights under the Constitution to unilaterally dispossess the state of its rightful jurisdiction.

Thus, even if the Federal government were to agree both to act as a trustee and to accept title to the site in trust for the tribe, that would have no effect on the

governmental sovereignty and legislative jurisdiction over the site. The State would still have the same plenary legislative jurisdiction, and the Federal government would have the same limited jurisdiction that does not include any power to allow gambling on the land or to allow development of the site, matters not within the enumerated powers of the Federal government. This is no different than if the Federal government buys land within the state and does not seek cession of state jurisdiction.

Congress recognized this law when it passed IGRA. Section 2710 repeatedly states that it applies only to lands under Indian jurisdiction. (See 25 USC §§2710 (d)(1)(A)(i), (d)(3)(A), (d)(7)(B)(iv) and (d)(7)(B)(vii)(II).) Here, the subject land is not under Indian jurisdiction, and transference of title to the Federal government does not create Indian jurisdiction.

I253-1  
cont.

Given that by accepting the land in trust for the tribe, the federal government would gain no jurisdiction over the site and could not legally allow construction of the project or gaming, accepting the land into trust would not and could not "significantly affect the environment," and therefore does not trigger the need for environmental review.

Only if the State were to expressly cede its jurisdiction to the Federal government would the Federal government gain the type of sovereignty it is assuming to exercise in the EIS. However, no such request has been made to the State, or is being contemplated.

For these reasons, the assumptions made by the EIS are incorrect and until there is a transfer of jurisdiction by the State to the Federal government the whole project needs to be halted.

Sincerely,

  
Alan Titus

**From:** John Dixon <jmdixon@sonic.net>

**Sent:** Friday, August 23, 2024 12:10 PM

**To:** Broussard, Chad N <Chad.Broussard@bia.gov>

**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino and on the Tribal Impact Report on "off-reservation" Environmental Impacts

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Regional Director Dutschke:

I moved to Larkfield/Wikiup in 1987.

I moved here to get away from the crowded Southern California sprawl. I love the country environment, the vineyards, the hiking trails, and the fresh, clean air. Over the past 37 years I have seen the area grow at a reasonable rate and but still maintain most of the qualities I love.

The idea of a major resort and casino is repulsive to me for several reasons:

**It is only 2 miles from my house!**

Increased traffic.

Additional stress on our limited water resource.

More waste water and pollution.

Likely increase in crime.

It is so close to my beloved Shiloh County Park

My god, don't we have enough casinos in Sonoma County. Why do we need to build another one.

John Dixon

374 Candlelight Dr.  
Santa Rosa, CA 95403

**From:** Steve Hogle <ohana@sonic.net>  
**Sent:** Friday, August 23, 2024 12:13 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Comment, Koi Nation Shiloh Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

August 23, 2024

Chad,

I am a local resident in the Windsor area. I have written two letters (included here again) opposing the Koi Nation Shiloh casino and resort project.

Please consider the opposition from the surrounding community as a request to locate this project somewhere where it will not impact the town and neighborhoods in all the negative ways that have been brought to the surface. Each of us will be affected in so many adverse ways.

For your consideration,  
Steve Hogle and family

October 24, 2023

Regarding proposed casino project 222 E. Shiloh Road, Windsor CA

To ALL concerned,

This letter is to address my families concern related to the proposed development of a casino on the 68.6-acre property located at 222 E. Shiloh Road bordering Windsor and Santa Rosa California.

After evaluating the plan for this project, I must consider the impact that it will have on our surrounding community, families, traffic, and the general wellbeing of this area. At this time, the town is being developed at a rate which is challenging the surrounding environment. This project will over stress the common welfare of this neighborhood by demanding excesses in every aspect of its infrastructure which was never designed into the adjacent area.

It has always been my impression that the Native American culture, the first settlers who inhabited these sacred lands were most concerned about preservation

and wellbeing of all natural resources. That these lands were to be respected as sacred and to be preserved for what they would bare for generations in their natural forms. A land once developed loses its soul and the earth it is on is forever forsaken.

Please reconsider your plan for this “casino resort” project by finding a more suitable location that will not have such an extreme effect on our neighbors and our surrounding community.

Sincerely,  
Steve Hogle Family

\*\*\*\*\*

March 29<sup>th</sup>, 2024

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

NOI Comments, Koi Nation Fee-to-Trust and Casino Project  
Regarding proposed casino project 222 E. Shiloh Road, Windsor CA

To Amy Dutschke, Regional Director Bureau of Indian Affairs and ALL concerned,

You have allowed us, the surrounding community to comment on the projected “casino project.” As neighbors, we are very concerned about the affect and impact this development will impose on our little community and citizenry. The proposed project will forever diminish the aesthetic values and neighborhood merits and negatively impact the ecological stability of this tiny Windsor area for generations.

I would be thrilled to suggest an alternative to installing this gaming complex on the proposed site. As this venture is not conducive to the neighborhood, you might consider making use of the idea of a more welcome feature by creating a world-class Native American cultural center, restaurant, and museum. The facility would engage for positive perspectives, cultural awareness, and history. This “center” would be

inclusive of ALL Native American tribes, it would be the jewel and envy of any culture to have such a gathering place.

If there truly is room and need for another local gaming facility with so many others in such close proximity, please reconsider in relocating the casino project in a more suitable location. Along the highway 101 corridor or near the Charles M. Schultz Sonoma County airport where location, visibility and transportation would be far more convenient and favorable.

Thank you for your attention and understanding to this sensitive matter,  
Steve and Cindy Hogle and Family

\*\*\*\*\*

And in closing...

August 23, 2024

A final comment to add during this this environmental comment period.

From a Blackfoot elder,

**“Once you rape the land, you cannot un-rape it.”**

Consider this.

**From:** Anne Cummings Jacopetti <cummings@sonic.net>  
**Sent:** Friday, August 23, 2024 4:11 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

There is a long list of reasons that the proposed Koi Nation Resort and Casino should not be built on the Shiloh property. It would violate precious green space, severely impact one of my favorite places to hike - the County Park at Shiloh, bring a huge increase in traffic and pollution when we are trying to reduce carbon emissions and meet climate goals. This development is also opposed by the indigenous communities that have resided for thousands of years in this Russian River watershed. Koi Nation is not local. They are not committed to regenerative activity or connected to Sonoma County. The list goes on and on.

A resort and casino would have a serious impact on our neighborhood. Larkfield is within walking distance of Shiloh. This has been a residential community since the 1950's serviced by well water. Our home has a relatively shallow well that is still functioning. A major drawdown on the aquifer would threaten our ability to draw up potable water. Increased pollution, traffic, and noise would negatively impact our property value.

Governor Newsom, our County Supervisors and Representatives all oppose this project. I support indigenous rights, but this is an unwise and environmentally disastrous plan which should be denied.

Thank you for your consideration,

Anne Jacopetti

4939 Deerwood Drive, Santa Rosa, CA 95403

EIS Comments, Koi Nation Shiloh Resort and Casino

"The next few fleeting moments are ours, but they will echo for hundreds of thousands, even millions, of years.



This is one of the most important times to be alive in the history of life." (Feb.3,2021 The Atlantic)

**From:** Donald Ziskin <donziskinlaw@comcast.net>  
**Sent:** Friday, August 23, 2024 3:49 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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August 23, 2024

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

**Subject: EIS Comments, Koi Nation Shiloh Resort and Casino**

Dear Regional Director Dutschke:

My family and I have lived in Oak Park, the neighborhood directly across the street from the proposed hotel/casino complex for 33 years. This project is completely surrounded by single family homes, two senior mobile home parks, high-density low-income housing, a church and a park. I cannot imagine a more inappropriate site. My neighbor's homes will be within 200 unobstructed feet of the grand entrance to the casino. Ultimately thousands of people will be adversely affected.

Before making specific comments I would like to make some general comments. The Draft Environmental Impact Statement (DEIS) released on July 12, 2024, contains complex, technical information and is virtually impossible for a layperson to understand or comment on. It is over 6000 pages including Appendices. It was drafted by a company specializing in fee-to-trust applications for Indian tribes. As a retired trial attorney, it is understandable Acorn Environmental was retained based on their history of supporting fee-to-trust applications. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved.

The number of people and cars visiting the site on a daily basis will have a significant adverse impact on the environment and surrounding community. Solutions to these impacts in the DEIS described as mitigation efforts are vague and frequently pushed off to future planning or adoption of undefined Best Management Practices. Saying they will come up with a plan is not adequate! The DEIS repeatedly fails to provide specific information to back up conclusions based on undefined mitigation efforts.

Allowing the Koi to purchase land in Sonoma County (a county outside their historical lands) and build a casino complex in a residential neighborhood in direct conflict with city and county planning sets a dangerous precedent. It is opening the door for casino developments at any

location in the country. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred “no project” alternative in the DEIS.

## Comments

### **Transportation and Circulation-**

TJKM was retained to prepare a Traffic Impact Statement (TIS) on the impact the three proposed alternatives, A, B and C, would have on transportation and circulation services in the area. TJKM prepared the TIS with minimal inadequate data. The only actual data related to this project was collected from traffic monitors set up between 7-9 a.m. and 2-4 p.m. on January 22 (Thursday) and 28 (Sunday), 2022, and on July 28, 2022 (Thursday). The weather is cold and wet in January and the data collected would be significantly different from that gathered over spring and summer when baseball leagues are active, and people are using the two neighborhood parks. The volume of people using Shiloh Regional Park and Esposti Park is minimal compared to summer months. During Spring and Summer, the parking lot is full with overflow parking on Old Redwood Highway and E. Shiloh Road. The park is used daily by boys’ baseball and girls’ softball. One Sunday morning study from 7-9 a.m. does not reflect actual usage. During the days the parking lot is full with adult and youth baseball.

The DEIS references seven Cumulative Projects in section 3.14.1 (page 3-145) that are either in construction or the Planning and Development stage, four of which are within one-quarter mile of the proposed project. They will bring in approximately 480 new residential households making multiple daily trips within ½ mile of the proposed Casino/hotel complex. While generally referencing in the study that the cumulative projects will have an impact on Transportation and Circulation, there is no specific information in the report or Appendices on how the cumulative projects will impact traffic conditions and loss of services.

Appendix I to the DEIS estimates there will be 11,213 daily trips and 15,799 Saturday trips to and from the Koi Casino complex. There are estimates of as many as 1340 hourly trips... or 22 cars per minute. On evenings when there is a concert in the 2,800-person Event Center, events in the ballrooms as well as patrons of the casino and restaurants... there will be two or three times as many cars per hour going to the complex... all on single lane roads. The Traffic Impact Study does not address specific situations such as this.

The Traffic Impact Study confirms that this traffic increase will have a substantial impact on the roadways and intersection that rise to a level of unacceptable Loss of Services (LOS). The TIS then cites mitigation efforts that will make the LOS acceptable without providing any substantive information how. It does not offer any concrete information on how the mitigation efforts will improve conditions or any guarantees that they would be effective. All three Alternatives will undoubtedly cause

loss of services. For example, cars traveling on east/west Shiloh road at Gridley Avenue currently have no waiting time between Faught Road and Old Redwood Highway. Cars on southbound Gridley have minimal if any wait time to enter Shiloh Road. Signalizing this intersection will cause delays in all directions; especially following any special events. Waiting for exiting casino/hotel traffic and then traffic on Shiloh road would force significant delays

#### **Water resources –**

Potable water- The EIS projects that Alternative A would pump between an average of 170,000 gallons per day (gpd) per day to a daily peak of 294,000 gpd from onsite wells. The new well(s) will require a water treatment plant to remove arsenic and magnesium and a large storage tank to hold the treated water. Water from the treatment plant would be sent to a one-million-gallon storage tank and then to pumping station for distribution to the facility. Between 1,250,300 to 2,005,800 gallons per week. The drawdown on existing wells is a very real likelihood. Global warming, drought and water rights issues are all discounted or ignored factors in the evaluation The DEIS indicates that the onsite wells would be deep wells (700 feet) and that the shallow wells belonging to nearby residents are at most risk. The report then discounts the risk, cost and impact of reduced or inadequate water supplies to local residents based on projections. It also fails to provide adequate remedies to neighboring homeowners who do lose access to well water.

Wastewater- The DEIS calls for the construction of a Wastewater Treatment Plant (WWTP) to treat the estimated average of 232,000-335,000 gallons of wastewater discharged each day (1,624,000 to 2,345,000 in an average week). WWTP are designed to reduce wastewater and environmental pollution, but the raw materials, energy consumption and emissions from the WWTP subsequently result in different environmental impacts. The process emissions from wastewater treatments account for two thirds of the total greenhouse gases generated by the water and sewage companies. The operation of a wastewater treatment plant involves a range of direct and indirect emissions. These are called the social cost of greenhouse gases (SC-GHG). These are dismissed in the DEIS as less than significant. The report also fails to provide adequate information on what would occur in the event of a system failure. Figure 2.5 in Appendix D is a diagram of the Project Water and Wastewater Feasibility Study Wastewater Treatment Process Flow. Estimating its size (using the truck as a gauge), the system will be over 500 feet long x 300 feet wide and up to three stories high. There will be hundreds of families living ¼ mile to several hundred yards away who are subject to these emissions. There is also the strong possibility of odor emanating from the plant.

Groundwater Discharge- The project site is currently a 68-acre vineyard. As farmland, the landscape is permeable, allowing for water to permeate the soil. The proposed project will result in over 35 acres of this land being paved and developed, significantly altering groundwater conditions. In addition to the loss of permeable land there is significant risk of pollutants entering Pruitt Creek despite “best management practices”. The EIS calls for use of bioswales which may

keep debris from entering Pruitt Creek but may allow other pollutants through. This was determined to be less than significant!

### **Evacuation**

The proposed Alternatives A, B and to a lesser extent C will attract a large volume of patrons and increase the total number of people onsite that will need to be evacuated during a wildfire event. The facility will have parking for over 5,000 cars and will accommodate more people than cars. There will also be people using rideshare and public transportation and any evacuation plans will need to account for this group. The Project Site has access to two major emergency routes identified by the Town of Windsor, Shiloh Road and Old Redwood Highway (Town of Windsor, 2021). The DEIS confirms that an increase in vehicles on emergency evacuation routes during a wildfire would worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires. These are single lane roads which will not only be accessed by casino patrons but also used by evacuating neighborhoods.

I have been evacuated twice in the past seven years. Past evacuations during the Tubbs and Kincaid fires resulting in stopped traffic and dangerous conditions on both of these roads with embers landing around homes and cars. Old Redwood Highway and Shiloh Road cannot handle the addition of thousands of more cars and people. The DEIS recommendations include following best management practices and training employees on evacuating guest in the event of a fire. A consulting fire expert stated, "A comprehensive evacuation plan is critical for life safety". While the report discusses recent fire detection advances and strategies for evacuations, it fails to come up with substantive information on how 5,000 cars and more people will access and manage the roads in an emergency setting. One accident at the intersection of Old Redwood Highway and Shiloh road would be devastating to an evacuation. Situations like this are not incorporated.

### **Socioeconomic Conditions-**

Property values- The DEIS cites other casinos in California that have had minimal impact on property values within a five-mile radius. In fact, the EIS states that values increased between the years 2000 and 2021. This general statement does not provide any substantive information. Property values throughout California, and in these particular areas, all increased during the years 2000 through 2021. There is no information on what the increased values were and how they compared to neighboring communities. There has been three houses for sale in my neighborhood for the past three to five months. There has not been one offer on any of the houses, with one owner reporting no viewings. Extremely uncharacteristic for our neighborhood and Sonoma county. One of the brokers advised me the unknown nature of the development property values are down 20%.

Crime- The DEIS and Appendix B-1 do not provide any substantive information other than the fact that law enforcement received 1,700 calls and made 39 arrests at the

Graton Rancheria in its first year of operation. After a comparison of the Graton Rancheria Casino and the proposed Alternative A, the EIS concludes “As a result of this quantitative and qualitative analysis, GMA finds that the negative impacts on community services in areas in which a casino has opened are generally minimal.”. The report does not include any “quantitative and qualitative” information other than from the 2014.

Drunk Driving- The EIS states “The proposed project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents.” It then say “Drunk driving prevalence is not anticipated to increase significantly as a result of the proposed casino resort...”. The only mitigation offered is the implementation of a “Responsible Alcoholic Beverage Policy”. The conclusion of little impact is not supported by any substantive information.

Site visit- The proposed hotel/casino complex will have a significant physical, emotional and psychological impact on the surrounding community. It will forever alter it from a quiet area that shuts down at dark to a 24 hour a day entertainment center with cars coming and going. Sound will carry through to neighboring homes on what are now silent nights. The report does not contain any specific information on what sound levels will travel to neighboring homes.

I do not begrudge the Koi developing a casino/hotel complex in a more appropriate location, more central to their historical lands and in a location more conducive to a commercial venture. This is the wrong project at the wrong location.

Sincerely,

Donald Ziskin  
5862 Leona Court  
Windsor, CA.95492

**From:** nigel white <nfwwhite69@gmail.com>  
**Sent:** Friday, August 23, 2024 2:52 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] NOI Comments, KOI Nation Fee-Trust and Casino project

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This is reservation shopping at the highest level and MUST NOT be allowed to happen. Give the Tribe land by Clearlake where they belong and is their ancestral land/area.

Sonoma County does not need another casino built by the KOI's that do not belong in Sonoma. Of course, there are also the water, traffic etc concerns.

They (KOI) have a modern day connection to the Sonoma land but not an historical connection to the Sonoma land.

The BIA MUST take the appropriate action and that is NOT TAKE this land into trust. Do not set a precedent that you will regret. Indian Country is watching you closely on this free to trust issue.

Thank you,

signed  
Nigel White  
P O Box 398  
Beatty, Nevada 89003

**From:** Larry Hemstreet <larryland.ceo@gmail.com>  
**Sent:** Friday, August 23, 2024 2:47 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS comments\_Koi Nation\_Shilo Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To:

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office

My wife and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land where our neighborhood is located. We live in the Wikiup/Larkfield neighborhood, near the Windsor city limit.

This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation. It is widely known that there are several improprieties involved in this project. The Press Democrat has repeatedly written investigative articles about the legality of this highly questionable land grab.

This DEIS does not adequately address the significant impacts this proposed project will have on the "off reservation" surrounding community and Sonoma County if it is approved. Throughout the DEIS different issues are determined to have "No Impact" or be "Less Significant" or "mitigated" through **unproven suggestions** that ONLY refer to mitigation on the casino site. These are "opinions, hopeful suggestions, nothing more."

Historically, casino development has been deemed a less-than-friendly adjunct to pre-existing neighborhoods. The reasons for this are self-explanatory; massive increases in traffic, noise and late night disturbances involving criminal activity.

No elected official or community leader should consider this project as something that will enhance and improve the quality of life we have here in the Larkfield/Wikiup area.

Regards,

Larry and Susan Hemstreet  
5054 Carriage Lane  
Santa Rosa, CA 95403



**From:** jean winter <jeanewinter@comcast.net>  
**Sent:** Saturday, August 24, 2024 12:32 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Proposed Koi Nation casino

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August 24,2024

As a resident in the Wikiup area, I have grave concerns about the proposed casino. Pleased read below:

1. Water use

In our area, we have poor water power and usage. Water literally dribbles out of our spouts. With the addition of a new casino and hotel, our water supply will be affected. There are only so many wells in our area . This is critical . The addition ]of this hotel and a casino will dwindle our water supply.

2. TRAFFIC

Have you ever traveled on Old Redwood Highway? That road cannot handle more traffic. The proposed casino will bring thousands of added cars to our area. I was a victim of the Tubs fire. We could not evacuate from our home. The lines of cars was frightening and dangerous. If you add more traffic and there is a major evacuation, people will die because they cannot exit the Wikiup/ Larkfield area.We have no other exit that we can use. You would be creating a disaster.

3. Parking lots.

The amount of concrete that will be used for the casino and parking lot will create a huge heat island for our area. The use of Shilo Regional Park will be jeopardized. Agriculture absorbs heat and helps the neighborhood. This planned casion will do the opposite.

4. Electrical Use:

We frequently suffer from electrical outages, This will only get worse when the electricity used by the casino is added to the grid.

5. Location

This proposed casino us only a mile away from San Miguel Elementary School. The traffic impact will cause even more danger to children walking to school each day.

6. Crime

Thee casino will bring crime to a clan, quiet neighborhood. Just look at the results that the Graton Casino has caused. The police are called to the casino an inordinate

number of times each day. Our community is guarded by the Sheriff's office. They do not have the man power to answer the calls to the casino. Our safety is in jeopardy

**IN CONCLUSION:**

The environment impacts of this proposed casino endangers the health and well being of residents who live the neighborhoods to the north land south of the proposed site. Windor, Wikiup, Larkfield , Berrybrook and Mobile home parks and schools...thousands of families will be adversely affected. **DO NOT LET THGEE CASINO BE BUILT IN THIS LOCATION.** The Koi tribe is not native to our area....let them build on their native lads.

Jean Winter  
5041 Carriage Lane  
Santa Rosa Ca

**From:** Maisie McCarty <maisiemccarty@hotmail.com>  
**Sent:** Saturday, August 24, 2024 12:59 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] DEIS Comments, Koi Nation Resort and Casino

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Sent from my iPad

Dear Mr. Broussard:

As neighbors very near to the proposed project by the Koi Nation, we here submit our comments in response to the DEIS for the proposed Koi Nation resort and casino.

The DEIS is WHOLLY INADEQUATE in addressing numerous significant environmental and community impacts as follows:

**WATER RESOURCES**, including groundwater extraction and well interference, monitoring and reporting, sustainability and financial contributions for both groundwater and surface water resources as well as Floodplane Management and Stormwater and Wastewater Collection and Disposal.

**AIR QUALITY** regarding construction emissions and operational emissions .

**BIOLOGICAL RESOURCES**, such as wetlands and riparian areas, cumulative habitat loss and long term monitoring and management.

**CULTURAL RESOURCES**, such as inadequate local tribal consultation and lack of thorough identification and assessment of potential impacts on archeological resources and paleontology sensitivity.

**SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE**, including housing impacts. We totally dispute there is "less than significant impact" to local housing. A realtor testifying at the recent Windsor Town Council meeting predicted a 20-25% loss of equity in homes nearby. In fact a home in the Oak Park subdivision directly across Shiloh Rd from the proposed project has been on the market a full year without selling because of the potential of a casino build. The DEIS does not adequately address economic displacement or account for increased demand on public services such as law enforcement, fire protection and medical services.

**TRANSPORTATION AND CIRCULATION**. The DEIS analysis of transportation impacts is incomplete and hugely underestimates the project's effects on local traffic conditions. The entire Traffic Impact Study is inadequate especially with regards to potential widening of Shiloh Rd. And Old Redwood Highway. The Town of Windsor's General Plan includes a roundabout at that intersection . The DEIS ignores the Windsor Corridor Enhancement Plan of 2022. The DEIS does not address acceptable bicycle and pedestrian changes in the roads- this subject is virtually ignored. The increased traffic volume assessment in the DEIS is completely inadequate to address the impact of a casino at or near that intersection. It also does not adequately assess coordination with Cal Trans regarding the Shiloh Rd, Highway 101 interchange that would be necessary.

**PUBLIC SERVICES AND UTILITIES**: The DEIS does not correctly assess the significant impact a casino would have on Town of Windsor public services and utilities. There would be a hugely increased demand for law enforcement , fire protection and medical services. The DEIS completely ignores and overlooks the potential for creation of a Heat Island effect leading to

higher temperatures in that area, placing additional strain on the power grid. There would also be a higher risk of drunk driving accidents with a casino in that area causing injuries and fatalities. Also there would be an increase of mail theft and identity theft in the neighborhoods near the proposed casino. There are no prevention measures addressing these risks in the DEIS.

NOISE impacts are severely underestimated in the DEIS from construction noise to operational noise to event related noise. Proposed mitigation is insufficient.

HAZARDOUS MATERIALS AND EVACUATION: In the likely event of wildfire evacuation, the DEIS estimates of evacuation time are wholly inadequate. Also not adequately addressed are severe traffic bottlenecks at critical intersections that are key evacuation routes. The DEIS relies on minor road improvement which is completely insufficient to mitigate these risks. In a wildfire, bottlenecks could trap residents and visitors. Also, the DEIS fails to provide a plan for managing hazardous materials during construction and operation of the project. The wildfire hazard mitigation in the DEIS is incorrect about how close wildfires and embers came to the site in previous wildfires. There is not enough mitigation for emergency services and seismic risks are not adequately assessed. Extended power loss as a result of an earthquake is not addressed. VISUAL RESOURCES: the DEIS fails to adequately assess scenic corridors designated in the Town of Windsor general plan.

LAND USE: Compatibility with existing land use is not even considered in the DEIS. Converting the designated Ag use of the area to a commercial gaming facility is totally inconsistent with the County of Sonoma's designation of the area as "Land Intensive Agriculture". The project does not align with the Shiloh Rd Vision Plan of a mixed use pedestrian oriented corridor. The project site is part of the voter approved Windsor/Larkfield/ Santa Rosa Community Separator and would eliminate it.. The project would undermine the long term growth management policies of Town of Windsor.

GROWTH INDUCING EFFECTS are completely underestimated in the DEIS and it does not account for the impact of the project alongside other planned developments in the region.

CUMULATIVE EFFECTS: Cumulative water demand is not adequately addressed in the DEIS. The Cumulative Traffic Impact is flawed especially in how future road improvements would align with the project. The Cumulative Impact to Residential Development - the DEIS fails to mention or include several recent major residential developments in the area. The Cumulative Impact on Fossil Fuel Infrastructure ignores the fact that Windsor in 2022 passed an ordinance against future gas stations added in the town limits. Long wait times at existing gas stations would be a huge problem with increased traffic from the casino.

In conclusion, the Koi Nation DEIS is completely inadequate. The document fails to show mitigation of adverse impacts the casino would have on the environment and the Windsor neighborhoods very close to the proposed construction and operation.

We respectfully and strongly urge the Bureau of Indian Affairs to adopt the "NO PROJECT" alternative which is the only one that aligns with the environment and land use.

Very truly yours,

Mary McCarty and L.W. Harrison

6251 Lockwood Dr.

Windsor, CA 95492

**From:** KEVIN WARREN <cajunce@comcast.net>  
**Sent:** Saturday, August 24, 2024 1:48 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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August 23, 2024

Bureau of Indian Affairs. Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

I have been a Sonoma County resident of Windsor in walking distance of the proposed casino for 40 years. I oppose the Koi Nation's proposed fee-to-trust transfer of the unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project.  
I have numerous concerns.

Open space preserve and wetlands to prevent disastrous fires and preserve wildlife habitats

Evacuation routes- only 2, Shiloh & Faught Rd (sub-standard roads)

Law enforcement and public safety issues

Climate change with traffic emissions and environmental smoke pollution from casino

5 tons of waste water use deposited into Pruitt Creek daily during winter

Noise and light pollution at all hours miles around casino

Human trafficking as noted by the Santa Rosa Police Dept.

Drunk driving

Property values will decrease

Pedestrian and Bike safety

School bus pickup & drop-off to local neighborhoods (Oak Park & Oak Creek) off Shiloh and Old Redwood Hwy, San Miguel Elementary

School off Faught Rd-kids walk home.

Children & Adult baseball/soccer park (Esposti Park) located at the corner of Shiloh & Old Redwood Hwy used all year round across from casino

Traffic on sub-standard 2 lane Shiloh Rd & Faught Rd.

Large Senior mobile home park (Colonial Park)

Shiloh Neighborhood Church (5901 Old Redwood Hwy) across from property

Emergency Services need to be increased as to all above points  
Major building has been approved for the City of Windsor, which will impact the traffic flow off Shiloh Rd. and escape routes to Hwy 101, eminent deaths will occur due to guests and staff trying to evacuate and all this new construction as well as our neighborhoods. This could be disastrous like the Paradise fire in Butte County. People died in their cars trying to escape down a narrow road.

14 Major building projects will be funneled onto East & West Shiloh Rd  
This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. **The casino project has a highly significant NEGATIVE impact on the Community.**

The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "No Project" alternative in the DEIS. The DEIS biased report lacks meaningful mitigation based on faulty studies and analysis.

Sincerely,

Pat Warren

6181 Lockwood Dr. Windsor, CA 95492

**From:** Cameron Barfield <cameronbusiness02@sonic.net>  
**Sent:** Saturday, August 24, 2024 2:03 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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EIS Comments, Koi Nation Shiloh Resort and Casino August 24th, 2024

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Mr. Broussard

I am writing to you a story of Windsor California and neighboring communities in the form of chains of events within future time frames that are statistically highly probable if the Koi property right next to Windsor, California at the corner of Shiloh Road and Old Redwood Highway is put into trust for the Koi so they can make this property, which is currently a productive vineyard, into either a hotel, resort and casino or a hotel and wine tasting resort: Alternatives A, B, and C in the July 2024 Draft Environmental Impact Statement—DEIS. The events that I foresee and describe here in my stories are based on statistical data about the increase of crime casinos bring to communities near casinos. Stories I've personally heard about the increase of crime in Rohnert Park California from people who moved into my neighborhood because a casino was built in their neighborhood in Rohnert Park California. Facts within the Bureau of Indian Affairs July 2024 DEIS, Draft [Environmental Impact Statement about the "project"](#) as it is called in that DEIS. Facts about [tertiary water treatment processes](#). Facts about the increased rate of growth, larger, hotter and more destructive nature of wildfires due to global warming documented in a [UC Davis study](#), [Facts about stormwater runoff from urbanization killing salmon](#). My personal experience and the stories I've personally heard from people who have lived through the floods on Pruitt Creek and the fires in Sonoma County. And the sad and horrifying stories and pictures in the news reports about the destruction and people who died in the Lahaina and Camp fires. I also include sordid details about tenants and rental houses from my and my partner's combined sixty years of property management experience. Because of the information I refer to above, in my mind events similar to what I describe here will happen. I hope you will understand what I am saying and agree with me. I hope the truth in my stories which tie together my information will motivate you to stop the vineyard that exists there now from being destroyed by Alternatives A, B, or C. I hope you will agree with me because the lives of thousands of men, women and children in the Sonoma County communities surrounding and downstream from the Koi project will be forever endangered in ways that are the same or similar to what I describe in my chains of connected events, if you agree with the Koi. In time, events like what I describe here will become realities if one of the three ill conceived uses of the Koi property--Alternatives A, B and C of the ACORN written July DEIS for the Koi Project on this environmentally key property next door to my neighborhood--is approved by the Bureau of Indian Affairs. The Koi project is right across the street from my residential neighborhood--Oak Park in Windsor, CA. I live only a block away from the Koi vineyard. Please also realize that only some of the damage Alternatives A, B and C will do to the environment and the people of my neighborhood and the surrounding communities are here in what I write.

To start off, I would like to tell you a true story, a real event that happened for me. This story may explain to you why I live in Oak Park and why the vineyard across the street from Oak Park is so vital to the character and survival of my neighborhood.

## My Communion with a Quail Family

I am standing facing east towards the front of my house in my front yard at 5820 Mathilde Drive in Windsor California watering a Japanese Maple in front of my living room bay window. It is July 29<sup>th</sup> 2024 at about 10 AM on a cool bright sunny morning. A male quail---a daddy, comes running up our driveway from across the street behind me into our front yard. While checking things out he comes to within only a few feet away from me, undisturbed by my presence. He then turns around and runs back in the direction from which he came. Then, coming across the street from the same direction daddy came from, a mother quail with her three babies in tow runs up our driveway. Bonnie, standing in our garage near our open overhead garage door, sees the mother quail and babies too. She watches with delight as the quail mother and her three babies dart around the corner of the garage out of her field of vision and into the area where our pink and gray tammy pebble covered walkway leads to our front door. While our hearts are filled with joy we also feel the touch of sadness in this moment. We know this quail family well and have kept a running count of the number of surviving babies hoping they would all survive to adulthood. The reason we know them so well is they are the only quail family that comes to the back yard of our home now. Only five years ago fifty quail would come to our back yard to chase each other in play, bathe in fluffed up dirt softened by rototilling, hide in our bushes, walk on our pathways made of green path fines, rest on shredded redwood in the sunshine and eat the quail seed that we put out for them. That year we thought there would be a hundred quail next year. But this was not to be. After that wonderful season the number of quail started rapidly diminishing. This created great concern and sadness in our hearts. We do not know all the reasons why the quail have been disappearing in our neighborhood but we have had the disturbing experience of seeing a quail being eaten by a escaped Bengal cat right in front of us that have given us a clue to one---un-natural predators introduced by man! And what is the reason why my sadness about the decline of the quail population was revisited in this touching moment with this quail family? Only a week ago this family was a family of a mommy and daddy and nine tiny, freshly hatched babies. The predators, physical barriers and physical trials of our suburban neighborhood---domesticated and feral cats, the recurring evil presence of the escaped Bengal cat, coyotes, foxes, hawks and skunks that eat quail eggs, fences, retaining walls and street curbs (high barriers to a tiny baby quail), grates covering storm drains with slots large enough for a baby quail to fall through, the feet burning heat of streets during heatwaves--streets filled with unconscious drivers racing around in cars that flatten baby quail into road pancakes, fierce rainstorms with murderous hail and the bone chilling cold of foggy nights have reduced the nine babies of this quail family to three. Still, despite the high percentage of eggs and babies lost, the three babies that are still alive out of the nine tell us these are good quail parents--a kind protective father and a nurturing mother. They both nurture, watchfully protect and guide their babies as best they can. I call to Bonnie telling her about the location of the quail babies and to go into the living room and look out the bay window to see them. She loves to watch the tiny quail babies dart about and she immediately walks quickly through the door in the garage into the hallway, through the hallway to our entry area and through our entry area into our living room and stands close to the bay window, watching the quail family intently. I continue to water the Japanese Maple while I watch this all unfold. Then the mother quail starts to run back and forth calling soft urgent cries to her babies. The babies are running around her randomly, exploring the three small young Bottle Brush plants recently planted in the fertile soil of the carefully prepared beds along the sidewalk that leads to our front door located in the semi enclosed area next to our garage. It is good fertile soil that I spent hours lovingly sifting the rocks out of and adding soil amendment and fertilizer to so my baby Bottle Brush plants would thrive and grow fast and would quickly become a natural hiding place for quail. The quail love to hide in Bottle Brush plants and I plant Bottle Brush plants because I love the quail too.

Then a miracle happened. The mother quail walks over to the morning sun warmed wall of the garage and settles down in the warm soft soil next to one of the three young Bottle Brush plants. She lifts her wings and the three babies run and dive under her wings totally disappearing except for the fact that mother quail now looks twice as fat as she was a second before. She stares right at me knowing I am staring at her. We make a connection on the inner and we have a soul to soul communication that goes like this. Mother quail in images says, "Please protect us. My babies and I are cold and exhausted and need to rest. We have walked a long way to feed on the seed you put out for us in your back yard and need a few moments of peace to rest and warm ourselves in a safe place in the morning sun before



daddy comes and tells us that it is safe to journey to the seed." I send her these thoughts in images-- "Have no fear. I don't want to disturb you. I am here only to water the plants that you love to hide and rest under. I love you and your babies and will leave you now in peace to rest with your babies." Then I turned off the sprayer on the end of the hose and slowly put the hose and sprayer gently down on the ground. I slowly turned and walked away from the mother quail and three babies towards the sidewalk that abuts the east side Mathilde Drive and walked on the sidewalk to our driveway and up our driveway into our garage and through the garage door into our home. When I got into the living room I asked Bonnie if she could see the quail mother resting on the ground protecting her babies under her wings. She said yes with a big smile pasted all over her face.

This real story about a quail family is one representative example that supports the many reasons why my Oak Park neighborhood in Windsor California is a place I love, value and respect. My love for life here in the Oak Park neighborhood of Windsor California is why I write these stories to illustrate the significant negative effects of Alternatives A, B and C of the Koi project for you.

Now I will write about the future of my neighborhood and other neighborhoods near the Koi property, the Town of Windsor and the city of Santa Rosa and Sonoma County if the Koi property is put into trust for Alternatives A, B, or C.

Sonoma County California October 2035, seven years after the casino was built.

In 2024 the Bureau of Indian Affairs--BIA, ignored the desperate pleas of hundreds of Windsor and North Santa Rosa area residents who had the wisdom and strength to write and speak to oppose the Koi "project" as it was called in the July 2024 Draft Environmental Impact Statement for the Koi Shiloh Resort and Casino. The BIA ignored the fact that the Koi, and the Chickasaw Tribe who supplied the money to pay for the vineyard, were foreign tribes invading the sovereign territory of the four local tribes--with no consultation with the four local tribes as required by USDA Department Regulation 1350-02--to illegally rob them of their casino revenue. To give an example from the July DEIS for the Koi project, according to the ACORN, the name of the company that created the July 2024 DEIS-- Draft Environmental Impact Statement, casino revenue will go down 25% at River Rock Casino which is just a few minutes north on Highway 101 from the Koi project. The BIA also ignored every elected official of Sonoma County, Senator Diane Feinstein and Governor Gavin Newsome who all adamantly opposed the project--- and allowed the Koi Nation to build the largest most hazardous waste creating, environmental disaster creating casino in California. The project, starting with the removal of most of the valuable grape vines, immediately ruined a beautiful vineyard. Within the first year of construction the project had channelized Pruitt Creek on the project property by covering with a million square feet of concrete the necessary and vital floodplain around it that once served as a buffer against floods for downstream communities and also a natural recharge area for the local aquifer. Specifically, the casino/hotel covered with concrete an area in the Pruitt Creek flood plain/watershed that acted as a natural percolation pond during average rains and floods to recharge the ground water used by the vineyards and people on well-water surrounding the casino from Shiloh Ranch Regional Park in the east to Highway 101 in the west, and from Larkfield/Wikiup in the south up to the northeast side of Windsor near Lockwood Drive and Callahan Lane. The vineyards in this area that relied on the percolation of water into the aquifer on the Koi property were a ecologically beneficial carbon capturing resource that generated millions of dollars of sustainable economic activity every year for Sonoma County. Now, seven years after the Koi covered in concrete the Koi property these vineyard's grapes are drying up and the grape vines are dying due to their wells going dry.

The vineyards and people on well-water in this area were wiped out by lack of water in the aquifer they needed to survive. Nearby wells for the Town of Windsor dried up also. The Town of Windsor, vineyards and people on well-water near the casino that depended upon this groundwater have no financial protection mechanisms against the financial losses created by the casino's depletion of the groundwater written into to the July 2024 Draft Environmental Impact Statement--DEIS, that was accepted by the BIA as "the" Environmental Impact Statement.

How did the Koi cause the depletion of their neighbors and their own groundwater? **1)** Water use of the casino/hotel is six times more than the water used by the original 68 acre vineyard. Source: July 2024 DEIS. **2)** The water repelling surfaces including parking areas and driveways and structures of the Alternative A project are over a total square footage of 2,496,447 square feet (Source: July 2024 DEIS). I guesstimate over one million of this square footage is the ground level footprint of the project. This footprint covers over a million square feet of soil that used to absorb and take the rainwater into the aquifer. This million+ square foot footprint of water repellent materials collects millions of gallons of rainwater every year and diverts it into Pruitt Creek where it flows into the Russian River. A million square foot footprint of water repelling surfaces and structures in effect channelizes the Pruitt Creek floodplain on Koi property wasting millions of gallons of rainwater that before the project would recharge the groundwater under the Koi property. Also, 10,000 cubic yards of soil were added to the southwest corner of project A to facilitate the creation of a storm water catch basin "A". See figure 2.1-3 page 58 of the

500 year flood plain create a channelization effect which will cause water to drain away from the property rapidly which creates a ongoing, rapidly accumulating loss to the aquifer. **3)** Ongoing rapidly accumulating losses in the waste water recycling process, including losses that are intentionally created as part of the dewatering process that uses evaporation of tertiary treated wastewater sludge in sludge collection ponds, create more drain upon the aquifer. **4)** And if by some miracle there is an excess of treated waste water that can not be used or stored, "During the wet season (approximately October 1 through May 14), Pruitt Creek": Source July DEIS Page 55. This discharged tertiary treated water will not recharge the aquifer that sits under the Koi project but will instead flow downstream into the ocean.

**Pruitt Creek floodplain at and downstream from the Koi project has become a hazardous waste site filled with trash blown or washed into the creek from parking lots, driveways and bioswales. All covered with toxic sludge created by the tertiary treatment of wastewater. Salmon are not able to reproduce in the project polluted waters in and downstream from toxic Pruitt Creek.** How? Water borne sludge, created by the tertiary treatment of waste water from the Koi project, stinks like a sewage treatment plant as it sits with water evaporating (called de-watering in the July 2024 DEIS) in large open sludge ponds on the property. The stinking water vapor from the sludge in the ponds is carried upon the winds. The stench from the sludge permeates the Koi project at times and the surrounding neighborhood depending upon the wind speed and direction. Sludge ponds of the project fill up with the toxic chemical sludge created by the waste water treatment process regularly. When the sludge ponds are full the Koi have trucks haul the toxic sludge to dumps. Acorn, the agency that wrote the Draft Environmental Report in the section on Wastewater Sludge Disposal on page 55 admits this will happen.

What the DEIS doesn't mention is the toxic sludge created by wastewater treatment process will be washed onto the Koi property and into Pruitt Creek when heavy rains fill the ponds that are full of dewatering sludge to the point of overflowing. The wastewater treatment process will also create brine (see page 56 of the July DEIS) that must be disposed of at a facility which accepts and treats such waste. No mention is made of how or where this brine will be stored on the Koi property.

Some of the heavier solids from a breach of the sludge ponds settle on the project property and in the Pruitt Creek channel on the project property. The lighter suspended solids immediately flow downstream quickly in the now channelized Pruitt Creek to poison the increased (by channelization) flood waters downstream that flood the property abutting the south side of the Koi project, Colonial Park Mobile Home Park across the street from the casino/hotel, the Vicini Vineyards which borders Colonial Park Mobile Home Park on the west, and the south end of a 45 acre parcel located at 790 Shiloh Road. Further downstream Pruitt Creek passes under Highway 101 and through the communities of western Windsor and onto Sebastopol and the Russian River communities where thousands more people live. A flood which deposits the suspended particles of sludge and trash in these communities and other areas downstream in the Russian River floodplain creates a huge hazardous waste site that directly exposes hundreds if not thousands of people to sickening and potentially cancerous agents. The toxins in the sludge ponds and toxic fluids leaked from cars, busses and motorcycles in the casino parking facilities

and driveways trapped in the bioswales kill Coho salmon as they swim upstream to spawn in the tributaries of the Russian River.

How do toxic fluids from cars, busses and motorcycles in the casino parking facilities and driveways get into the Russian River? Heavy rain that will occur during flood events will also overflow the bioswales that collect trash, cigarette butts and toxic fluids such as car engine oil and transmission fluid leaked onto driveways and parking areas of the project. The polluted overflow from the bioswales will then be carried by rain runoff and floodwater into Pruitt Creek and downstream into the tributaries that are fed by Pruitt Creek and into the Russian River. The hazardous sludge solids, trash, toxic vehicle fluids and possibly brine washed into Pruitt Creek will also collect in the Pruitt Creek channel and soak down into the soil in the channel making the Pruitt Creek riparian zone a hazardous waste site--toxic to riparian vegetation such as giant California Live Oaks, wildlife that drink directly from the creek and people on the Koi property. When the Koi produced toxic substances, absorbed by the Pruitt Creek soil are released by rain from the soil of the Pruitt Creek channel they are washed downstream where they kill Coho salmon. **Coho salmon will die before they can reproduce due to the casino polluting the soil and waters of Pruitt Creek, creeks downstream that collect Pruitt Creek water, and the Russian River during every rainstorm when Salmon spawn.**

NOTE: There is also the possibility that the Koi property and the property abutting the south side of the Koi property could flood if the box culvert where Pruitt Creek flows underneath Old Redwood Highway is blocked with debris during a major rainstorm. Source: July 2024 DEIS page 91. Pruitt Creek has flooded the vineyard behind my home at 5820 Mathilde Drive Windsor CA and my own home twice. Once in October of 2004 and again at the beginning of 2006. Both times the flood was created by the culvert where Pruitt Creek flows under Shiloh Road being blocked by debris during these two major storms. These storms also flooded the Koi property, the property abutting the south side of the Koi property, Colonial Park Mobile home park, and further downstream the Vicini Vineyard and the 45 acre parcel at 790 Shiloh Road. Clogged culverts under Shiloh Road, Old Redwood Highway, and Highway 101 that channel water from Pruitt Creek were the probable cause.

[Here](#) is a web page that discusses the pros and cons of different tertiary wastewater treatment solutions. All of them produce toxic, hazardous sludge that must be disposed of as hazardous waste. ACORN in the July 2024 Draft Environmental Impact Statement admits the Koi Casino/Hotel wastewater treatment process will produce hazardous sludge that will be collected and stored in open ponds to dewater before removal and final disposal.

Let us move on to the effects of the Koi project on the communities neighboring the Koi. The Environmental Impact statement claims that there would be no significant negative impact on the local communities are evidently false in numerous ways as everywhere you look in the south Windsor and Larkfield/Wikiup communities you see blight and decay. Business buildings along Shiloh Road, Old Redwood Highway, Mark West Springs Road and Fulton Road are empty and the windows and doors are boarded up. They are covered with gang graffiti. These small mom and pop businesses have closed after being broken into and robbed by gangs more times than they could recover from. Neighborhoods near the casino, especially Oak Park which is right across the street from the casino are in a state of decay and disrepair. Oak Park is the neighborhood where I live. Peeling paint exposes rotting wood on the once well maintained homes in my neighborhood. Homes in my neighborhood are now in dire need of wood replacement and a good paint job. Old roofs are worn out and missing shingles. Moss growing on the north facing sides of roofs or where gutters drain onto roofs, ruins the roofs, causing leaks which are causing dry rot inside the houses and illness from toxic mold to the people who live in these houses. The greedy corporations and criminals who have bought these homes rent them to tenants too poor to live elsewhere. Knowing that the tenants won't leave because they are afraid they won't be able to afford another place to live, the corporations and criminals ignore their rental's maintenance needs and the health problems they are creating for their tenants, focusing only on short term quarterly profits.

And how do these corporate and criminal slumlords make their enormous profits? Numerous homes have become Vacation Rentals owned by greedy, short term profit driven corporate entities--slumlords--who bought them at fire sale prices from desperate, broke owners who were forced to sell after the casino

caused fire insurance rates to double. Most of these sellers were seniors on fixed income who due to the rapidly increasing cost of homeowner's fire insurance could not afford to live in the homes they had owned for decades. The reason the insurance companies raised their rates so much for homeowners in the neighborhoods near the casino was they recognized the added risk of the traffic from the casino increasing the response time of fire services. They realized fire service response time during wildfires would be greatly increased and in the worst case scenario fire services would not even be able to respond in time to stop a wildfire from consuming the neighborhoods next to the casino due to the evacuation of thousands of cars used by casino guests blocking fire service access.

The homes that are not Vacation Rentals are mostly long term rentals owned by slumlords who also bought them at fire sale prices from desperate owners after the casino was built. These houses are now packed with large numbers of unrelated, childless people, imprisoned by low wages and high rents in these prisons called rental houses. These unrelated room-renters, have never owned any real property, so they know nothing about how to improve their lot by maintaining the property they live in. Most don't even want to learn how to clean their own toilet and spend their time ignoring the filth and decay they live in and their part in it's creation by getting lost in social media on their cell phones.

Some homes have been bought by sex trafficking rings who use them to house the prostitutes they use to turn tricks at the casino. Some homes have been bought by drug cartels that use them to manufacture and distribute meth, cocaine and fentanyl.

More visual evidence of the negative effects of the casino are the tall weeds and stunted weed trees that have taken over the numerous areas of dead grass that used to be lawns—lawns killed by lack of water. Dead plants and trees in the landscaped yards-- killed by lack of water--are choked by more of the same tall weeds and weed trees planted by squirrels. Street surfaces are cracking and losing their resistance to water and chunks of pavement are coming loose creating potholes. Front yards of homes are filled with parked cars that are losing their paint due to oxidation. They also have lots of body damage from accidents. In disrepair they leak oil and transmission fluid onto the dead lawns of the houses where their owners live and onto the streets. The city street sweeper trucks can not sweep the street gutters because of these numerous neglected cars, some undriveable, are always parked in the streets. So cigarette butts, condom packaging, needles, syringes and trash mixes with leaves that collect in piles in the streets around the the old cars leaking toxic fluids. This toxic mix clogs the storm drains which floods the streets during heavy rains. Where these piles of trash do get washed into the storm drain it clogs the drains causing more streets to flood. Then when the blockages in the storm drains break open the trash and toxic fluids, concentrated by the blockages, surge into Pruitt Creek and creeks further downstream and into the Russian River [killing Coho salmon at the time they come to these creeks to spawn](#).

The owners who have stayed—mostly because they couldn't afford to move, hide in their homes in frustration and fear, never walking their dogs around the neighborhood because of fear of the rampant crime brought in by the casino crowds. Johns visiting brothels in the neighborhoods near the casino cause noise day and night. Gangs have gun battles over territory in the neighborhoods near the casino and in the casino parking lots. Careless, rude, threatening noisy renters and careless, rude, threatening noisy vacationers are a constant threat and disturbance to seniors, law abiding adults and children. Fearful residents no longer leave their garage overhead doors or windows and sliding doors open to cool off their homes in the evenings during the increasing number of hot days during the spring, summer and fall months due to global warming, thus increasing their utility bills for cooling and their carbon footprint. Some have installed bars on their windows and doors. A few owners who could afford it have put tall iron fences around their yards. This is what a neighborhood under siege from a casino looks like.

Windsor Water Company and the residents who need this service are in crisis. After a couple of years of above average rain in the winters of 2022 and 2023, water use for landscaping increased for a couple years due to increased heat from global warming causing more transpiration. Then water tables started becoming depleted because droughts were lasting longer and the weather during droughts was hotter-- both events due to global warming. The Windsor Water aquifer rate of depletion was increased significantly by the casino. In an attempt to slow demand so Windsor would not run out of water, water rates were increased radically causing Windsor residents to let lawns, trees and plants die and weeds to take over. If they had the money, resident owners landscaped their properties with lifeless materials. This

lack of water use causes Windsor Water Company to become unprofitable so rates and fees were increased again causing people to water plants less thus increasing the loss of vegetation in the communities. Some residents moved away because when added to other increasing expenses, Windsor water was no longer affordable.

Now let's talk about the education and health of our children--the future of our country--and how they were affected by the casino. The many sleepless nights of crying children--woken in the middle of the night by deafeningly loud noises, disturbingly loud music and bright disturbing lights of Harley Davidson motorcycle clubs and pumped up muscle cars racing their engines and making their wheels squeal up and down Shiloh Road, Old Redwood Highway, Faught Road and Highway 101 cause family disputes and test scores in grades K-12 drop significantly in Windsor and Larkfield-Wikiup grade and high schools. Sideshows, once non-existent in Windsor happen on a roundabout at Market Street and Old Redwood Highway near Bell Village. Gunshots punctuate the night and day as well. These too disturb the sleep of children and cause them to have nightmares. Parents panic and sell their homes or move out of rentals to get away from the constant, fear inducing racket that is ruining the lives of their children. With fewer children enrolled in the local schools state money dries up forcing schools to drop programs and eventually close schools. These school closures force even more families with children to leave the area and the state and the significant downward trend of the neighborhoods around the Koi project, evident to the residents, continues without the Koi noticing.

The financial health of the Town of Windsor, Santa Rosa and Sonoma County is in decline because property taxes are down due to the loss of property value near the project. Why are property values down? It started in the spring of 2024 when three homes in Oak Park sat on the market unsold for months. One house was in escrow for two days a month after it was listed. The buyer backed out when he found out about the casino. Prices were lowered for the three houses and still they sat on the market. When the casino was finished in 2028 break-ins into homes and cars, home burglary and auto thefts, assaults and murders and domestic violence went up dramatically in the neighborhoods near the casino—especially in Oak Park—right across the street. Sex traffickers and drug dealers when not working the casino began working their businesses in Esposti Park across the street from the newly built project. They con kids who come to Esposti Park into using drugs by saying "It's cool." and offering free samples. Rich from drug sales to children and sex trafficking, they buy houses from desperate owners and began running their illegal businesses out of their homes near the casino as well. Auto accidents and traffic deaths increased significantly due to the drugged and drunk people, attracted by the casino, driving the neighboring streets at all hours of the day and night. As crime was increasing every year the increasing use of Windsor and Santa Rosa Police and Emergency Services kept increasing government expenditures at a much higher rate than before the casino. These rapidly increasing uncontrollable expenditures were passed onto Windsor residents by increasing the fees on residential property tax bills to cover these services. Sirens from the use of these Emergency services, once uncommon at night, now frequently wake the residents of the neighborhoods around the Koi project in the middle of the night. Gun shots from warring gangs, drug deals gone bad and owners defending themselves from robbery, never heard before the casino, terrify adults and children creating more sleepless nights. Middle class homeowners because of the new hostile noisy neighbors, increased fire insurance bills, increased city fees and taxes, increased water rates and water fees, increased crime, degradation and loss of schools, increased traffic congestion and traffic noise from casino traffic and emergency services sell their homes at fire sale prices to escape. Assessed values of houses are going downward at a rapid rate reducing more and more every year the income derived from property taxes on assessed values for Sonoma County, Santa Rosa and the Town of Windsor. The higher fees these governing agencies assess to offset the increased costs from increased use of Emergency Services don't offset the taxes lost from decreasing property values, so large deficits are created that require cost cutting in Sonoma County, Santa Rosa and the Town of Windsor budgets. Deferring maintenance is the common step taken. The most visible evidence of the depleted government coffers causing maintenance deferral is the rapidly multiplying potholes in the Town of Windsor, Santa Rosa and the unincorporated areas of Mark West Springs and on Sonoma County roads.

Location and time frame: Windsor, Mark West Springs, Larkfield-Wikiup, and South Windsor areas anytime fire danger is high after the Koi project is built.

Note: I felt great anger, sadness and despair when I wrote the following story about visions I had of the effect of the Koi Project on the communities near the Koi Project during a wildfire.

The threat of wildfire destroying the neighborhoods surrounding the casino became real late one night in early October. A fire—started by a power line downed by a 80 mph gust, started near Safari West at 3115 Porter Creek Rd Santa Rosa CA. This wildfire's ignition point was nine miles closer to the neighborhoods of Mark West Springs and Larkfield-Wikiup than the ignition point of the Tubbs Fire of 2017 which started near Tubbs Lane in Calistoga CA. The neighborhoods of Mark West Springs and Larkfield-Wikiup burned during the Tubbs fire. The Safari Fire, pushed hard by 60+ mile per hour sustained northeasterly winds and 80 mph gusts and explosively fueled by easily ignited dense low growth created by the Tubbs Fire burned much more rapidly and hotter than the Tubbs fire westward in the wind tunnel like valley where Mark West Springs road is. It reached the River Road Mark West Springs Road interchange of Highway 101 within 1 hour, igniting the 100 foot tall drought stricken redwood trees planted when this interchange of Highway 101 was built. This created a gauntlet of fire for westbound Mark West Larkfield-Wikiup area evacuation traffic that threatened to stop traffic on Mark West Springs Road right before it changes to River Road on top of the Highway 101 overpass. Westward evacuation traffic on this western escape route did come to a halt when wind downed a high voltage power line diagonally across Mark West Springs Road near the intersection of Lavelle Road, which is just west of Old Redwood Highway. This blocked one of the only two nearby westbound avenues of escape for the Mark West Springs Larkfield-Wikiup residents. Also around the same time a 80+ mph gust toppled a drought weakened oak onto both lanes of Old Redwood Highway near Cloverleaf Ranch blocking the only escape route south to Santa Rosa for Mark West Springs and Larkfield-Wikiup residents. The wind also brought down a high voltage power line that hung over Highway 101 just north of the River Road overpass over Highway 101 stopping traffic in both the northbound and southbound directions on Highway 101. Northbound traffic, trapped on Highway 101 with a wildfire burning westward towards it, was diverted southwards back up the northbound on-ramp of Mark West Springs Road to Highway 101 and west onto River Road. This created another road block for Mark West Larkfield-Wikiup area residents to westbound evacuation using the Mark West Springs Road/River Road interchange on Highway 101. The nearest escape route now was to go north on Old Redwood Highway to Airport Boulevard and either get on Highway 101 going north at Airport Boulevard and Highway 101 interchange or drive over the Airport Boulevard overpass over Highway 101 and drive through west Sonoma county to the Highway 1 which runs along the Pacific ocean. This route was blocked due to thousands of cars from the Koi project located at Shiloh Road and Old Redwood Highway trying to get to Highway 101 northbound. They were using Old Redwood Highway southbound to get on Fulton Road southbound to get on Airport Boulevard westbound to get on Highway 101 going north at the Airport Boulevard Highway 101 interchange.

The thousands of cars from the casino also added greatly to the congestion at the intersection of Shiloh Road and Old Redwood Highway. Thousands of casino guests were trying to get on Highway 101 going north at Shiloh Road interchange. Traffic--despite the guidance of the Koi employees-- moved west at a crawl on Shiloh Road and at the corner of Old Redwood Highway and on Shiloh Road westbound because evacuation traffic from the south part of Windsor blocked casino traffic at the corner of Hembree Lane and Shiloh Road. And at the corner of Airport Boulevard and Fulton Road—without any guidance from the Koi employees--traffic coming together from two different directions—from the Larkfield-Wikiup direction and from the Windsor direction, slowed this escape route to a crawl.

So hundreds of residents from the Mark West Springs Larkfield-Wikiup area due to the traffic blockages mentioned here and others not mentioned here were trapped in their cars on Old Redwood Highway in and just north of the Larkfield-Wikiup area unable to drive north to Airport Boulevard or Shiloh Road when the intense flames of the Safari Fire came roaring through. As the firestorm intensified in the Larkfield-Wikiup neighborhoods propane tanks on BBQ's began exploding like bombs. People caught up in the panic and chaos, packed their cars tightly together inches apart in four parallel lines using both lanes and also the shoulders of Old Redwood Highway. Then a tank full of diesel fuel in the flat bed of a large

commercial pickup truck caught on fire. It exploded and the truck was engulfed in flames. Within a minute the truck's gas tank exploded creating a wide column of flame. This column of flame set the cars next to the truck on fire. Those cars then exploded and set the cars next to them on fire. A firecracker like chain reaction ensued of cars crammed together inches from each other unable to move setting their neighboring cars on fire when they caught on fire and their gas tanks exploded. As this chain reaction quickly burned it's way thru the motionless four mile long, four car wide, column of vehicles trapped on Old Redwood Highway by Koi traffic, adults and children panicked and in terror tried to escape by abandoning their soon to be burning, exploding cars. They started running north along Old Redwood or west towards Highway 101 through neighborhoods, across Mark West Creek and into golden fields of dried grass. The problem with the western route of escape was the golden grass they were running on started burning behind them, and then in front of them and then all around them. Many of these panicked residents of the Mark West Springs and Larkfield-Wikiup communities running in the golden fields of grass near Highway 101 were burned alive that day. They had no ocean to dive into to save them.

My URGENT Plea!

There will be no great long term benefits to Sonoma County from having another casino, hotel, event center and ballroom covering up land perfectly suited for and already in use for agriculture, flood control and groundwater recharge. We already have enough of these venues providing plenty of jobs in environmentally and socially sensible settings. Look at where the other casinos in Sonoma County are located. You will see they are not right next to residential neighborhoods. The vineyard where the project will be located already provides jobs in our community, is appreciated as a thing of great value and beauty by the local community, and is zoned as intensive agriculture by Sonoma county regulations. It is not zoned for a commercial business for many reasons, some stated in this letter. This is a commercial project and on commercially zoned property in Lake County where the Koi are from is where this project should be located. Please use common sense and revise the environmental impact statement about the project to reflect the extreme danger to the Pruitt Creek watershed and aquifer, significant risk to the salmon population that uses the Russian River tributaries, significant social, psychological, and economic costs to the people in the communities surrounding the project property and the very significant ongoing danger to the project's neighbors of too many cars from the project slowing and even blocking evacuation of the surrounding communities during wildfire.

The people in Sonoma County have zoning laws that protect the natural resources and quiet harmony of the open spaces so they can thrive and survive, much like the Indians of the past protected the earth by following their traditional ways. Our zoning laws also protect the very important, peaceful and economically productive Koi vineyard that harmonizes with nature and our communities. The Koi would break our zoning laws and destroy the great value of their vineyard and our communities with Alternatives A, B or C. Please don't put the communities I mention by name and others I haven't, near the Koi property at the corner of Old Redwood Highway and Shiloh Road East in permanent danger by placing their property in trust. The Koi have proven by the dangerous A, B and C project proposals they have been corrupted by unquenchable greed and will do as they please, ignoring their drain upon the aquifer they depend on and their ever constant danger from the pollution they will create to the Pruitt Creek watershed and to the people and salmon downstream. They also have ignored the very significant physical, social, mental, educational and economic damage they have already done and will do to the people in the communities next to them. But worst of all they will ignore their part in the suffering and loss of life that will happen--when, not if, wildfire burns the communities near them because their thousands of guests blocked the roads necessary for fire services to fight the fires. If the trust is approved and the ongoing accumulating social, economic and environmental damage and destruction created by Alternatives A, B or C is allowed---in time, human nature and mother nature will eventually create real events more sad and horrifying than the illustrative stories I have written here about the effects of the Koi project on the communities neighboring the Koi. And finally, even though the Koi will not believe this, they too will eventually suffer great loss if they accept one of the dangerous Alternatives named A, B and C and destroy their beautiful, productive vineyard.

Sincerely,

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Chad Broussard  
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Mr. Broussard

I am writing to you a story of Windsor California and neighboring communities in the form of chains of events within future time frames that are statistically highly probable if the Koi property right next to Windsor, California at the corner of Shiloh Road and Old Redwood Highway is put into trust for the Koi so they can make this property, which is currently a productive vineyard, into either a hotel, resort and casino or a hotel and wine tasting resort: Alternatives A, B, and C in the July 2024 Draft Environmental Impact Statement—DEIS. The events that I foresee and describe here in my stories are based on statistical data about the increase of crime casinos bring to communities near casinos. Stories I've personally heard about the increase of crime in Rohnert Park California from people who moved into my neighborhood because a casino was built in their neighborhood in Rohnert Park California. Facts within the Bureau of Indian Affairs July 2024 DEIS, Draft [Environmental Impact Statement about the “project”](#) as it is called in that DEIS. Facts about [tertiary water treatment processes](#). Facts about the increased rate of growth, larger, hotter and more destructive nature of wildfires due to global warming documented in a [UC Davis study, Facts about stormwater runoff from urbanization killing salmon](#). My personal experience and the stories I've personally heard from people who have lived through the floods on Pruitt Creek and the fires in Sonoma County. And the sad and horrifying stories and pictures in the news reports about the destruction and people who died in the Lahaina and Camp fires. I also include sordid details about tenants and rental houses from my and my partner's combined sixty years of property management experience. Because of the information I refer to above, in my mind events similar to what I describe here will happen. I hope you will understand what I am saying and agree with me. I hope the truth in my stories which tie together my information will motivate you to stop the vineyard that exists there now from being destroyed by Alternatives A, B, or C. I hope you will agree with me because the lives of thousands of men, women and children in the Sonoma County communities surrounding and downstream from the Koi project will be forever endangered in ways that are the same or similar to what I describe in my chains of connected events, if you agree with the Koi. In time, events like what I describe here will become realities if one of the three ill conceived uses of the Koi property--Alternatives A, B and C of the ACORN written July DEIS for the Koi Project on this environmentally key property next door to my neighborhood--is approved by the Bureau of Indian Affairs. The Koi project is right across the street from my residential neighborhood--Oak Park in Windsor, CA. I live only a block away from the Koi vineyard. Please also realize that only some of the damage Alternatives A, B and C will do to the environment and the people of my neighborhood and the surrounding communities are here in what I write.

To start off, I would like to tell you a true story, a real event that happened for me. This story may explain to you why I live in Oak Park and why the vineyard across the street from Oak Park is so vital to the character and survival of my neighborhood.

My Communion with a Quail Family

I am standing facing east towards the front of my house in my front yard at 5820 Mathilde Drive in Windsor California watering a Japanese Maple in front of my living room bay window. It is July 29<sup>th</sup> 2024 at about 10 AM on a cool bright sunny morning. A male quail---a daddy, comes running up our driveway from across the street behind me into our front yard. While checking things out he comes to within only a few feet away from me, undisturbed by my presence. He then turns around and runs back in the direction from which he came. Then, coming across the street from the same direction daddy came from, a mother quail with her three babies in tow runs up our driveway. Bonnie, standing in our garage near our open overhead garage door, sees the mother quail and babies too. She watches with delight as the quail mother and her three babies dart around the corner of the garage out of her field of vision and into the area where our pink and gray tammy pebble covered walkway leads to our front door. While our hearts are filled with joy we also feel the touch of sadness in this moment. We know this quail family well and have kept a running count of the number of surviving babies hoping they would all survive to adulthood. The reason we know them so well is they are the only quail family that comes to the back yard of our home now. Only five years ago fifty quail would come to our back yard to chase each other in play, bathe in fluffed up dirt softened by rototilling, hide in our bushes, walk on our pathways made of green path fines, rest on shredded redwood in the sunshine and eat the quail seed that we put out for them. That year we thought there would be a hundred quail next year. But this was not to be. After that wonderful season the number of quail started rapidly diminishing. This created great concern and sadness in our hearts. We do not know all the reasons why the quail have been disappearing in our neighborhood but we have had the disturbing experience of seeing a quail being eaten by a escaped Bengal cat right in front of us that have given us a clue to one---un-natural predators introduced by man! And what is the reason why my sadness about the decline of the quail population was revisited in this touching moment with this quail family? Only a week ago this family was a family of a mommy and daddy and nine tiny, freshly hatched babies. The predators, physical barriers and physical trials of our suburban neighborhood---domesticated and feral cats, the recurring evil presence of the escaped Bengal cat, coyotes, foxes, hawks and skunks that eat quail eggs, fences, retaining walls and street curbs (high barriers to a tiny baby quail), grates covering storm drains with slots large enough for a baby quail to fall through, the feet burning heat of streets during heatwaves--streets filled with unconscious drivers racing around in cars that flatten baby quail into road pancakes, fierce rainstorms with murderous hail and the bone chilling cold of foggy nights have reduced the nine babies of this quail family to three. Still, despite the high percentage of eggs and babies lost, the three babies that are still alive out of the nine tell us these are good quail parents--a kind protective father and a nurturing mother. They both nurture, watchfully protect and guide their babies as best they can. I call to Bonnie telling her about the location of the quail babies and to go into the living room and look out the bay window to see them. She loves to watch the tiny quail babies dart about and she immediately walks quickly through the door in the garage into the hallway, through the hallway to our entry area and through our entry area into our living room and stands close to the bay window, watching the quail family intently. I continue to water the Japanese Maple while I watch this all unfold. Then the mother quail starts to run back and forth calling soft urgent cries to her babies. The babies are running around her randomly, exploring the three small young Bottle Brush plants recently planted in the fertile soil of the carefully prepared beds along the sidewalk that leads to our front door located in the semi enclosed area next to our garage. It is good fertile soil that I spent hours lovingly sifting the rocks out of and adding soil amendment and fertilizer to so my baby Bottle Brush plants would thrive and grow fast and would quickly become a natural hiding place for quail. The quail love to hide in Bottle Brush plants and I plant Bottle Brush plants because I love the quail too.

Then a miracle happened. The mother quail walks over to the morning sun warmed wall of the garage

and settles down in the warm soft soil next to one of the three young Bottle Brush plants. She lifts her wings and the three babies run and dive under her wings totally disappearing except for the fact that mother quail now looks twice as fat as she was a second before. She stares right at me knowing I am staring at her. We make a connection on the inner and we have a soul to soul communication that goes like this. Mother quail in images says, "Please protect us. My babies and I are cold and exhausted and need to rest. We have walked a long way to feed on the seed you put out for us in your back yard and need a few moments of peace to rest and warm ourselves in a safe place in the morning sun before daddy comes and tells us that it is safe to journey to the seed." I send her these thoughts in images-- "Have no fear. I don't want to disturb you. I am here only to water the plants that you love to hide and rest under. I love you and your babies and will leave you now in peace to rest with your babies." Then I turned off the sprayer on the end of the hose and slowly put the hose and sprayer gently down on the ground. I slowly turned and walked away from the mother quail and three babies towards the sidewalk that abuts the east side Mathilde Drive and walked on the sidewalk to our driveway and up our driveway into our garage and through the garage door into our home. When I got into the living room I asked Bonnie if she could see the quail mother resting on the ground protecting her babies under her wings. She said yes with a big smile pasted all over her face.

This real story about a quail family is one representative example that supports the many reasons why my Oak Park neighborhood in Windsor California is a place I love, value and respect. My love for life here in the Oak Park neighborhood of Windsor California is why I write these stories to illustrate the significant negative effects of Alternatives A, B and C of the Koi project for you.

Now I will write about the future of my neighborhood and other neighborhoods near the Koi property, the Town of Windsor and the city of Santa Rosa and Sonoma County if the Koi property is put into trust for Alternatives A, B, or C.

Sonoma County California October 2035, seven years after the casino was built.

In 2024 the Bureau of Indian Affairs--BIA, ignored the desperate pleas of hundreds of Windsor and North Santa Rosa area residents who had the wisdom and strength to write and speak to oppose the Koi "project" as it was called in the July 2024 Draft Environmental Impact Statement for the Koi Shiloh Resort and Casino. The BIA ignored the fact that the Koi, and the Chickasaw Tribe who supplied the money to pay for the vineyard, were foreign tribes invading the sovereign territory of the four local tribes—with no consultation with the four local tribes as required by USDA Department Regulation 1350-02--to illegally rob them of their casino revenue. To give an example from the July DEIS for the Koi project, according to the ACORN, the name of the company that created the July 2024 DEIS--Draft Environmental Impact Statement, casino revenue will go down 25% at River Rock Casino which is just a few minutes north on Highway 101 from the Koi project. The BIA also ignored every elected official of Sonoma County, Senator Diane Feinstein and Governor Gavin Newsome who all adamantly opposed the project--- and allowed the Koi Nation to build the largest most hazardous waste creating, environmental disaster creating casino in California. The project, starting with the removal of most of the valuable grape vines, immediately ruined a beautiful vineyard. Within the first year of construction the project had channelized Pruitt Creek on the project property by covering with a million square feet of concrete the necessary and vital floodplain around it that once served as a buffer against floods for downstream communities and also a natural recharge area for the local aquifer. Specifically, the casino/hotel covered with concrete an area in the Pruitt Creek flood plain/watershed that acted as a

natural percolation pond during average rains and floods to recharge the ground water used by the vineyards and people on well-water surrounding the casino from Shiloh Ranch Regional Park in the east to Highway 101 in the west, and from Larkfield/Wikiup in the south up to the northeast side of Windsor near Lockwood Drive and Callahan Lane. The vineyards in this area that relied on the percolation of water into the aquifer on the Koi property were a ecologically beneficial carbon capturing resource that generated millions of dollars of sustainable economic activity every year for Sonoma County. Now, seven years after the Koi covered in concrete the Koi property these vineyard's grapes are drying up and the grape vines are dying due to their wells going dry.

The vineyards and people on well-water in this area were wiped out by lack of water in the aquifer they needed to survive. Nearby wells for the Town of Windsor dried up also. The Town of Windsor, vineyards and people on well-water near the casino that depended upon this groundwater have no financial protection mechanisms against the financial losses created by the casino's depletion of the groundwater written into to the July 2024 Draft Environmental Impact Statement--DEIS, that was accepted by the BIA as "the" Environmental Impact Statement.

How did the Koi cause the depletion of their neighbors and their own groundwater? **1)**Water use of the casino/hotel is six times more than the water used by the original 68 acre vineyard. Source: July 2024 DEIS. **2)** The water repelling surfaces including parking areas and driveways and structures of the Alternative A project are over a total square footage of 2,496,447 square feet (Source: July 2024 DEIS). I guesstimate over one million of this square footage is the ground level footprint of the project. This footprint covers over a million square feet of soil that used to absorb and take the rainwater into the aquifer. This million+ square foot footprint of water repellent materials collects millions of gallons of rainwater every year and diverts it into Pruitt Creek where it flows into the Russian River. A million square foot footprint of water repelling surfaces and structures in effect channelizes the Pruitt Creek floodplain on Koi property wasting millions of gallons of rainwater that before the project would recharge the groundwater under the Koi property. Also, 10,000 cubic yards of soil were added to the southwest corner of project A to facilitate the creation of a storm water catch basin "A". See figure 2.1-3 page 58 of the DEIS. The concrete footprint of the project and the added soil to the southwest corner right next to the 500 year flood plain create a channelization effect which will cause water to drain away from the property rapidly which creates a ongoing, rapidly accumulating loss to the aquifer. **3)** Ongoing rapidly accumulating losses in the waste water recycling process, including losses that are intentionally created as part of the dewatering process that uses evaporation of tertiary treated wastewater sludge in sludge collection ponds, create more drain upon the aquifer. **4)** And if by some miracle there is an excess of treated waste water that can not be used or stored, "During the wet season (approximately October 1 through May 14), treated effluent (waste water) is discharged on-site into Pruitt Creek": Source July DEIS Page 55. This discharged tertiary treated water will not recharge the aquifer that sits under the Koi project but will instead flow downstream into the ocean.

**Pruitt Creek floodplain at and downstream from the Koi project has become a hazardous waste site filled with trash blown or washed into the creek from parking lots, driveways and bioswales. All covered with toxic sludge created by the tertiary treatment of wastewater. Salmon are not able to reproduce in the project polluted waters in and downstream from toxic Pruitt Creek.** How? Water borne sludge, created by the tertiary treatment of waste water from the Koi project, stinks like a sewage treatment plant as it sits with water evaporating(called de-watering in the July 2024 DEIS) in large open sludge ponds on the property. The stinking water vapor from the sludge in the

ponds is carried upon the winds. The stench from the sludge permeates the Koi project at times and the surrounding neighborhood depending upon the wind speed and direction. Sludge ponds of the project fill up with the toxic chemical sludge created by the waste water treatment process regularly. When the sludge ponds are full the Koi have trucks haul the toxic sludge to dumps. Acorn, the agency that wrote the Draft Environmental Report in the section on Wastewater Sludge Disposal on page 55 admits this will happen.

What the DEIS doesn't mention is the toxic sludge created by wastewater treatment process will be washed onto the Koi property and into Pruitt Creek when heavy rains fill the ponds that are full of dewatering sludge to the point of overflowing. The wastewater treatment process will also create brine (see page 56 of the July DEIS) that must be disposed of at a facility which accepts and treats such waste. No mention is made of how or where this brine will be stored on the Koi property.

Some of the heavier solids from a breach of the sludge ponds settle on the project property and in the Pruitt Creek channel on the project property. The lighter suspended solids immediately flow downstream quickly in the now channelized Pruitt Creek to poison the increased (by channelization) flood waters downstream that flood the property abutting the south side of the Koi project, Colonial Park Mobile Home Park across the street from the casino/hotel, the Vicini Vineyards which borders Colonial Park Mobile Home Park on the west, and the south end of a 45 acre parcel located at 790 Shiloh Road. Further downstream Pruitt Creek passes under Highway 101 and through the communities of western Windsor and onto Sebastopol and the Russian River communities where thousands more people live. A flood which deposits the suspended particles of sludge and trash in these communities and other areas downstream in the Russian River floodplain creates a huge hazardous waste site that directly exposes hundreds if not thousands of people to sickening and potentially cancerous agents. The toxins in the sludge ponds and toxic fluids leaked from cars, busses and motorcycles in the casino parking facilities and driveways trapped in the bioswales kill Coho salmon as they swim upstream to spawn in the tributaries of the Russian River.

How do toxic fluids from cars, busses and motorcycles in the casino parking facilities and driveways get into the Russian River? Heavy rain that will occur during flood events will also overflow the bioswales that collect trash, cigarette butts and toxic fluids such as car engine oil and transmission fluid leaked onto driveways and parking areas of the project. The polluted overflow from the bioswales will then be carried by rain runoff and floodwater into Pruitt Creek and downstream into the tributaries that are fed by Pruitt Creek and into the Russian River. The hazardous sludge solids, trash, toxic vehicle fluids and possibly brine washed into Pruitt Creek will also collect in the Pruitt Creek channel and soak down into the soil in the channel making the Pruitt Creek riparian zone a hazardous waste site--toxic to riparian vegetation such as giant California Live Oaks, wildlife that drink directly from the creek and people on the Koi property. When the Koi produced toxic substances, absorbed by the Pruitt Creek soil are released by rain from the soil of the Pruitt Creek channel they are washed downstream where they kill Coho salmon. **Coho salmon will die before they can reproduce due to the casino polluting the soil and waters of Pruitt Creek, creeks downstream that collect Pruitt Creek water, and the Russian River during every rainstorm when Salmon spawn.**

NOTE: There is also the possibility that the Koi property and the property abutting the south side of the Koi property could flood if the box culvert where Pruitt Creek flows underneath Old Redwood Highway is blocked with debris during a major rainstorm. Source: July 2024 DEIS page 91. Pruitt Creek has flooded the vineyard behind my home at 5820 Mathilde Drive Windsor CA and my own

home twice. Once in October of 2004 and again at the beginning of 2006. Both times the flood was created by the culvert where Pruitt Creek flows under Shiloh Road being blocked by debris during these two major storms. These storms also flooded the Koi property, the property abutting the south side of the Koi property, Colonial Park Mobile home park, and further downstream the Vicini Vineyard and the 45 acre parcel at 790 Shiloh Road. Clogged culverts under Shiloh Road, Old Redwood Highway, and Highway 101 that channel water from Pruitt Creek were the probable cause.

[Here](#) is a web page that discusses the pros and cons of different tertiary wastewater treatment solutions. All of them produce toxic, hazardous sludge that must be disposed of as hazardous waste. ACORN in the July 2024 Draft Environmental Impact Statement admits the Koi Casino/Hotel wastewater treatment process will produce hazardous sludge that will be collected and stored in open ponds to dewater before removal and final disposal.

Let us move on to the effects of the Koi project on the communities neighboring the Koi. The Environmental Impact statement claims that there would be no significant negative impact on the local communities are evidently false in numerous ways as everywhere you look in the south Windsor and Larkfield/Wikiup communities you see blight and decay. Business buildings along Shiloh Road, Old Redwood Highway, Mark West Springs Road and Fulton Road are empty and the windows and doors are boarded up. They are covered with gang graffiti. These small mom and pop businesses have closed after being broken into and robbed by gangs more times than they could recover from. Neighborhoods near the casino, especially Oak Park which is right across the street from the casino are in a state of decay and disrepair. Oak Park is the neighborhood where I live. Peeling paint exposes rotting wood on the once well maintained homes in my neighborhood. Homes in my neighborhood are now in dire need of wood replacement and a good paint job. Old roofs are worn out and missing shingles. Moss growing on the north facing sides of roofs or where gutters drain onto roofs, ruins the roofs, causing leaks which are causing dry rot inside the houses and illness from toxic mold to the people who live in these houses. The greedy corporations and criminals who have bought these homes rent them to tenants too poor to live elsewhere. Knowing that the tenants won't leave because they are afraid they won't be able to afford another place to live, the corporations and criminals ignore their rental's maintenance needs and the health problems they are creating for their tenants, focusing only on short term quarterly profits.

And how do these corporate and criminal slumlords make their enormous profits? Numerous homes have become Vacation Rentals owned by greedy, short term profit driven corporate entities--slumlords--who bought them at fire sale prices from desperate, broke owners who were forced to sell after the casino caused fire insurance rates to double. Most of these sellers were seniors on fixed income who due to the rapidly increasing cost of homeowner's fire insurance could not afford to live in the homes they had owned for decades. The reason the insurance companies raised their rates so much for homeowners in the neighborhoods near the casino was they recognized the added risk of the traffic from the casino increasing the response time of fire services. They realized fire service response time during wildfires would be greatly increased and in the worst case scenario fire services would not even be able to respond in time to stop a wildfire from consuming the neighborhoods next to the casino due to the evacuation of thousands of cars used by casino guests blocking fire service access.

The homes that are not Vacation Rentals are mostly long term rentals owned by slumlords who also bought them at fire sale prices from desperate owners after the casino was built. These houses are now packed with large numbers of unrelated, childless people, imprisoned by low wages and high rents in these prisons called rental houses. These unrelated room-renters, have never owned any real property,

so they know nothing about how to improve their lot by maintaining the property they live in. Most don't even want to learn how to clean their own toilet and spend their time ignoring the filth and decay they live in and their part in it's creation by getting lost in social media on their cell phones.

Some homes have been bought by sex trafficking rings who use them to house the prostitutes they use to turn tricks at the casino. Some homes have been bought by drug cartels that use them to manufacture and distribute meth, cocaine and fentanyl.

More visual evidence of the negative effects of the casino are the tall weeds and stunted weed trees that have taken over the numerous areas of dead grass that used to be lawns—lawns killed by lack of water. Dead plants and trees in the landscaped yards-- killed by lack of water--are choked by more of the same tall weeds and weed trees planted by squirrels. Street surfaces are cracking and losing their resistance to water and chunks of pavement are coming loose creating potholes. Front yards of homes are filled with parked cars that are losing their paint due to oxidation. They also have lots of body damage from accidents. In disrepair they leak oil and transmission fluid onto the dead lawns of the houses where their owners live and onto the streets. The city street sweeper trucks can not sweep the street gutters because of these numerous neglected cars, some undriveable, are always parked in the streets. So cigarette butts, condom packaging, needles, syringes and trash mixes with leaves that collect in piles in the streets around the the old cars leaking toxic fluids. This toxic mix clogs the storm drains which floods the streets during heavy rains. Where these piles of trash do get washed into the storm drain it clogs the drains causing more streets to flood. Then when the blockages in the storm drains break open the trash and toxic fluids, concentrated by the blockages, surge into Pruitt Creek and creeks further downstream and into the Russian River [killing Coho salmon at the time they come to these creeks to spawn.](#)

The owners who have stayed—mostly because they couldn't afford to move, hide in their homes in frustration and fear, never walking their dogs around the neighborhood because of fear of the rampant crime brought in by the casino crowds. Johns visiting brothels in the neighborhoods near the casino cause noise day and night. Gangs have gun battles over territory in the neighborhoods near the casino and in the casino parking lots. Careless, rude, threatening noisy renters and careless, rude, threatening noisy vacationers are a constant threat and disturbance to seniors, law abiding adults and children. Fearful residents no longer leave their garage overhead doors or windows and sliding doors open to cool off their homes in the evenings during the increasing number of hot days during the spring, summer and fall months due to global warming, thus increasing their utility bills for cooling and their carbon footprint. Some have installed bars on their windows and doors. A few owners who could afford it have put tall iron fences around their yards. This is what a neighborhood under siege from a casino looks like.

Windsor Water Company and the residents who need this service are in crisis. After a couple of years of above average rain in the winters of 2022 and 2023, water use for landscaping increased for a couple years due to increased heat from global warming causing more transpiration. Then water tables started becoming depleted because droughts were lasting longer and the weather during droughts was hotter-- both events due to global warming. The Windsor Water aquifer rate of depletion was increased significantly by the casino. In an attempt to slow demand so Windsor would not run out of water, water rates were increased radically causing Windsor residents to let lawns, trees and plants die and weeds to take over. If they had the money, resident owners landscaped their properties with lifeless materials. This lack of water use causes Windsor Water Company to become unprofitable so rates and fees were

increased again causing people to water plants less thus increasing the loss of vegetation in the communities. Some residents moved away because when added to other increasing expenses, Windsor water was no longer affordable.

Now let's talk about the education and health of our children--the future of our country--and how they were affected by the casino. The many sleepless nights of crying children--woken in the middle of the night by deafeningly loud noises, disturbingly loud music and bright disturbing lights of Harley Davidson motorcycle clubs and pumped up muscle cars racing their engines and making their wheels squeal up and down Shiloh Road, Old Redwood Highway, Faught Road and Highway 101 cause family disputes and test scores in grades K-12 drop significantly in Windsor and Larkfield-Wikiup grade and high schools. Sideshows, once non-existent in Windsor happen on a roundabout at Market Street and Old Redwood Highway near Bell Village. Gunshots punctuate the night and day as well. These too disturb the sleep of children and cause them to have nightmares. Parents panic and sell their homes or move out of rentals to get away from the constant, fear inducing racket that is ruining the lives of their children. With fewer children enrolled in the local schools state money dries up forcing schools to drop programs and eventually close schools. These school closures force even more families with children to leave the area and the state and the significant downward trend of the neighborhoods around the Koi project, evident to the residents, continues without the Koi noticing.

The financial health of the Town of Windsor, Santa Rosa and Sonoma County is in decline because property taxes are down due to the loss of property value near the project. Why are property values down? It started in the spring of 2024 when three homes in Oak Park sat on the market unsold for months. One house was in escrow for two days a month after it was listed. The buyer backed out when he found out about the casino. Prices were lowered for the three houses and still they sat on the market. When the casino was finished in 2028 break-ins into homes and cars, home burglary and auto thefts, assaults and murders and domestic violence went up dramatically in the neighborhoods near the casino—especially in Oak Park—right across the street. Sex traffickers and drug dealers when not working the casino began working their businesses in Esposti Park across the street from the newly built project. They con kids who come to Esposti Park into using drugs by saying “It's cool.” and offering free samples. Rich from drug sales to children and sex trafficking, they buy houses from desperate owners and began running their illegal businesses out of their homes near the casino as well. Auto accidents and traffic deaths increased significantly due to the drugged and drunk people, attracted by the casino, driving the neighboring streets at all hours of the day and night. As crime was increasing every year the increasing use of Windsor and Santa Rosa Police and Emergency Services kept increasing government expenditures at a much higher rate than before the casino. These rapidly increasing uncontrollable expenditures were passed onto Windsor residents by increasing the fees on residential property tax bills to cover these services. Sirens from the use of these Emergency services, once uncommon at night, now frequently wake the residents of the neighborhoods around the Koi project in the middle of the night. Gun shots from warring gangs, drug deals gone bad and owners defending themselves from robbery, never heard before the casino, terrify adults and children creating more sleepless nights. Middle class homeowners because of the new hostile noisy neighbors, increased fire insurance bills, increased city fees and taxes, increased water rates and water fees, increased crime, degradation and loss of schools, increased traffic congestion and traffic noise from casino traffic and emergency services sell their homes at fire sale prices to escape. Assessed values of houses are going downward at a rapid rate reducing more and more every year the income derived from property taxes on assessed values for Sonoma County, Santa Rosa and the Town of Windsor. The higher fees these governing agencies assess to offset the increased costs from increased use of Emergency Services don't



offset the taxes lost from decreasing property values, so large deficits are created that require cost cutting in Sonoma County, Santa Rosa and the Town of Windsor budgets. Deferring maintenance is the common step taken. The most visible evidence of the depleted government coffers causing maintenance deferral is the rapidly multiplying potholes in the Town of Windsor, Santa Rosa and the unincorporated areas of Mark West Springs and on Sonoma County roads.

Location and time frame: Windsor, Mark West Springs, Larkfield-Wikiup, and South Windsor areas anytime fire danger is high after the Koi project is built.

Note: I felt great anger, sadness and despair when I wrote the following story about visions I had of the effect of the Koi Project on the communities near the Koi Project during a wildfire.

The threat of wildfire destroying the neighborhoods surrounding the casino became real late one night in early October. A fire—started by a power line downed by a 80 mph gust, started near Safari West at 3115 Porter Creek Rd Santa Rosa CA. This wildfire's ignition point was nine miles closer to the neighborhoods of Mark West Springs and Larkfield-Wikiup than the ignition point of the Tubbs Fire of 2017 which started near Tubbs Lane in Calistoga CA. The neighborhoods of Mark West Springs and Larkfield-Wikiup burned during the Tubbs fire. The Safari Fire, pushed hard by 60+ mile per hour sustained northeasterly winds and 80 mph gusts and explosively fueled by easily ignited dense low growth created by the Tubbs Fire burned much more rapidly and hotter than the Tubbs fire westward in the wind tunnel like valley where Mark West Springs road is. It reached the River Road Mark West Springs Road interchange of Highway 101 within 1 hour, igniting the 100 foot tall drought stricken redwood trees planted when this interchange of Highway 101 was built. This created a gauntlet of fire for westbound Mark West Larkfield-Wikiup area evacuation traffic that threatened to stop traffic on Mark West Springs Road right before it changes to River Road on top of the Highway 101 overpass. Westward evacuation traffic on this western escape route did come to a halt when wind downed a high voltage power line diagonally across Mark West Springs Road near the intersection of Lavelle Road, which is just west of Old Redwood Highway. This blocked one of the only two nearby westbound avenues of escape for the Mark West Springs Larkfield-Wikiup residents. Also around the same time a 80+ mph gust toppled a drought weakened oak onto both lanes of Old Redwood Highway near Cloverleaf Ranch blocking the only escape route south to Santa Rosa for Mark West Springs and Larkfield-Wikiup residents. The wind also brought down a high voltage power line that hung over Highway 101 just north of the River Road overpass over Highway 101 stopping traffic in both the northbound and southbound directions on Highway 101. Northbound traffic, trapped on Highway 101 with a wildfire burning westward towards it, was diverted southwards back up the northbound on-ramp of Mark West Springs Road to Highway 101 and west onto River Road. This created another road block for Mark West Larkfield-Wikiup area residents to westbound evacuation using the Mark West Springs Road/River Road interchange on Highway 101. The nearest escape route now was to go north on Old Redwood Highway to Airport Boulevard and either get on Highway 101 going north at Airport Boulevard and Highway 101 interchange or drive over the Airport Boulevard overpass over Highway 101 and drive through west Sonoma county to the Highway 1 which runs along the Pacific ocean. This route was blocked due to thousands of cars from the Koi project located at Shiloh Road and Old Redwood Highway trying to get to Highway 101 northbound. They were using Old Redwood Highway southbound to get on Fulton Road southbound to get on Airport Boulevard westbound to get on Highway 101 going north at the Airport Boulevard Highway 101 interchange.

The thousands of cars from the casino also added greatly to the congestion at the intersection of Shiloh Road and Old Redwood Highway. Thousands of casino guests were trying to get on Highway 101 going north at Shiloh Road interchange. Traffic--despite the guidance of the Koi employees-- moved west at a crawl on Shiloh Road and at the corner of Old Redwood Highway and on Shiloh Road westbound because evacuation traffic from the south part of Windsor blocked casino traffic at the corner of Hembree Lane and Shiloh Road. And at the corner of Airport Boulevard and Fulton Road—without any guidance from the Koi employees--traffic coming together from two different directions—from the Larkfield-Wikiup direction and from the Windsor direction, slowed this escape route to a crawl.

So hundreds of residents from the Mark West Springs Larkfield-Wikiup area due to the traffic blockages mentioned here and others not mentioned here were trapped in their cars on Old Redwood Highway in and just north of the Larkfield-Wikiup area unable to drive north to Airport Boulevard or Shiloh Road when the intense flames of the Safari Fire came roaring through. As the firestorm intensified in the Larkfield-Wikiup neighborhoods propane tanks on BBQ's began exploding like bombs. People caught up in the panic and chaos, packed their cars tightly together inches apart in four parallel lines using both lanes and also the shoulders of Old Redwood Highway. Then a tank full of diesel fuel in the flat bed of a large commercial pickup truck caught on fire. It exploded and the truck was engulfed in flames. Within a minute the truck's gas tank exploded creating a wide column of flame. This column of flame set the cars next to the truck on fire. Those cars then exploded and set the cars next to them on fire. A firecracker like chain reaction ensued of cars crammed together inches from each other unable to move setting their neighboring cars on fire when they caught on fire and their gas tanks exploded. As this chain reaction quickly burned it's way thru the motionless four mile long, four car wide, column of vehicles trapped on Old Redwood Highway by Koi traffic, adults and children panicked and in terror tried to escape by abandoning their soon to be burning, exploding cars. They started running north along Old Redwood or west towards Highway 101 through neighborhoods, across Mark West Creek and into golden fields of dried grass. The problem with the western route of escape was the golden grass they were running on started burning behind them, and then in front of them and then all around them. Many of these panicked residents of the Mark West Springs and Larkfield-Wikiup communities running in the golden fields of grass near Highway 101 were burned alive that day. They had no ocean to dive into to save them.

My URGENT Plea!

There will be no great long term benefits to Sonoma County from having another casino, hotel, event center and ballroom covering up land perfectly suited for and already in use for agriculture, flood control and groundwater recharge. We already have enough of these venues providing plenty of jobs in environmentally and socially sensible settings. Look at where the other casinos in Sonoma County are located. You will see they are not right next to residential neighborhoods. The vineyard where the project will be located already provides jobs in our community, is appreciated as a thing of great value and beauty by the local community, and is zoned as intensive agriculture by Sonoma county regulations. It is not zoned for a commercial business for many reasons, some stated in this letter. This is a commercial project and on commercially zoned property in Lake County where the Koi are from is where this project should be located. Please use common sense and revise the environmental impact statement about the project to reflect the extreme danger to the Pruitt Creek watershed and aquifer, significant risk to the salmon population that uses the Russian River tributaries, significant social,

psychological, and economic costs to the people in the communities surrounding the project property and the very significant ongoing danger to the project's neighbors of too many cars from the project slowing and even blocking evacuation of the surrounding communities during wildfire.

The people in Sonoma County have zoning laws that protect the natural resources and quiet harmony of the open spaces so they can thrive and survive, much like the Indians of the past protected the earth by following their traditional ways. Our zoning laws also protect the very important, peaceful and economically productive Koi vineyard that harmonizes with nature and our communities. The Koi would break our zoning laws and destroy the great value of their vineyard and our communities with Alternatives A, B or C. Please don't put the communities I mention by name and others I haven't, near the Koi property at the corner of Old Redwood Highway and Shiloh Road East in permanent danger by placing their property in trust. The Koi have proven by the dangerous A, B and C project proposals they have been corrupted by unquenchable greed and will do as they please, ignoring their drain upon the aquifer they depend on and their ever constant danger from the pollution they will create to the Pruitt Creek watershed and to the people and salmon downstream. They also have ignored the very significant physical, social, mental, educational and economic damage they have already done and will do to the people in the communities next to them. But worst of all they will ignore their part in the suffering and loss of life that will happen--when, not if, wildfire burns the communities near them because their thousands of guests blocked the roads necessary for fire services to fight the fires. If the trust is approved and the ongoing accumulating social, economic and environmental damage and destruction created by Alternatives A, B or C is allowed---in time, human nature and mother nature will eventually create real events more sad and horrifying than the illustrative stories I have written here about the effects of the Koi project on the communities neighboring the Koi. And finally, even though the Koi will not believe this, they too will eventually suffer great loss if they accept one of the dangerous Alternatives named A, B and C and destroy their beautiful, productive vineyard.

Sincerely,

Cameron Barfield  
5820 Mathilde Drive  
Windsor, CA 95492  
707-687-5665

cameronbusiness02@sonic.net

**From:** Charlene Bowman <bowmancharlene@att.net>  
**Sent:** Saturday, August 24, 2024 9:37 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Regional Director Dutschke:

I live in the Wikiup/Larkfield neighborhood which was not even mentioned in the DEIS and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land where our neighborhood is located and adjacent to the Town of Windsor for a hotel and casino gaming project funded and managed by the Chickasaw Nation.

I support the local, indigenous tribes but this is an invasion into a residential neighborhood,.

The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative D in the DEIS.

This is agricultural land.

In addition, we are concerned about:

Water supply & Wastewater, Wildfire mitigation and Evacuation are serious concerns. Crime is another concern. Climate Change, GreenHouse Gases, the Electric Grid, Traffic, Noise,

The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative D in the DEIS.

Sincerely, Charles and Charlene Bowman  
84 Larkfield Dr.  
Santa Rosa, Ca  
95403

**From:** Rofokitty <Rofokitty@att.net>  
**Sent:** Saturday, August 24, 2024 3:03 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

FROM: Ren Moreno  
5385 Vista Grande Dr.  
Santa Rosa, CA 95403

TO: Regional Director Dutschke:

I live in the Wikiup/Larkfield neighborhood which was not even mentioned in the DEIS and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land where our neighborhood is located and adjacent to the Town of Windsor for a hotel and casino gaming project funded and managed by the Chickasaw Nation. I support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, who's ancestral is in Lake County. This DEIS does not adequately address the significant impacts this proposed project will have on the "off reservation" surrounding community and Sonoma County if it is approved. Throughout the DEIS different issues are determined to have "No Impact" or be "Less Significant" or "mitigated" through unproven suggestions that ONLY refer to mitigation on the casino site. These are "opinions, hopeful suggestions, nothing more."

**The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative D in the DEIS.**

This agricultural land is available because *voters* set the Windsor border next to it as a community separator in the Sonoma Countywide plan and the Larkfield-Wikiup 1980 specific plan. It is in the urban Growth Boundary of Windsor. Converting this area to a commercial development will have significant environmental impacts among them, water supply and wastewater, the aesthetic nature of rural/suburban neighborhoods, open space and views from Shiloh Regional Park, land fill (5 tons/day garbage), traffic and traffic noise (from 9,000 – 11,000 car trips/day, refuse and delivery trucks and sirens), law enforcement, drunk driving – (pedestrian and bicycle safety) crime and public safety, housing and wildfire risk and evacuation routes. Lastly, there are currently 30 hotels

approved for Sonoma County nine in Santa Rosa; six in Healdsburg; three in Petaluma; three in Rohnert Park; three in Sonoma; one in Geyserville; one in Guerneville; one in Kenwood; one in Sea Ranch; one in Sebastopol; one in Windsor we do not need any more. There are already two casinos in Sonoma County – each less than 15 miles from this proposed location.

I want to emphasize a few areas important to me and my family. First we moved here north of Rohnert Park and even Petaluma because it is aesthetically beautiful we love the rural nature of the neighborhoods, we can sleep with the windows open and enjoy the fresh air and the sound of the breeze and the birds (although the noise from Hwy 101 is also present and hopefully will not get worsened by the casino's 11,000 car trips/day), the proximity to Shiloh Regional Park makes for nice hiking, and horseback riding and the lack of traffic and walkable, bikeable two lane roads. The photo renderings in the DEIS use a misleading lens from Shiloh Park (less than half mile away) that makes the "casino compound" look much farther away. Placing a 200 -400 room hotel and casino or winery one mile away from our neighborhood and school will change the aesthetics of our community.

In addition, we are concerned about:

**Water supply & Wastewater** – water conservation is not just a requirement for this area, it is a way of life. Our water comes from wells and is the most expensive water in the state. The proposal states that new well(s) will be drilled for anticipated use of 170,000 gallons per day (gpd) of potable water and 108,000 gpd of recycled water and if the wells run dry they will drill new wells greatly affecting nearby residents. The water supply is not endless and continued drought as temperatures rise make it even more precious. Placing alternative A,B or C on this rural area will jeopardize our water supply over time. The wastewater proposal for up to 400,000 gallons/day to be treated onsite will create an eyesore from Shiloh park and odors in the area, and overflow into Pruitt Creek is likely unfeasible and hence, unacceptable.

**Wildfire mitigation and Evacuation** are serious concerns. The DEIS acknowledges that Cal Fire has designated this area as #3 High and #4 Very High Fire just north east of the casino. That alone should be reason not to add 34.4 acres of a commercial operation to the location. The DEIS speaks only to mitigating wildfire risk *on the site* itself and *to evacuation of guests and staff*. **It fails to acknowledge the surrounding residents.** It mentions coordinating plans with SoCo and the town of Windsor and says nothing about our neighborhoods. Wikiup is in the SON 3C2 which the DEIS lists evacuation routes for the casino. Adding up to 5,000+ cars on to Shiloh, Old Redwood Highway (ORH) and HWY 101 will

add to gridlock traffic (despite traffic signs and lights) and prevent the evacuation of Windsor residents to the north and Wikiup/Larkfield residents to the South. Many guests unable to turn onto Shiloh and ORH are likely to turn East toward Faught Rd through our neighborhoods toward Airport Blvd or Mark West and HWY 101 again creating gridlock. If it is during a school day students will be being evacuated San Miguel and Rieble schools in Wikiup/Larkfield. The residents of the mobile home parks on ORH will not be able to get out – similar to the experience of the “Journey’s End” mobile home park next to Hwy101 where people and in mobile homes burned to death because they couldn’t get onto ORH and Hwy101 during the Tubbs fire.

The unlikelihood that posting 6 casino traffic attendants will save lives is slim -in the Tubbs fire, dedicated health attendants abandoned patients in a long-term care facility when the fire was upon them which will be the case for Casino traffic attendants.

Mitigation efforts for vegetation on site are appropriate. Outdoor cigarette smoking was not mentioned. What about mitigation efforts for smokers leaving the casino and tossing a cigarette butt out of their car or driving a truck with a chain sparking. Up to 11,000+ car trips/day how many irresponsible smokers are in those cars. The Park Fire California’s largest current blaze at [429,388 acres](#) as of Aug 19 started by a drunk who pushed his car off a cliff and then moved so rapidly that towns had to be evacuated. Here in Sonoma County, we get notifications about fires every day and it increases our stress levels. Adding this mega complex where people drink (and the DEIS drinking “best management practice of implementing responsible drinking practices” is unfounded) and drive a11000+ trips/day and smoke (off reservation), puts our homes, our families and our lives in danger. The vineyards were a firebreak in the Kincade fire, and for our safety should remain one.

Many of us have had our homeowner’s insurance cancelled because of fire, some property sales have failed because buyers could not get insurance. This casino will increase fire risk making insurance more difficult and more expensive and it will drive property values in our quiet neighborhoods down.

**Crime** is another concern. The DEIS is very misleading-when it says crime is not necessarily linked to casinos. Prior to the opening of the casino in Rohnert Park there were only 2 calls for service to the area, in 2013 the opening year there were 1,757 calls in the area (the number used in the DEIS), in 22/23 there were 6,680 calls (529 generated by the casino) and the rest: for assaults, trespassing, thefts, stolen vehicles, public intoxication and drug activity in the area. This will be a larger facility and will generate more calls into and through our neighborhoods, with sirens blaring. Mitigation of “cameras” on site and possible security guards is

not going to mitigate crime in the surrounding area and the nerve-racking sirens day and night.

### **Climate Change, GreenHouse Gases, the Electric Grid, Traffic, Noise,**

The DEIS refers to “Climate change is a global phenomenon. [In which Certain gases in the atmosphere, classified as GHGs, play a critical role in determining the surface temperature of the earth.] It the GHG contributions are In 2018, the primary sources of GHG emissions in the County were transportation (60%), building energy (21%), livestock (11%), solid waste (6%), and water/wastewater (1%). The County emitted approximately 3.41 million metric tons carbon dioxide equivalent (MT CO<sub>2</sub>e) in 2018.

The charts in section 3.4 reveal that Alternative A would generate total GHGs tons/year of 420.96 tons/year and B would generate 341 total GHG tons/year. The DEIS states that the GHG emissions are below levels for several Air Quality Board guidelines. (which differ from the CA Air Resources Board scoping goals that are reset every 5 years).

Somehow at time when we have just had the hottest July in history and in order to meet the Paris climate agreement target of limiting warming this century to less than 2.7 degrees Fahrenheit on average above pre-industrial temperatures, the world must slash carbon dioxide emissions in half by 2030 and reach net zero emissions by 2050, it is ludicrous to approve a commercial development which emits hundreds of tons of GHGs in an area where agriculture currently sequesters CO<sub>2</sub>. Further, the “heat island effect” of 34.4 acres of buildings and asphalt that will absorb heat *and* remit it creating both a surface and atmospheric “heat island” where the temperatures vary from 1.8 to 21 degrees higher over the built environment and near by and drying out the atmosphere creating a perfect storm for wildfire was not even mentioned in the DEIS. Nearby neighbors should not suffer higher temperatures so Casino guests can play in airconditioned buildings which further put strain on the electric grid.

The electric grid according to the DEIS “PG&E has planned electrical and natural gas infrastructure projects which will increase capacity near the Project Site prior to 2028”. These are upgrades we have been paying for in our outrageous PG&E bill because we frequently have “brown outs” and fire safety shut offs. The DEIS proposes four onsite diesel generators for their guests which will further add GHGs while the residents sit in the dark because the Casino overloaded the grid. The electric grid should not have to bear a 24/7 365 electricity guzzling operation – it’s not good for the environment and it will increase power failures and drive-up resident electricity costs.



**Solid Waste** Sonoma County and all of the residents are working toward ZERO waste. The DEIS describes SoCo solid waste facilities and capacities and then says it will increase solid waste by 1% of the total county waste. The DEIS projects Alternative A will produce in excess of 10,000+ pounds of waste per person/day, B will produce 6,943 pounds/day (why not just say 7,000 – where are these precise numbers from anyway?) and C will produce 729 pounds/day (or almost half a ton). We don't need more garbage in our landfill. We don't need more plastic and PFAS in our landfill. SoCo landfills hope to capture 30% of methane GHG emissions produced in landfill by 2035 – we have been paying for this upgrade for years. This project will make it difficult to meet that goal and the casino has not been paying for the upgrades.

**Traffic** (the largest contributor to GHGs) are estimated with GHGs being measured in Sebastopol (an area much more coastal and breezy). The DEIS GHG estimate contributions to developing cancer use an CA OEHHA report from 2009 that refers to exposure over 70 years. That statistic is no longer used and demonstrates the intent of the DEIS to mislead the public and decision makers.

The Vehicle Miles Traveled (VMT) estimates are not justifiable for visitors or the 1,600+ employees and the vehicle trips/day vary in the document from Alternative A 11,213 M-F and 15,779 S and Alternative B 8,410-11,834 and Alternative C 2,078 – 2,704. How do they come up with these precise estimates and how do they determine that the GHGs are insignificant for air quality and contributions to climate change.

That many additional cars on the road will increase noise well beyond the boundaries and immediate vicinity of the casino. In Wikiup we can hear Hwy 101 and we don't want an additional 15,799 cars 24/7 not to mention trucks and emergency vehicles.

Sonoma County Tribes have also highlighted the impacts on them and their cultural resources.

I agree with Gov Newsom who stated he is "concerned that these specific projects [Koi and Scotts Valley] are proceeding in a manner that would sidestep the State, ignore the concerns of tribal governments and other local communities, and **stretch the "restored lands" exception beyond its legal limits** – while failing to adequately consider whether there might be a better way."

I am also very concerned that the Bureau of Indian Affairs is rushing this process, has not adequately considered the local environmental impacts, and addressed every one of the concerns raised and cannot prove the "limited significance measures" or guarantee and/or enforce the mitigations that is proposed.

I support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County.

**The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred “no project” alternative D in the DEIS.**

**Thank You,  
Ren Moreno**

**From:** Michel Nisbet <lessused5303@gmail.com>  
**Sent:** Saturday, August 24, 2024 3:06 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

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Hello Mr. Broussard.

I am in opposition to this project (Koi Nation Shiloh Resort/Casino) at this location. There are other locations that could support such a large project much better, such as Lake County. We already have fire access issues with Hwy 101 being the main exit route. I'm constantly being asked to not use electricity and water. I'm not supportive of a casino so close to bicycle routes used by locals and people from all over the world. I would not wish to move near a casino and do not want one to move next to my current home.

Thank you,

Michelle Nisbet

5303 Vista Grande Dr  
Santa Rosa, CA 95403

**From:** Robert Janes <rtjanes@comcast.net>  
**Sent:** Saturday, August 24, 2024 3:29 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] DEIS comments, Koi Nation Shiloh Resort and Casino Project

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Mr. Broussard:

My wife, Pam, and I are 35-year residents of the Oak Park subdivision located directly across Shiloh Road from the proposed project. We built our home here, raised our daughters here, and still reside in the same home. The construction of either alternatives A, B, or C will destroy the quality of our lives in this quiet subdivision, and either option (except alternative D) is not supported by the highly deficient and self-serving (for the Koi tribe) DEIS.

My first concern regarding the project is that the Koi Nation's homeland is in Lake County, not Sonoma County. The Koi tribe has NO ancestral ties to the Shiloh Road property. As the crow flies, the Shiloh Road property is 30 miles from Clear Lake, and about 55 miles by car. No tribe has previously been allowed by the BIA to move land into trust for a casino located more than 15.5 miles from their original reservation. I don't know the exact number, but there are several lawsuits pending in which the Koi tribe is currently involved in where they claim and recognize Lake County as their aboriginal land. They've made this claim as they feel it will help them in these lawsuits. Well, if that's the case, then Sonoma County, and specifically the Shiloh Road property, is not their aboriginal land. Common sense dictates they can't have it both ways. In a recent letter to Bryan Newland the Interior Department's Assistant Secretary for Indian Affairs, California Governor Gavin Newsom's office wrote that the Governor "is concerned that these projects are proceeding in a manner that would sidestep the State, ignore the concerns of tribal governments and other local communities and stretch the "restored lands" exception beyond its legal limits. Governor Newsom objects to this project moving forward.

The DEIS is totally off the mark when it comes to traffic data and analysis. First of all, the data is from January 2022 and July 2022 and only studies a total of 8-12 hours. During these periods traffic was lighter due to the COVID pandemic. From this brief and inappropriate data set the DEIS has estimated all traffic impact in the surrounding areas. There is a new apartment building at the corner of Old Redwood Highway and Shiloh Road that is scheduled to open this summer - 134 three-bedroom units. Once occupied, this apartment building will significantly impact the traffic in the area. Additionally, there is a second apartment complex under construction at the corner of Hembree Lane and Shiloh Road, just 1/2 mile west of the proposed casino. I do not know the specifics, but it is likely similar in size with a similar traffic load. And thirdly, a 55+ Residential Community with 143 villas is planned across Shiloh Road from Hembree Lane. The DEIS acknowledges the casino project will have significant adverse affects at several locations and intersections but concludes that with "mitigation" impacts will be "less than significant". The DEIS does not mention what these mitigation efforts will be - a major flaw. Regarding the two aforementioned new apartment complexes, and planned 55+ Residential Community, while generally referenced in the study saying they will have impact on transportation and circulation, there is no specific information in the report or appendices on how these cumulative projects will impact traffic conditions, or lack of services.

One of the biggest concerns that my wife and I have is safe and quick evacuation in the event of another wildfire. We experienced this in 2017 and again in 2019. Adding a large casino/400-room hotel to the existing new and planned construction will make it IMPOSSIBLE to safely evacuate risking loss life. The DEIS says the tribe will come up with an evacuation plan and adapt "best management practices." This is a bunch of baloney. No evacuation plan was included in the DEIS and no specifics of best management practices were included. This makes my wife and I very nervous. It was very difficult and time-consuming to exit our neighborhood in the two previous fires. The thought of trying to exit with a large casino/hotel across Shiloh, two additional large apartment buildings and a proposed 55+ residential community between us and the freeway is down right scary. There is only one way to get to the freeway, and that's down little two lane Shiloh Road. IT WILL BE IMPOSSIBLE TO SAFELY EVACUATE....YOU NEED TO UNDERSTAND THIS. The casino project should not move forward on this issue alone.

The phrase "best management practices" is thrown out there hundreds (it seems) of times in this DEIS. Because examples of actual best practices are not included in the DEIS, this is a vague, empty promise by the Koi tribe to do something. There is no guarantee they will. This oft use phrase just ignores the myriad problems brought up in the report, skating over all of them. Please tell me, what experience does the 90-member Koi tribe have in developing best management practices on ANY of the many problems cited? The honest answer is likely none.

We are also very concerned about the significant amount of water this project would pump out of the ground each and every day. The risk of well drawdown is very real along with water quality issues, and both are simply discounted by the DEIS. It does mention that local wells are at risk but through mitigation the impact is reduced to "less than significant". What? Are you kidding me? If homeowners nearby on wells lose their water this is NOT "less than significant." No guarantees and no viable alternatives are put forth in the event of a drawdown. This type of poor planning cannot be acceptable to the Bureau of Indian Affairs.

Additionally, the project calls for a waste water treatment plant able to treat some 300 gallons of sewage per day. Treated solid waste will be trucked away....to where? Again, more traffic on a two-lane road. It's important to know that waste water treatment plants release toxic emissions that impact health and air quality. Who wants this in their backyard, less than 1/4 mile away from our Oak Park subdivision with 50+ beautiful homes, with many more nearby?

Other shortcomings of DEIS:

NO MITIGATION mentioned for bicyclists. Many recreational riders take advantage of rural Shiloh Road, Faught Road, and Old Redwood Highway.

NO MITIGATION mentioned for earthquakes. The proposed casino would be situated only a few miles from the Rogers Fault. According to the USGS there is a 33% chance of a major earthquake striking this area in the next 20 years.

NO MITIGATION mentioned for loss of electrical power which happens quite regularly in our area from wind, rain, fires...not to mention unscheduled power outages by PG&E when the grid is overloaded.

NO MITIGATION mentioned in the event of a flood.

INADEQUATE MITIGATION mentioned for human-trafficking. They plan to pass our brochures....HA! How laughable, this has never worked in the past.

All these omissions again point to the inadequacy of the DEIS.

There will definitely be an increase in crime in our neighborhood should this project move forward. The DEIS states - "As a result of this qualitative and quantitative analysis GMA finds that the negative impacts (think crime) on community services in areas in which a casino has opened are generally minimal". I note that all the "qualitative and quantitative" analysis is from 10 years ago (2014). And seriously, what does "generally minimal" even mean??

Regarding drunk driving - The DEIS states "the proposed project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents." It then says "drunk driving prevalence is not anticipated to increase significantly as a result of the proposed casino resort...". The only mitigation offered is the implementation of a "Responsible Alcoholic Beverage Policy". The conclusion of little impact is not supported by any substantive information..

In conclusion, this project will bring increased traffic, crime, water use and fire evacuation complications to our rural community. The DEIS mentions hundreds of times that "best management practices" will be implemented to mitigate these very important quality of life issues, almost always with no substantive recommendations for mitigation. One can only assume that the Koi tribe will make these things up on the fly. The Bureau of Indian Affairs can now use "best management practices" by not allowing this project to move forward

The proposed casino is opposed by a long list our community's civic leaders:

The Windsor Town Council  
Sonoma County Board of Supervisors  
State Senator Mike McGuire  
US Representative Jared Huffman  
US Representative Mike Thompson  
US Senator Alex Padilla  
Governor Gavin Newsom

Together they understand the misplacement of this project and the political nature of the woeful deficient DEIS. I urge you to reject all Alternatives (A, B, and C) of this project. If approved it will forever change the Town of Windsor in a negative way.

Sincerely,

Bob and Pam Janes  
5855 Leona Court  
Windsor, CA 95492

**From:** Craig Perry <cd.perry@comcast.net>  
**Sent:** Saturday, August 24, 2024 3:51 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello, my name is Craig Perry. I live in Wikiup, just over a mile away from the proposed casino site. Please consider the following comments that I have after reading the EIS for this site.

1. Several of the impact topics are addresses by "BMP - Best Management Practices", and rated "Less than Significant" with no mitigation required. Certainly the use of ground water, GHG emissions, air pollution, etc. from operations, construction, and vehicles to/from the site will require more than BMP and "no mitigation", considering that our county has ever-increasing drought events, wildfire risks, and associated climate-change issues (GHG emissions, for example).
2. California is requiring/driving toward zero emissions and sustainable living within our resource availability. Little, or nothing, is referenced in the EIS to address the state's movement to sustainable living. Options A, B, and C are utilizing PG&E services - electricity and gas, but our state is moving toward electrifying our homes and eliminating gas. PG&E's expansion of electrical capacity is to support that electrification, not to provide substantial amounts of gas and electricity to this site. Same comment for the water usage. An overarching question for me: How is it that this project, and other non-necessary projects, in California, don't have to produce a plan to operate in a zero-emissions, sustainable existence?
3. Along the sustainable living line, the road improvements around the site largely involve only restriping, signaling, and signal optimization. There must be some widening of the roads and freeway on/off ramps around the site for the increased traffic, and for bicycle lanes and sidewalks for pedestrians. The site's area has a lot of bicycle traffic currently (I ride through there once or twice a week), and there's just a minimal bike lane that's safe-ish for low traffic times. With all the increased traffic to the casino, significant improvement would be needed to sidewalks and bike lanes to allow safe travel through this area, for the zero-emissions travelers.

Thank you for carefully, and fully, understanding the impacts this project will have on all of us,  
Craig Perry

**From:** Jet & Scott Engel <jetandscott@comcast.net>

**Sent:** Saturday, August 24, 2024 4:58 PM

**To:** Broussard, Chad N <Chad.Broussard@bia.gov>; James.Gore@sonoma-county.org <James.Gore@sonoma-county.org>

**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino and on the TEIR on "off-reservation" environmental impacts

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Dear Chad Broussard and Amy Dutschke,

Please see attached letter.

Thank you

Jeannette Engel



August 24, 2024

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

**Subject:** EIS Comments, Koi Nation Shiloh Resort and Casino and on the TEIR on “off-reservation” environmental impacts

Dear MS. Dutschke

This letter contains our response to the Notice of Intent for EIS for the Shiloh Resort and Casino Project.

**Traffic Impacts/Concerns**

The Traffic Impact Study (TIS), attached to the Environmental Analysis, does not address intersections for likely routes to the proposed casino from the south. The following intersections should be analyzed to identify measures to discourage trips using these routes. The trips should be discouraged as these routes pass an elementary school, residential neighborhoods, walking and biking routes, and a popular regional park. The TIS should be revised to include the following intersections:

- A. Hwy 101 N/B offramp at Airport Blvd
- B. Hwy 101 S/B offramp at Airport Blvd
- C. Airport Blvd onramp to Hwy 101 North
- D. Airport Blvd onramp to Hwy 101 South
- E. Airport Blvd and Old Redwood Highway
- F. Airport Blvd and Faught Road
- G. Faught Road and Shiloh Road
- H. Airport Blvd and Fulton Road
- I. Fulton Road and Old Redwood Hwy

A significant number of trips will likely be made using southern approaches including:

- (1) Airport Blvd to Fulton Road to Old Redwood Hwy to Shiloh Road and
- (2) Airport Blvd to Faught Road to Shiloh Road.

These routes are not appropriate for heavy use since there is a school and they pass through residential neighborhoods. Route 2, is especially not suitable because of the narrow winding road with no shoulders and deep ditches that is popular with bicyclists and walkers. Route 2 passes Shiloh Sonoma County Regional Park. The Project includes an eastern entrance on Shiloh Road to the Project which will further entice people to use these “back” routes to the Project. In addition to trips generated from the south, those visitors arriving at the Sonoma County airport and disembarking the SMART train at the Airport station are likely to also use these back routes.

The use of routes that are not anticipated or mitigated for by similar casino projects in the area include the existing River Rock and Graton casinos. For example, River Rock's route was to be State Route 128 through Geyserville. However, many trips are taken using the Lytton route through Alexander Valley using narrow roads, unsafe intersections, working farms, and along popular bicycle routes. Another

example is the Graton casino, where, despite not being marked by directional signs, trips are made from more southern Hwy 101 exits and enter through back entrances.

The back routes listed above are inappropriate so, therefore, the TIS should identify measures to discourage trips on these routes. Some potential mitigation measures, that should be evaluated for inclusion in the Project, include the following:

1. Preventing access to the Casino from Faught Road. For those traveling west on Shiloh Road from Faught Road, access to the Casino should be blocked, by a center island, striping, or other road configuration means. This would discourage trips using Faught Road.
2. Removing the easternmost Shiloh Road entrance to the Project or making it an Emergency Vehicle access entrance only with a locked gate.
3. Closing Faught Road to through traffic: Consider closing Shiloh Road at Faught Road by implementation of an emergency-access-only gate. Shiloh Regional Park visitors, Mayacamas Country Club patrons, and Shiloh Estate residents will still be able to travel on Faught Road from either the north or south. But casino employees and patrons will not be able to gain access to the Project via Faught Rd.
4. Include traffic calming measures on
  - a. Fulton between Airport Blvd and Old Redwood Hwy
  - b. Airport Blvd between Old Redwood Highway and Faught Road, and
  - c. Faught Road between Old Redwood Hwy and Carriage Lane.

For the reasons stated above, the Traffic Impact Study is inadequate which makes the Environmental Assessment inadequate. The EIS should include revisions to these documents to adequately address the impacts by the proposed casino channeling a significant number of trips through residential neighborhoods, past schools, and through popular walking and biking routes. Mitigation measures listed above and others should be evaluated and included in the EIS and Project to address these concerns.

### **Water Impacts/Concerns**

The Water and Wastewater Feasibility Study (Study) is concerning as it projects an 11-to-16-fold increase of water pumping compared to existing pumping. The Study incorrectly assures us the dramatic increase in water pumping is feasible yet the Study does not provide any data to support this claim. The Cal American Water Co. relies solely on wells and there was no evaluation or measures to safeguard negative impacts to those wells. What happens if the production capacity drops and those wells are no longer viable - will the Project proponents compensate Cal American Water Co. and its customers for efforts to secure a reliable water source? What are the options for the Project if the groundwater is not adequate and/or negatively impacts neighboring wells. Not addressing this very real possibility is unacceptable.

Page 4-2 states it is not anticipated use of deeper wells for the Project will impact the Esposti and other neighboring wells including Cal American wells. There does not appear to be any analysis supporting this conclusion.

The Study states fire flow demands could be 8,000 gpm for 4 hours or be reduced to 2,000 gpm for 4 hours. This represents a storage tank that's from between half a million gallons to two million gallons yet the site plans do not show where this tank is located. The tank would need to be either elevated or at ground level and have large fire pumps with backup generator power.

### **Wastewater Concerns**

Regarding Wastewater, have the Project proponents approached Sonoma Water or the Town of Windsor for extension of their wastewater systems to serve the Project? The development of a separate wastewater system is more energy intensive and less reliable than adding on to an existing system. Additionally, what are the provisions for discharging treated wastewater when the storage pond's capacity is exceeded?

#### **Impacts on Shiloh Ranch Regional Park**

Shiloh Ranch Regional Park is a highly used gem of 850 acres located only about 700 feet from the proposed Project. The views from the park's hiking trails are spectacular but the Project threatens to ruin these views. Measures need to be taken by the Project to maintain a low building profile and do renderings, so the public has a more realistic understanding of the Project's impact on these views. Additionally, the wastewater ponds are at the property's border closest to the park, and the wastewater treatment plant and these ponds will have a strong odor noticeable if not overwhelming to park visitors. Mechanisms to reduce this smell should be evaluated.

#### **Light Pollution**

Light pollution, the excessive or inappropriate use of outdoor artificial light, affects human health, wildlife behavior, and ability to observe the night sky. Light is not addressed in the EIS. This is worrisome due the proposed Project's proximity to Shiloh Regional Park. The park is home to deer, rabbit, fox, coyote, bobcat, quail, hawks, and many other species of wildlife and birds. Increased unnatural light could cause disruption in the life cycle of Shiloh Park's inhabitants.

Thank you for the opportunity to comment on the Notice of Intent for the EIS.

Jeannette and Scott Engel  
5392 Arnica Way  
Santa Rosa, CA 95403

Cc: James Gore, County of Sonoma Supervisor, District 4 ([district4@sonoma-county.org](mailto:district4@sonoma-county.org))

**From:** Kristine Hannigan <kristine.hannigan@gmail.com>  
**Sent:** Saturday, August 24, 2024 7:44 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

I am writing to ask you to please deny the Koi Shiloh Resort and Casino being built on 222 E Shiloh Road. My property is back off to the field across the street from the casino. Building this Casino will harm my feeling of safety in my home and community. I don't understand why you would approve a casino in a neighborhood that would negatively impact so many people—so many people who will be distraught. Governor Newsom has pointed out that this will be detrimental to our community, which is 100% true.

The EIS does not cover things like a true traffic study on current traffic conditions - It would need to include current data from today. Also, there are so many low-income homes going up in Shiloh that will be subjected to gambling. Isn't there something that says you should not put casinos in a low-income area? This will surely ruin many, many lives of people with addiction problems. I only have one car, and if there is a fire, I am concerned about how I am going to get out if my husband is not here with all the additional cars on the road; you addressed training in the EIS, but there was no mention of how the people that live in the community will get out with all the additional cars. They also had no mentions of human trafficking and how they will address it; you are putting a casino right into a neighborhood, bringing human trafficking and crime right to our front doors - do you understand this? I am about to have a baby, and I am so fearful of what life will be like with a casino right near my house with a baby. It's inhumane to make innocent people suffer in a community because a tribe wants that location to put a casino. This is the wrong location for a casino; pick another spot off the freeway away from homes.

I understand Deb Halland is to make the final call. I hope she does the right thing and agrees with the governor that a small neighborhood community is not the right place for a casino. I don't understand why they would choose a location like this; surely, there is a location closer to Lake County where it is more appropriate.

I understand the Koi folks have suffered, and I feel for them. However, how they went around the community trying to get this casino approved in a neighborhood has devastated thousands of people. I am sure if they had reached out to the community and reached out to the leaders in our community and tried to work with them, they would have led them to a better location that made more sense for everyone. The Koi have caused stress and fear to so many who are battling with the fear of losing their feeling of safety in their own homes.

Again, please don't approve this land for trust and eventually a casino at 222 E Shiloh Road. Do the right thing, Deb Halland, and ask them to find a more appropriate location in a business district away from homes and families.

Best,  
Kristine

6166 Lockwood Dr.  
Windsor, CA 95491

**From:** Jill Plamann <jillplamann@gmail.com>  
**Sent:** Saturday, August 24, 2024 11:54 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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I strongly oppose the Koi Casino project that is suggested.

The fire danger alone should negate the thought. During the 2019 Kincadee fire my family was evacuated for 5 days. We live less than 8 blocks away from this project. It is very unsafe to remove this open space fire barrier.

Your casino will be boxed-in on all sides with no safe way to get out. It will also endanger the surrounding close neighborhoods. As it is now we have a difficult time evacuating in an emergency.

Traffic... There is no way Old Redwood can be enlarged to accommodate the number of guests you would bring in. Old Redwood is designated a two lane road. It's already too crowded! And the cross street, Shiloh, is often packed with cars lined up at the intersection during rush hours. There is no room to expand the lanes.

This wild space gives relief to the birds and insects that will be terribly affected with the strong night lights of a huge casino. Please have mercy on the wildlife. Their lives depend on this open space.

The thought of a casino rubbing shoulders with an established family neighborhood is nuts. The Casino will be absolutely hated. This will not be a peaceful project. The established indigenous tribes belong in this county. The Koi should respect the territorial boundaries.

Please do not consider building your Casino project in this location. It will not be welcomed.

Jill Plamann

**From:** Steve Plamann <shplamann@comcast.net>  
**Sent:** Saturday, August 24, 2024 11:55 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] DEIS Comments, Shiloh Resort and Casino Project”

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To Whom it may concern,

**My letter regarding: “DEIS Comments, Shiloh Resort and Casino Project”**

My reasons for opposing the Koi Casino development in Windsor CA., off Shiloh Road.

This casino project is opposed by every Native American tribe that has been Federally recognized as having a tribal historic homeland in Sonoma County. The Koi Nation has no historic tribal connection to Sonoma County. Their tribal Federally recognized homelands are in Lake County. And this casino project is being funded by the Chickasaw tribe, who’s Federally recognized homelands are in the state of Oklahoma.

Shiloh Neighborhood Church is across the street & Christ Evangelical Lutheran Church is just down the block from the proposed site of the Koi casino complex.

San Miguel Elementary School is less than one mile from the proposed Koi casino.

The Tubbs and Kincade fires burnt to Faught Road, at the eastern boarder of the Koi property. Only the existing vineyards on the property stopped those fires from burning into Windsor. A large structure, with a hotel, event center and casino complex, would very likely have caught fire and spread both these fires into neighborhoods and possible all of Windsor.

This proposed nightmare casino complex will generate more traffic congestion on Shiloh Road, a two lanes road, already over-crowded all the way to the freeway.

It is across the street from Esposti Park, where kids play baseball and soccer and parents take their younger kids to play.

It is also across the street from two family home neighborhoods that have been here since the 1970’s and 1980’s.

Casinos cause a large increase in many crimes that are not welcome in Windsor. We raise kids here. Old folks retire here.

The Casino will cause major environmental damage and greatly increase water run-off from this designated agricultural land and their water usage will deplete the wells of all nearby residence, which is their only water source.

This casino project is not welcomed on the proposed property for the above reasons.

Steve Plamann and Jill Plamann (in our 29<sup>th</sup> year of living here and want to retire here)  
112 Anna Drive  
Windsor, CA 95492

**From:** Susan Robert <susanrobert1953@gmail.com>  
**Sent:** Sunday, August 25, 2024 12:37 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Casino Project

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Well I believe that the Koi Nation Casino Project would open up future Jobs in Sonoma County. I don't believe it would cause any disturbance to the surrounding areas such as Traffic. The high Housing/Rent market here in Sonoma County make it hard for some families to even make it here in Sonoma County. But the Koi Nation Casino Project would open up many more Jobs, I believe it would decrease the Unemployment cases here in Sonoma County. I don't believe that the Koi Nation Casino Project would have negative impact on Graton Rancheria in Rohnert Park. Graton Rancheria is currently expanding their Casino and Hotel. I believe that if The Koi Nation Casino Project is built that would bring support to Sonoma County, Santa Rosa, Windsor.



**From:** Christy Delucchi <sewingchris46@icloud.com>  
**Sent:** Sunday, August 25, 2024 6:08 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino

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Dear Regional Director Dutschke,

I am a Sonoma County resident who has lived in Windsor over 40. Years and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. My husband and I found our property all those years ago, and together literally built our home. We raised 4 children who went through the Windsor Schools, belonged to the local 4-H group and supported the controlled and carefully planned development of this city. Two of my now adult children, one a local trauma nurse and the other a foreman in a National construction company bought homes here and are a part of this community. They chose to live here in a town that offered a beautiful environmental structure that has been developing over the years trying to balance the development needed with the beautiful parks and infrastructure.

The area is small and as the disastrous fires have shown even then safe evacuation was challenging. More development has occurred since then and the roads will be even more challenging if emergencies arise.

Water, is another issue of grave concern. Changing weather, with increase of drought conditions over the years has resulted in the need to always be aware of our water usage and continually working to decrease it. This development project being proposed seems to ignore the impact of a towns basic needs to provide more purely entertainment to an area that already has a adequate number ( of casinos)

The site is near family neighborhoods established years ago and agriculture that provides jobs. These areas will be changed and not for the better for ever. I humbly beg that this project be looked at through eyes that realize the benefits are for only a few ( with no local ties) and will fundamentally change the area and dreams of many in an extremely negative way. Please reconsider.

Christy Delucchi  
Retired Special Education teacher.  
6398 Old Redwood Hwy  
707-217-7906

Sent from my iPad

**From:** Gail Marsh <marshhouse4@gmail.com>  
**Sent:** Sunday, August 25, 2024 8:13 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation request for a Casino

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Dear Chad, I am writing to object to a Casino being built in a neighborhood. The infrastructure surrounding the parcel can not handle the amount of cars that the casino will generate. One main reason that the casino should not be allied is the Koi Nation is not from Sonoma county. This Nation has a history of trying to build casinos in other parts of the Bay Area that they are not from. The Koi Nation should build in Lake County where their land is. This area in the North Bay already has a Casino in Rohnert Park and one in Asti which covers a 30 mile radius. Another Casino is not needed, it would ruin the quality of living for the North Bay.

I listened to the zoom call and I only heard yes from the Carpenters union and they never stated when they live. Is that a fair vote since it would not affect their living situation. Plus with so many unions calling in and saying yes maybe one or two groups would get a contact.

Please have the Koi Nation look for land in Lake county where they are from.

Gail Marsh

**From:** R G <woodlandslady2003@yahoo.co.uk>  
**Sent:** Sunday, August 25, 2024 8:32 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments Koi Nation Resort and Casino

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This letter is to address why the Shiloh Koi Casino Environmental Impact Statement is invalid, and to mention my many objections to the proposed Shiloh Casino and Resort.

I purchased my dream home in Larkfield because I love the rural character of this area. With many green relaxing spaces and parks to hike, especially Shiloh Mountain, located a short five minute drive away. I feel such a great love and appreciation for the natural surroundings and rural lifestyle. A slower, more relaxed pace of life is found here. The serenity from hiking the trails at Shiloh park which overlook the proposed casino make my heart soar when I look over the green and serene vineyard estate bounded by homes and a church. This view is one of the top amenities of this area in my life experience, having lived here for thirteen years. This proposed casino is the polar opposite of serene and peaceful. This casino will DESTROY the character of the town of Windsor, the community of LARKFIELD-WIKIUP and endanger the lives of each and every person living in the area as well as visiting any proposed hotel or casino.

#### WATER:

We have already experienced a water shortage here. We already have experienced limits on when we can use our irrigation systems, and severe limits on watering. Some of us even felt the need to skip showers and not flush the toilet all the time to help our severe drought in this area. If the wells fail on the property, then where will the water come from? We already don't have enough water for those who live here, much less people who come here to exploit our home town area by playing GAMES. WE pay very high prices here for our limited supply of water, This increased water demand will hurt every single person who has been living in this area by putting further demands on our local water supplies, causing an increase in prices.

#### FIRE:

Clearly the people who wrote this statement were not living in Larkfield in 2017 on October 8th. I watched flames come over the hills from the Burger King parking lot on Shiloh road that night after barely escaping the flames, and half of the homes burning to the ground in Larkfield, My home was less than half a mile from the flames, The night of the fires we were stuck in traffic on Lavell road trying to get on to the freeway, and if the traffic had been heavier we might not have made it out in time. We were stuck directly in the path of the flames. Clearly no one writing this report has fled wildfire flames or they would be aware that this casino makes it impossible for thousands of people to survive a fire coming over Shiloh like the Tubbs fire. There is a limited egress from the area with one lane highways leading away from the site. The traffic gridlock that would result from a panicked evacuation is too horrible to contemplate. There was not much notice when the fire came over the mountains in the night carried on a high wind traveling 12 miles in a few hours.

According to the EIS there is not a specific evacuation plan already in place. (Pg. ES 20) This belated plan is too little too late.

#### POPULATION

A large number of the population are AGAINST this casino and will never support it. A business like this needs the local support to be successful in the off season. The locals are far and away against this proposed casino, do not want immoral gambling, noise and traffic in their back yards. This population consists of hard working families with high incomes, yes, but also a Very High Cost of Living. For most families, inflation is making it tough to get the basics in life, and there is not extra money for throwing away at a casino. I promise I will never set foot on this property ever, and every single neighbor I speak to about this agrees with me. This EIS does not take into account the many many locals who refuse to visit this casino, do not want it here, and by the way, already have two nearby casinos which are plenty for our needs. In fact, one of the casinos, which is only 12 miles away, is going to undergo a huge expansion, so WHY do we need another HUGE casino in Sonoma county? This is not Las Vegas or Atlantic City and we do not want it to be. A casino is the opposite of what our population wants or needs. Native Americans, more than anyone else should understand what it feels like to have your home invaded by an unwelcome party, and how that makes you feel. Simply put it isn't wanted here.

I hate the immorality of gambling and the idea of this casino coming in here absolutely fills me with horror. I am a part of this population here, and as such a very important part of the environment surrounding the casino. Some could argue part of the most important segment of the environment. This Environmental Analysis is invalid because it doesnot properly account for the lives of the hard working people who will be endangered by this overdevelopment in a small town. If approved, a casino or large hotel will be extremely detrimental to our beautiful and proud community. It will fundamentally alter the entire character of our home town, which we work our whole lives to enjoy.

Rebekah Goodall

**From:** Daniel DeCrona <dan.decrona@gmail.com>  
**Sent:** Sunday, August 25, 2024 10:03 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino. TEIR off-rez Impacts

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Hello,

I'll keep it brief since I'm sure you are getting many of these emails. I live in the Larkfield/Wikiup area (560 Misty Court) and I oppose the project for many reasons but especially as follows.

-Koi Nation is a Lake County Tribe and the Chickasaw Nation is South-Eastern United States (not even in the same time zone). That alone should end the discussion. I, myself, belong to the Lovelock Paiute tribe in Nevada and am a little familiar with the gaming industry. The Chickasaw tribe is more sophisticated and is looking to prey upon the Koi Nation. Buried within the contracts, the control will fully belong to the Chickasaw, further removing it from being anything even remotely local to Sonoma County.

-Environmental. I've lived in Windsor/North Santa Rosa for nearly 30 years. And for 15+ of those years, we have been under a severe drought. Furthermore, the current power generation infrastructure can barely support the current population. Even if the casino has a certain amount of solar, there is still a drain because it is being drawn upon the local utilities grids.

-Fire evacuation. It's a two lane road (one lane in each direction) and currently gets backed up on a normal day. In 2017, we lived by Coffey Park and the most terrifying part of it was sitting in traffic, not moving and feeling like this is how we might die. They could promise to build a bigger road but then never do like River Rock Casino. I also don't think there is enough space to widen the road. Plus, construction is a very slow process in California. I left a job that I was commuting to in San Rafael in 2015 because of traffic. My employer asked me to hang on a little longer while they widen the roads. Nearly 10 years on, they're still under construction.

-Residential home and land use. The casino is quite literally across the street from several residential neighborhoods. The land of the proposed site featured one house and is primarily vineyards. Converting it to a heavily trafficked commercial property whose primary source of income is vice based and that goes to all hours of the night would make the nearby residents life unbearable.

Please, we do not need another casino around here, especially not so close to families.

Thank you,

Daniel DeCrona

**From:** DAN LEZZENI <engdanl@comcast.net>  
**Sent:** Sunday, August 25, 2024 10:18 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Proposed casino in Windsor Ca.

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Sir,

I object to the location of the proposed casino in Windsor, California. I am a homeowner in the area and already have two casino's one to the north and one south of my location. River Rock in Geyserville and Graton in Rohnert Park. Both are quite large and fuel drunk driving and prostitution in our county. Also, bus loads of people from outside our area come to gamble and traffic is impacted not only during the day time but all night long also.

It has long been observed that the companies that back the casino financially, are the benefactors of the casino's, not the Indian people. I believe that the casino's hurt Sonoma County's image already and more Casino's in this area will result in diminished use of the existing Casino's.

The location of the proposed casino, Shiloh road, is a pristine area of small vineyards, parks and hiking trails. These will be ruined by the heavy traffic of people going to gamble from 8 am in the morning, all day and all night. Not to mention that all of the homes in that area will lose value, and the area in general will lose its appeal. Both of the afore mentioned casino's were not built in the middle of a neighborhood, as this one is proposed! There are several unused properties fronting Hiway 101 in the area that would be a better choice for a casino. Further more, as a resident of Larkfield, I, nor anyone I know has ever gone to either of the two existing casino's to eat, gamble, drink or smoke! The casino's cater to people outside our area, and are rarely, if ever, visited by people who live here! I believe that the Graton Casino in Rohnert Park is undergoing an expansion to double its size. Business must be good, but the business comes from 50 to several hundred miles away!

Lastly, I am a retired man who worked two jobs most of my life to afford to live in this wonderful area, I would expect the value of my home to fall if the casino starts contruction. I am not alone, many neighbors and friends are just like me and will be financially impacted in a negative way because of the proposed new casino.

If the Koi/Chickasaw tribes, who never lived in this area, must have a casino, please put it somewhere with proper infrastructure and not down the street from a park with baseball diamond, a park with hiking trails, of which there are only two in Windsor!

Sincerely,  
Dan Lezzeni  
573 Misty Ct  
Larkfield Ca 95403

**From:** Cyndee <cyndeenelson@gmail.com>  
**Sent:** Sunday, August 25, 2024 10:18 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments KOI Nation Shiloh Resort & Casino; TEIR re: off-reservation environmental impact

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Date: August 25, 2024  
TO: Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
RE: EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a member of the Chemehuevi Indian Tribe located in Lake Havasu, California. My tribe had to appeal to the Federal Government to regain control of our land that was usurped by Congress in 1935. After many years and a lot of work, we were granted Federal Recognition and regained control of our original Reservation land. Naturally, I tend to empathize with Native Nations. However, I am wholly opposed to the proposed Casino and Hotel project put forth by the Koi/Chickasaw Nations on Shiloh Road in Windsor, California. The Koi Nation's homeland is in Clear Lake and that is where they should focus their efforts, not on land that is 30 miles away via a 55-minute commute.

My family and I have lived in the neighboring Larkfield-Wikiup neighborhood for 2.5 years; previously we lived off of Old Redwood Highway just 2 miles north of Shiloh Road. We continue to do business in Windsor and use Old Redwood Highway regularly. There are numerous negative impacts that this project would create in our immediate community and throughout Sonoma County if approved, which are not properly addressed by the DEIS. The DEIS suggestions only pertain to the casino site itself, not to the neighborhoods across the street and within the immediate area; not to Shiloh Regional Park; not to the schools in the neighborhood.

Some of the negative effects on our community include:

- Wildfire mitigation and evacuation. You will remember the numerous wildfires in Sonoma County over the last several years, including the devastating Tubbs Fire in 2017 where thousands of residents had to run for their lives in the middle of the night. We don't need the added pressure of a casino in our neighborhood.
- The inevitable crime that will come (proven by statistics with the Graton Casino in Rohnert Park) by criminals who don't care about security cameras.
- Traffic congestion, noise pollution, increased and excessive toll on the electric grid in a family neighborhood.
- Water supply and wastewater problems in an area that already has the most expensive water in California.

This only touches the surface of a very complex issue. Even our elected officials are against this project including the Sonoma County Board of Supervisors, Governor Gavin Newsom, the Windsor

Town Council, California State Senator Mike McGuire, U.S. Representatives Jared Huffman and Mike Thompson, and U.S. Senator Alex Padilla.

**I implore the Bureau of Indian Affairs to stop this disastrous and unnecessary project from moving forward.**

Thank you for your time reading my message and allowing the opportunity to express my concerns.

Sincerely,  
Cynthia Nelson  
4848 Carriage Lane  
Santa Rosa, CA 95403



**From:** mbrooklaw@gmail.com <mbrooklaw@gmail.com>  
**Sent:** Sunday, August 25, 2024 10:44 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Comments of EIS: Koi Nation Project

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Dear Mr. Broussard:

Attached please find our comments on the Draft EIS relating to the Koi Nation Project. Thank you.

V. Sue and Michael Brook  
6157 Wright Way  
Windsor, CA 95492

**Brook Family  
6157 Wright Way  
Windsor, CA 95492**

August 25, 2024

Attn:  
Amy Dutschke  
Regional Director Bureau of Indian Affairs,  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Chad Broussard,  
Environmental Protection Specialist,  
Bureau of Indian Affairs, Pacific Region,  
chad.broussard@bia.gov

RE: EIS Comments, Koi Nation Shiloh Resort and Casino  
Comment on the Draft Environmental Impact Statement (“DEIS”)  
Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke and Mr. Broussard:

We live on Wright Way, Windsor, within 2,000 feet of the proposed casino site.  
We oppose the propose developments, and suggest that Alternative D, No Action  
Alternative, EA 2-24, makes the most sense and involves the least harm.

The proposed site is unsuitable for a casino/hotel for many reasons. Many of these reasons, and deficiencies in the DEIS, are very well explained in the letter being submitted by the Town of Windsor. Fundamental policy reasons against the Koi Nation establishing a casino/hotel so far from their ancestral lands are addressed by the other local tribes, such as the Federated Indians of Graton Rancheria and the Lytton Rancheria Tribe of California, the August 16, 2024 letter from the Governor’s Office to Assistant Secretary Bryan Newland ,statements by the academic experts, such Professor Peter Nelson of EC Berkeley, at the virtual public hearing on July 30, 2024, and the Editorial in the Press Democrat, Sunday, August 25, 2024, “Windsor is wrong spot for Koi casino.

As local residents, issues that stand out against the casino/hotel most immediately and which are inadequately addressed in the DEIS include:

1. The proposed Project is across the street from a residential area. We have been unable to find another casino in such close proximity to a residential neighborhood in

the State. As disclosed by a real estate professional at the Town of Windsor Town Hall meeting on August 14, 2024, even the possibility of a casino across the street is having an adverse effect on property values and sales. Traffic, light and noise pollution are bound to impact these neighborhoods. Reputable studies do also indicate an increase in crime contrary to the DEIS. i.e. CASINOS, CRIME, AND COMMUNITY COSTS by Earl L. Grinols and David B. Mustard

2. The proposed Project is across the street from a public park, Esposti Park. Esposti Park is where the initial levels of Little League baseball and softball occur as well as other It is also where the neighborhood walks dogs, has birthday parties/quinceaneras, etc. There is insufficient parking as it is. Altogether not the right environment for a casino.
3. The wildfire concern is multi-faceted.
  - a. Increased Fire Risk to Residential Neighborhoods: This area of Windsor, the one adjacent to the site, has been evacuated three times since 2017: the 2017 Tubbs Fire (voluntarily), the 2019 Kincade Fire and the 2020 LNU Fires (both mandatory). These fires have devastated the communities. Windsor was thought to be a total loss in 2019, according to the Fire Marshal, but for a subsequent shift in the wind and heroic efforts by the firefighters.

The site (as is) is in a high wildfire risk area. The average risk to housing in Windsor from wildfires is 73% above the national average, per the USDA National Fire Service website – and higher on the edge of the community where the casino is proposed.

The grape fields, including as currently at the site, help protect the Town. (Significantly, the main intrusion of fire into housing in Windsor in 2019 came where there are no grape vines protecting it, in the northeast corner, as the fire came through Foothill Regional Park.) The DEIS is also misleading in stating that “The Tubbs and Kincade fires burned northeast and east of the Project Site, with the closest reaches extending just east of the intersection of E. Shiloh Road and Faught Road, approximately 0.3 miles east of the Project Site. (Figure 3.12-2, Appendix N-1.)” (Section 3.12.2, p.3-120, Regional Wildfire History, final sentence.) The fire came beyond this: fire embers flew from Shiloh Ridge (more than 0.3 miles away) over the grapes and impacted houses on the perimeters of our neighborhood, Oak Creek (which is just north of Oak Park, the neighborhood across the street from the Project site.). Our house is nearer Old Redwood Highway and we had a burn mark on our roof.

In 2017, in the Tubbs Fire which impacted Mark West and Santa Rosa just to the south, burning projectiles flew across the freeway, Highway 101, burning a

department store from the inside out, as the burning projectiles pierced doors and windows; and then spread the fire and devastated the residential neighborhood of Coffey Park. Fire impacted the Shiloh Ridge, immediately to the east of the site, in 2017 and 2019.

The proposed Project would remove the protection from the grape fields. Instead, the proposed Project would create a wildfire refueling station and heat island at this location, threatening the Windsor neighborhoods and the housing and mobile home park across Old Redwood Highway to the south and west.

- b. Evacuation: As the Town of Windsor points out, even the DEIS posits that the presence of a casino/hotel will increase evacuation times by two hours. Clearly, this is unacceptable.

Moreover, in addition to the deficiencies in the traffic study in the DEIS, it does not consider the impact of alcohol on the thousands of people evacuating from the Project in the stress of an evacuation because of impending fire. Obviously, this is not a negligible factor and one which should have been addressed.

Shiloh is a major evacuation route for this part of Windsor. Windsor's population is about 26,000 or so – the extra stress of a third as many people (many of whom will have been drinking) again on the evacuation routes is easily imagined.

We are also concerned that the DEIS is authored by an advocacy firm for the Koi Nation, Acorn Environmental. Acorn Environmental's website touts that "Acorn Environmental staff specialize in supporting Tribal Governments with their fee-to-trust and environmental compliance needs." (<https://www.acorn-env.com/our-services/>) The lead author of the DEIS, Ryan Sawyer, a Principal of Acorn Engineering, similarly promotes her expertise: "*Ms. Sawyer specializes in the preparation of environmental studies for Native American tribal governments, and in particular, the preparation of NEPA compliance documents for fee-to-trust economic development projects.*" (Global Gaming Business Magazine, April 2023.) Surely, the purpose of an EIS under NEPA is not as an advocacy piece by the applicant.

The Town of Windsor and the other local tribes have pointed out many of the deficiencies of the resulting DEIS, and its apparent bias. We also point out to those not familiar with the local geography that the statement in the DEIS, Section 1.3 Background: "For most of its history the Koi people traveled throughout the Russian River Valley, primarily living at Clear Lake in what is now Lake County California" is, at best, (unnecessarily) ambiguous; Clear Lake is not in the Russian River Valley, but separated from it by a mountain range.

In summary, the site and the factors that render it unsuitable for a casino/hotel existed before the Koi Nation chose to purchase the site in 2021. The Koi Nation may find a site for a

casino/hotel project that does not have the multiple issues associated with it that that this one does, but for this site the only reasonable result is Alternative D - No Action Alternative.

Respectfully yours,

A handwritten signature in blue ink that reads "V. Sue and Michael Brook". The signature is written in a cursive, flowing style.

V. Sue and Michael Brook

**From:** Joanne Hamilton <jahamil@pacbell.net>  
**Sent:** Sunday, August 25, 2024 10:53 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] KOI Nation DEIS comments

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While I support the Koi Nation's right to establish such a casino, I strongly oppose this location.

The DEIS falls short of addressing our concerns. The Town of Windsor has provided much detail around these concerns in their response to the DEIS. My concerns remain as detailed in past correspondence which I will briefly restate here.

**Water:** The DEIS infers that all water will come from the site. The water table presently is barely adequate for the surrounding homes and businesses that rely on it for their water. Offering compensation if their wells dry up in 5 years seems hardly adequate for the loss of their drinking water. Also, the Town of Windsor has wells adjacent to this property which would magnify the loss of water to a greater number of families should wells dry up.

**Location:** This location is adjacent to a residential neighborhood, park, church and a new large apartment building is under construction on the NW corner of Shiloh Rd & Old Redwood Highway. The proposed land use is not consistent with County zoning. Casinos are known to bring increased crime and drunk driving problems. This is the wrong location for such a project.

**Traffic:** The existing Shiloh Rd. exit from Hwy 101 is already stressed & suffers backups. This project would exacerbate this problem, yet the DEIS pushes the cost for road improvements onto other agencies. This exit frequently floods & closes in rainy weather.

**Fire:** In my lifetime three very large wildfires have swept over the hills from the east (1964, 2017, 2019). Evacuations are real, slow and scary. These 2 lane roads bog down quickly and the freeway also comes to a stop. How can one bring a resort & casino into this mix and expect a better outcome? Controlling evacuation from the Casino/Resort property, as proposed in the EA, would not be adequate to mitigate an exit onto already stopped roads. Also, as these events occur, there is often little to no warning to get out. This land, in its current use, provides a buffer & staging area for fire personnel, leave it as is. The DEIS does not come close to mitigating this hazard on the project site or surrounding roads.

**Floods:** With a creek running through this property which feeds into another creek known to flood, paving over and building on this land can only increase flood events. Plus running sewer pipes below the creek sets up potential future problems down stream. The DEIS does not address this.

**Ancestral Lands:** Our local Native American people have pointed out that the Koi Nation's ancestral lands are in Lake County. Lake County seems like a better fit for this project, both for the County and the Koi Nation.

**Potential alternative:** No casino, leave the land in agriculture.

Respectfully,

Josephine Hamilton  
9447 Victoria Lane,

Windsor, CA 95492

**From:** Kelli Wong <wongkelli@yahoo.com>  
**Sent:** Sunday, August 25, 2024 11:07 AM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] No on Koi Casino in Windsor

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Dear Chad Broussard,

I am writing on behalf of my family who are Windsor residents who are in opposition of the Koi Nation building the Casino and Spa in the Windsor location.

Windsor is not the home lands of the Koi Nation. There are other Nations that have set up Casinos nearby, on lands that are closer to their original home lands. These Nations also oppose the Koi tribe setting up a Casino and Spa here. That should say a lot. If other indigenous people are NOT in support, please listen to that.

Many wells in the east part of Windsor are going dry already. There will be even more of an impact on those wells if there is a huge Casino and Spa. This will negatively impact the residents there as well as the Casino.

We were here trying to escape the Kincade fires in 2019. The streets and highways were packed as people fled the flames, even with advanced notice. Can you imagine what would happen the residents AND guests and workers when there is another natural disaster like a flood or earthquake and even more people are trying to get out? It will be even more dangerous and congested.

This location in Windsor is not the right place for a Casino and Spa. If the Koi want to move closer to their home lands, where there will be less of a commute and less impact on other tribes in the area, then do it near their home lands in Lake County.

This area of Sonoma County does not need anymore industrial sized anything, especially one that is right next to a long standing residential area and sports parks. Windsor does not need anything business that will negatively impact the community more than any positives it could bring.

California voted to bring gambling for Indigenous Tribes in their home lands, Windsor is not the Koi Nation's homelands. Let's stick with what the voters said so we can maintain trust in the process. Listen to the tribes around us and they DO NOT want the Casino and Spa here.



Thank you,  
Kelli Wong  
Terry Wong  
Connor Wong  
Scott Wong  
9462 Victoria Lane  
Windsor, CA 95492

**From:** Debra Lopez <pamperedfeline@yahoo.com>  
**Sent:** Sunday, August 25, 2024 12:53 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS COMMENTS - Koi nation shiloh resort and casino Koi Nation Casino

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EIS COMMENTS/ KOI NATION SHILOH Resort AND CASINO.

I'm writing to express my opposition to the Koi Nation plans to open a casino in Windsor California. I believe it wrong for tribes to land shop and be allowed to built casinos on other tribes land. The Koi Nation are from Lake county California and should build a casino in a location (where their people are from). The Ancestors of the Pomo people from Dry Creek are buried there and digging up the land would disturb the scared land.

In addition , there are several Native Casinos in the area. Graton,who have a very large Casino in Rohnert park, as well as Dry Creek River Rock casino in Geyserville Ca. . Both of these tribes plan to expand their Casinos and River Rock is in the planning to soon built a new resort.

In Sonoma county alone there are more and more low income housing projects being built. Some of these building are 3 to 4 stories high and only provide 50 parking spaces. I can only image how the traffic will be with a Huge Casino in town with increased traffic and congestion. I hope you will take all this in consideration when making your decision on a new Casino in Rohnert park as I feel it is wrong on many levels.

Sincerely, Debra Lopez. Tribal Elder

300 Stony Point Road # 184  
Santa Rosa CA 95401  
415-580-8887

**From:** sllkdl@comcast.net <sllkdl@comcast.net>  
**Sent:** Sunday, August 25, 2024 1:07 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] DEIS Comments, Koi Nation Shiloh Resort and Casino

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[Chad.broussard@bia.gov](mailto:Chad.broussard@bia.gov)

**Subject: DEIS Comments, Koi Nation Shiloh Resort and Casino**

To Whom it may concern-

We are Larkfield residents living within a mile of the proposed site, and we are opposed to the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) released on July 8, 2024, contains simplified and non-vetted answers by a biased preparation company. Acorn Engineering was cherry-picked and paid by the Koi Nation to check a box in a process, not to provide an unbiased, accurate report with verifiable answers.

A cursory reading of the EIR will show most answers are either 'Not Applicable' or 'BMP (Best Management Practices)'. There is no proof that the item is not applicable, nor is there any description of what a best management practice is in a specific situation, how it will be implemented, maintained and enforced should this ill-conceived project be approved. In short, this is a sham report that should be rejected for being incomplete and inaccurate.

We support the Sonoma based indigenous tribes while the Koi Nation is historically based in neighboring Lake County, where it is active to this day. This project is not right for the proposed location adjacent to a large residential area. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,

Stephen & Kathleen Lawrence  
582 Coachlight Pl.  
Santa Rosa, C 95404

**From:** JAMES BOISSIER <jboissier@comcast.net>  
**Sent:** Sunday, August 25, 2024 1:15 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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Mr. Chad Broussard,

The following expresses the concerns I have with the published EIS.

This letter is in response to the Environmental Impact Statement published on July 12, 2024 concerning the fee-to-trust application and proposed development of the 68 acre property located on the southeast corner of Old Redwood Highway and E. Shiloh Road by the Koi Tribe.

The Koi tribe was originally located in Lake County before they lost their ancestral lands. They are currently a tribe with 89 members, 42 of whom live in Sonoma County. The land purchased by the Koi and Chickasaw Tribes in Sonoma County is bordered by E. Shiloh Road which includes a 77 home residential neighborhood and Esposti Park to the north; residential neighborhoods and vineyards to the east; residential to the south; and Old Redwood Highway, residential and Shiloh Neighborhood Church, to the west.

As I read through the EIS and Appendices it strikes me as to how out of place alternatives A and B are, and to a lesser extent, Alternative C. The size and scope of the proposed hotel/casino/entertainment center requires a water treatment facility and a wastewater treatment facility. Between the 5119 parking spaces, a five story 400 room hotel, a casino with 2,900 gaming tables and a 2,800-person entertainment/ballroom venue, the facility will be a city within a city! This is a strictly residential, recreational and agricultural area. Placing a 24 hour a day entertainment complex in the middle of these neighborhoods will unquestionably cause significant safety, traffic, noise and social impacts on every household.

Transportation and Circulation-

TJKM was retained to prepare a Traffic Impact Statement (TIS) on the impact the three proposed alternatives, A, B and C, would have on transportation and circulation services in the area.

TJKM prepared the TIS with minimal data. The only actual data related to this project comes from traffic monitors set up between 7-9 a.m. and 2-4 p.m. on January 22 (Thursday) and 28 (Sunday), 2022, and on July 28, 2022 (Thursday). The weather is cold and wet in January and the data collected would be significantly different from that gathered over spring and summer when baseball leagues are active, and people are using the two neighborhood parks. The volume of people using Shiloh Regional Park and Esposti Park is minimal compared to summer months. During Spring and Summer, the parking lot is full with overflow parking on Old Redwood Highway and E. Shiloh Road. The park is used daily by boys' baseball and girls' softball.

The EIS references seven Cumulative Projects in section 3.14.1 (page 3-145) that are either in construction or the Planning and Development stage, four of which are within one-quarter mile of the proposed project. They will bring in approximately 480 new residential households making multiple daily trips within ½ mile of the proposed Casino/hotel complex. While generally referencing in the study that the cumulative projects will have an impact on Transportation and Circulation, there is no specific information in the report or Appendices on how the cumulative projects will impact traffic conditions and loss of services.

Appendix I to the EIS estimates there will be 11,213 daily trips and 15,799 Saturday trips to and from the Koi Casino complex. There are estimates of as many as 1340 hourly trips... or 22 cars per minute. The Traffic Impact Study (TIS) confirms that this traffic increase will have a substantial impact on the roadways and intersection that rise to a level of unacceptable Loss of Services (LOS). The TIS then cites mitigation efforts that will make the LOS acceptable without

providing any substantive information how. It does not offer any concrete information on how the mitigation efforts will improve conditions or any guarantees that they would be effective. The Alternatives will undoubtedly cause loss of services. For example, cars traveling on east/west Shiloh road at Gridley Avenue currently have no waiting time. Cars on southbound Gridley have minimal if any wait time to enter Shiloh Road. Signalizing this intersection will cause delays.

#### Water resources –

Potable water- The EIS projects that Alternative A would pump between an average of 170,000 gallons per day (gpd) per day to a daily peak of 294,000 gpd from onsite wells. The new well(s) will require a water treatment plant to remove arsenic and magnesium and a large storage tank to hold the treated water. Water from the treatment plant would be sent to a one-million-gallon storage tank and then to pumping station for distribution to the facility. Between 1,250,300 gallons to 2,005,800 per week. The drawdown on existing wells is a very real likelihood. Global warming, drought and water rights issues are all discounted or ignored factors in the evaluation. The EIS indicates that the onsite wells would be deep wells (700 feet) and that the shallow wells belonging to nearby residents are at most risk. The report discounts the risk, cost and impact of reduced or inadequate water supplies to local residents.

Wastewater- The EIS calls for the construction of a Wastewater Treatment Plant (WWTP) to treat the estimated average of 232,000-335,000 gallons of wastewater discharged each day, or 1,624,000 on an average day and up to 2,345,000 on peak days. Wastewater treatment plants (WWTP) are designed to reduce wastewater and environmental pollution, but the raw materials, energy consumption and emissions from the WWTP subsequently result in different environmental impacts. The process emissions from wastewater treatments account for two thirds of the total greenhouse gases generated by the water and sewage companies. The operation of a wastewater treatment plant involves a range of direct and indirect emissions. These are called the social cost of greenhouse gases (SC-GHG). These are dismissed in the EIS as less than significant.

Figure 2.5 in Appendix D is a diagram of the Project Water and Wastewater Feasibility Study Wastewater Treatment Process Flow. Estimating its size (using the truck as a gauge), the system will be over 500 feet long x 300 feet wide and up to three stories high. There will be hundreds of families living ¼ mile to several hundred yards away who are subject to these emissions. There is also the strong possibility of odor emanating from the plant.

Groundwater Discharge- The project site is currently a 68-acre vineyard. As farmland, the landscape is permeable, allowing for water to permeate the soil. The proposed project will result in over 35 acres of this land being paved and developed, significantly altering groundwater conditions. In addition to the loss of permeable land there is significant risk of pollutants entering Pruitt Creek despite “best management practices”. The EIS calls for use of bioswales which may keep debris from entering Pruitt Creek but may allow other pollutants through. This was determined to be less than significant!

#### Evacuation

The proposed Alternatives A, B and to a lesser extent C will attract a large volume of patrons and increase the total number of people onsite that will need to be evacuated during a wildfire event. The facility will have parking for over 5,000 cars and will accommodate more people than cars. There will also be people using rideshare and public transportation and any evacuation plans will need to account for this group.

The Project Site has access to two major emergency routes identified by the Town of Windsor, Shiloh Road and Old Redwood Highway (Town of Windsor, 2021). The EIOs confirms that an increase in vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires. These are single lane roads which will not only be casino patrons but also used by evacuating neighborhoods. Past evacuations during the Tubbs and Kincaid fires resulting in stopped traffic and dangerous conditions on both of these roads with embers landing around cars. Old Redwood Highway and Shiloh Road cannot handle the addition of thousands of more cars and people.

The EIS recommendations include following best management practices and training employees on evacuating guest in the event of a fire.

Socioeconomic conditions-

Property values- The EIS cites other casinos in California that have had minimal impact on property values within a five mile radius. In fact, the EIS states that values increased between the years 2000 and 2021. This general statement does not provide any substantive information. Property values throughout California, and in these particular areas, all increased during the years 2000 through 2021. There is no information on what the increased values were and how they compared to neighboring communities.

Crime- The EIS and Appendix B-1 do not provide any substantive information other than the fact that law enforcement received 1,700 calls and made 39 arrests at the Graton Rancheria in its first year of operation. After a comparison of the Graton Rancheria Casino and the proposed Alternative A, the EIS concludes "As a result of this quantitative and qualitative analysis, GMA finds that the negative impacts on community services in areas in which a casino has opened are generally minimal.". The report does not include any "quantitative and qualitative" information other than from the 2014.

Drunk Driving- The EIS states "The proposed project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents." It then say "Drunk driving prevalence is not anticipated to increase significantly as a result of the proposed casino resort...". The only mitigation offered is the implementation of a "Responsible Alcoholic Beverage Policy". The conclusion of little impact is not supported by any substantive information.

Casino resorts do not belong in residential neighborhoods.

The Koi tribe's ancestral home is in Lake County not Alameda county. Significant effort should be made find the tribe land on their ancestral sites.

James L. Boissier  
153 Barrio Way  
Windsor, CA 95492

**From:** Tino Plank <tinoplank@emovere.com>  
**Sent:** Sunday, August 25, 2024 1:25 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

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Greetings. As a local resident who would be impacted by this project, I appreciate the opportunity to submit comments regarding the EIS.

While I appreciate the breadth of the EIS, I join with the majority of local residents, as well as county and state officials in voicing my opposition to the project. Unlike the other tribal casinos in our county, this proposal places a major commercial entertainment enterprise adjacent to a residential neighborhood. In doing so, it would severely impact our quality of life. And the proposed mitigation efforts listed in the EIS do not measure, or address, the negative influence on our current lived-experience. Speaking from the lived experience, I offer the following comments:

**Fire hazard and emergency evacuation:**

Though we have faced an increasing number of wildfires in recent years, the Kincade Fire in 2019 burned over 77,000 acres, destroyed or damaged over 400 structures, and led to the evacuation order of over 190,000 residents. Many of us had to flee in darkness and without phone reception due to loss of power. Specifically to the Esposti Park area of Southeast Windsor, transit along Old Redwood Highway and Shilo Road was critically hampered by the sheer volume of vehicles seeking egress along those two roads. Those are the same egress routes listed in the EIS for this flawed project. No amount of proposed traffic mitigation will address the chaos that would ensue in trying to evacuate casino staff and guests. With a proposed 2,800 seat event center and 5,119 parking spaces, it is easy to imagine the result of all those people trying to leave at the same time.

Besides the valiant efforts of firefighters, what saved the Esposti Park neighborhood during the Kincade Fire was the buffer that the surrounding vineyards provided. Devoid of grass and trees, the neighboring agricultural properties significantly reduced the amount of flammable materials in the area. The project would eliminate a large percentage of the vineyard on the proposed footprint, and therefore reduce the buffer that agricultural use has provided.

**Public services:**

One only need to look at the impact the Graton Casino has had on that surrounding community to imagine the impact this project would have on our lived-experience residing adjacent to a enterprise focused on gambling and wine. Though established in a commercial area, the crime rate in Rohnert Park increased after the construction of the Graton Casino. This includes thefts, but also sex trafficking. On opening day for the Graton Casino, the volume of traffic was so high that it shut down the local roads as well as highway 101. Considerable efforts were needed by state and local agencies to clear the roads. Imagining a similar impact on our local roads and community isn't too far of a stretch. And this impact is not adequately addressed in the proposed mitigation efforts.

While we have decent water reserves at this time, historically Windsor has had to implement dramatic water conservation efforts due to on-going drought. The water that we receive from Lake Sonoma is supplemented by local ground wells. It appears from the EIS proposal that, in part, the Town of Windsor would be responsible for the added monitoring needed to determine the extent of draw down on the local aquifer from the casino project. And for property owners with their own supplemental wells, as stated in the EIS it would be up to them to request reimbursement, and that any reimbursement is up to the "sole discretion" of the Koi tribe.

**Noise and light pollution:**

Though traffic and related noise pollution are addressed in the EIS, they don't appear to address the lived-experience of having a 24-hour, 365 days-a-year operation running across the street from our homes. Even now, the increased level of traffic noise from highway 101 infiltrates our neighborhood into the late evening and again in the wee hours of the morning. Beyond the sheer volume of vehicles

expected at the casino (5,119 proposed parking spaces), the noise generated will add to nighttime sleep disruption. There have been a number of studies on the negative health consequences of noise-related sleep disruption. In fact, the World Health Organization has created "night-noise" guidelines to address the deleterious impact on mental health and well-being. Light is another known sleep disruption. The proposed mitigation are just that - efforts to mitigate the impact. However, they do not wholly address the negative impact on the lived-experience of our neighborhood.

Beyond the human impact, there would also be harmful effects on local wildlife from the noise and light pollution generated by this project. Besides our enjoyment of gazing at the night sky from our backyard, our neighborhood is home to a number of nocturnal animals. Significantly, the owls (there are Barn and Great Horned owls here) and migratory birds are impacted by increased light and noise pollution. Though the EIS indicates proposed adoption of "dark-sky" lighting, this is simply a mitigation that does not maintain our neighborhood at the current level of ambient nighttime light. To be clear, the quality of life here in our community is positively influenced by the urban-rural aspects of our surrounding natural environment.

Again, I appreciate the opportunity to submit these comments as part of the EIS review process for the proposed Koi Nation Casino. I sincerely hope that the Bureau will recognize that this is the wrong location for such a proposed development. Casinos do not belong in residential areas.

Sincerely,

Tino Plank  
180 Barrio Way  
Windsor, CA 95492

[tinoplank@emovere.com](mailto:tinoplank@emovere.com)



**From:** Andrea Ouse <andrea.ouse@gmail.com>  
**Sent:** Sunday, August 25, 2024 1:56 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** info@gratonrancheria.com <info@gratonrancheria.com>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,  
Please find attached a comment letter on the draft EIS for the proposed Koi Nation Shiloh Resort and Casino.

A hard copy of this letter will be sent to Amy Dutschke, BIA Regional Director.

Regards,  
Andrea Ouse, AICP  
Tribal Member  
Federated Indians of Graton Rancheria

**August 25, 2024**

*(Electronic copy sent to [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov))*

**Chad Broussard**

Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

*(Hard copy sent via USPS)*

**Amy Dutschke**

Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**Re: Environmental Impact Statement (EIS) comments, Proposed Koi Nation Shiloh Resort and Casino**

I am submitting comments and concerns as a tribal member of the Federated Indians of Graton Rancheria (FIGR) regarding the Draft Environmental Impact Statement (EIS) for the proposed Koi Nation Shiloh Resort and casino. The Federated Indians of Graton Rancheria is made up of Coast Miwok and Southern Pomo people, with our ancestral homelands extending through Marin and Sonoma Counties. As a federally recognized tribe with vested interests in our ancestral lands and the well-being of our community, we have significant concerns about the potential fire and evacuation impacts, socioeconomic impacts of the proposed project, as well as the broader implications for tribal sovereignty.

### **Background**

On December 27, 2000, President Clinton signed the Graton Rancheria Restoration Act into law, which restored federal recognition to the Federated Indians of Graton Rancheria and returned a portion of our land. In 1958, the federal government terminated the tribe under the California Rancheria Termination Act, which ended their trust responsibility with the Graton tribe and over 40 tribes in California. The tribe began the process to regain federal recognition in 1992, and the federal government acknowledged that the termination was illegal when Clinton signed the Graton Rancheria Restoration Act into law. The legislation also allowed the tribe to apply for land into trust, and in 2008 we acquired 254 acres in Rohnert Park, Sonoma County, about seven miles from our original reservation in Graton.

### **Violation of Tribal Sovereignty**

The Federated Indians of Graton Rancheria (FIGR) have a long and proud history of self-governance and have made significant progress in restoring our sovereignty and cultural heritage. The proposed Koi Nation Shiloh Resort and Casino raises serious concerns about the violation of our tribal sovereignty.

It is essential to recognize that tribal sovereignty is not merely a legal concept but a fundamental aspect of our identity and existence as a people. The placement of a competing tribal resort within our ancestral territory undermines our sovereignty and diminishes our ability to control our own destiny.

We are particularly concerned that the EIS does not adequately consider the cumulative impacts of multiple tribal gaming operations in close proximity. The potential for increased tension between tribes over territorial and economic disputes is a real and pressing issue. The Koi Nation's decision to pursue this

project in a region where our tribe already operates a successful resort raises questions about the potential for conflict and the erosion of intertribal relations.

### **Hazardous Materials and Hazards**

Section 3.12 of the Environmental Impact Statement (EIS) attempts to address the significant risks associated with fire and evacuation. The Evacuation Travel Time Assessment (ETTA) conducted in this section utilizes overly optimistic assumptions about the notice and timing of a wildfire event, thereby underestimating the potential evacuation challenges. The assessment is based on a "No Notice Scenario" and a "With Notice Scenario," yet it assumes the project site would have an hour to evacuate ahead of neighboring zones. This assumption does not account for the possibility of simultaneous evacuation orders across multiple zones, which would likely lead to traffic congestion and significantly extend evacuation times. The EIS fails to provide a comprehensive analysis of worst-case scenarios, such as high-wind conditions that could accelerate fire spread and necessitate more urgent evacuations. By not rigorously evaluating these scenarios, the EIS underrepresents the project's potential impacts on community safety during a wildfire emergency.

Moreover, the EIS's mitigation strategies, including the creation of a pre-determined evacuation zone specific to the project site, are insufficiently detailed and fail to address the broader evacuation challenges posed by a large-scale wildfire. While the document suggests that early evacuation could mitigate some risks, it does not consider the practical challenges of coordinating such an evacuation with the existing community and infrastructure. The reliance on speculative evacuation modeling does not substitute for a robust analysis of the project's impact on emergency response capabilities and the safety of residents. The potential for increased traffic and road congestion, combined with the limitations of existing infrastructure, raises significant concerns about the feasibility of timely evacuations. Therefore, the insufficient evaluation of these critical issues necessitates a more comprehensive and realistic assessment to ensure community safety and adequately address the fire and evacuation impacts posed by the development.

### **Socioeconomic Impacts**

Based on the details provided in the Global Market Advisors (GMA) impact study for the Shiloh Resort and Casino in Sonoma County, the following provides a critical evaluation as it pertains to the National Environmental Policy Act (NEPA).

The construction and operation of the Koi Nation Shiloh Resort will have far-reaching socioeconomic consequences for our tribe. The Federated Indians of Graton Rancheria have worked diligently to establish a sustainable economic foundation for our community, primarily through the operation of our own resort and gaming facility. The introduction of a competing resort by the Koi Nation within our region threatens to undermine the economic stability we have fought to achieve.

The EIS does not adequately address the potential for economic displacement or the direct competition that this project will create on our tribe and the surrounding non-tribal communities. The increased competition for limited regional resources, including gaming revenues and tourism, will lead to reduced economic opportunities for our tribe, resulting in job losses, decreased funding for social programs, and long-term harm to our community's well-being.

Additionally, the influx of new visitors to the region, as anticipated by the Koi Nation Shiloh Resort, could strain local infrastructure and public services. This strain could exacerbate existing challenges in our

community, including housing affordability, traffic congestion, and environmental degradation. The EIS fails to provide sufficient mitigation measures to address these concerns, further compounding the potential negative impacts on our tribe.

Federal law has established crucial safeguards that have historically enabled the Department of the Interior to maintain a balance between the benefits of expanded tribal gaming and impacts on other gaming tribes. As a foundational principle, federal law typically prohibits gaming on newly acquired land placed into trust for a tribe, unless that land is associated with the tribe's existing reservation (25 U.S.C. § 2719(a)). The main exception to this rule is carefully designed to protect local interests, including those of neighboring tribes, by permitting gaming only when the Department has determined that it is in the best interest of the gaming tribe and that it “would not be detrimental to the surrounding community.”

I strongly urge the Department of Interior to consider the severe socioeconomic impacts that this project will have on the Federated Indians of Graton Rancheria and the broader violation of tribal sovereignty it represents. The Koi Nation should be encouraged to pursue economic development opportunities within their true homeland in Lake County, where they have a legitimate claim. If this project is allowed to proceed in its current location, it would undermine the sovereignty, identity, and cultural rights of the federally recognized tribes in Sonoma County.

As a member of the Federated Indians of Graton Rancheria, I acknowledge the significant moral importance of restoring a tribe’s control over its ancestral homeland. Our ability to obtain, restore and protect our own right of self-determination and economic equality is essential to tribal autonomy. However, it is essential to ensure that the “restored lands” exception that is proposed by the Department of the Interior apply within appropriate boundaries. The “restored lands” exception should not be interpreted so broadly as to effectively grant restored tribes unrestricted rights to conduct gaming on newly acquired lands (*Redding Rancheria v. Jewell*, 776 F.3d 706, 711 (9th Cir. 2015)). On the contrary, in administering the restored lands exception, the Secretary must ensure that tribes do not misuse this provision to excessively expand gaming operations to the detriment of other tribes (*Id.*).

The Environmental Impact Statement Land Use Section erroneously neglects to identify these critical statutes and further neglects to evaluate the impacts of the proposed project on the FIGR historic tribal lands. This failure to consider the significant impacts of the proposed project leaves an insufficient evaluation of the project’s land use impacts on the existing environment.

The statutory authority for acquiring lands in trust status for Indian tribes is provided in the Indian Reorganization Act of 1934 (25 United States Code [USC] § 5108) with regulations codified as 25 Code of Federal Regulations (CFR) Part 151. The Indian Gaming Regulatory Act (IGRA) was enacted in 1988 to regulate the conduct of Indian gaming and to promote tribal economic development, self-sufficiency, and strong tribal governments. IGRA generally prohibits gaming on lands acquired in trust after 1988, unless certain exceptions found in Section 20 of IGRA, 25 USC § 2719, are met. In this instance, the requested exception is the restored lands exception that allows gaming on land acquired in trust after 1988 if the lands are taken in trust as part of “the restoration of lands for an Indian tribe that is restored to Federal recognition” (25 USC § 2719 (b)(1)(B)(ii) and (iii)). The Section 20 exceptions are implemented through regulations found in 25 CFR Part 292.

As explained below, the proposed project does not align with the intended limits of the “restored lands” exception. Regarding the Shiloh Resort and Casino Project, the Koi Nation of Northern California does not

have a sufficient historical connection to the Windsor parcel to justify the use of the “restored lands” exception. The Windsor parcel is not within the Koi Nation’s ancestral homeland; it is located approximately fifty miles away from the proposed casino site. It is located in an area of Lake County where the Koi Nation’s ancestors have had villages and sacred sites along the shores of Clearlake since time immemorial (*Koi Nation’s Opening Brief at 11, Koi Nation of Northern California v. City of Clearlake, No. A169438 (Cal. Ct. App. Apr. 30, 2024)*). Claims that the Koi Nation occasionally used trade routes near modern-day Windsor do not alter this fundamental fact: Such occasional uses do not demonstrate the sustained, significant presence required to support the notion that the proposed project constitutes a “restoration.” Nor is the presence of individual Koi Nation members in Sonoma County during the twentieth century sufficient. If modern residency by individual members were equated with a tribe’s control over its ancestral homeland for the purposes of the “restored lands” exception, the exception could undermine the rule itself, which, as the Ninth Circuit has warned, must not happen (*Redding Rancheria, 776 F.3d at 711*).

Additionally, the so-called “Indian canon” should not be used to expand the “restored lands” exception to include the proposed project. While this canon sometimes allows for statutory ambiguities to be resolved in favor of tribal sovereignty, it does not apply when “all tribal interests are not aligned” (*Redding Rancheria, 776 F.3d at 713*). An interpretation of the restored lands exception that benefits one tribe by allowing unrestricted use of restored land for gaming could disadvantage other tribes also involved in gaming (*Id.*). Here, the tribe with a true, enduring connection to the lands in question—the FIGR – are firmly opposed to this project.

Finally, an inappropriate dependence on the “restored lands” exception in this proposed Koi Nation project misrepresents the fundamental goals of the National Environmental Policy Act (NEPA). As noted above, the Windsor parcel lies far outside the ancestral homelands of the Koi Nation and within the homelands of the Federated Indians of Graton Rancheria. By focusing on the project parcels, the Department must consider whether the objectives of the proposed project could be achieved at sites within the Tribes’ ancestral homelands. This means the Department has not sufficiently considered reasonable geographic alternatives, as required by NEPA (*Ilio’ulaokalani Coal. v. Rumsfeld, 464 F.3d 1083, 1097–1101 (9th Cir. 2006)*).

Department might use the “restored lands” exception to justify projects that are more focused on establishing new gaming operations in attractive markets than on genuinely restoring tribes’ ancestral homelands. If the Department were to adopt such an interpretation of the “restored lands” exception, it is unclear whether the “exception” would maintain a clear and consistent limiting principle. It would also create a precedent for similar attempts in the future and essentially nullify the concept of sovereign lands. This is particularly concerning in California, where voters who approved tribal gaming were assured that it would remain carefully regulated, including by federal laws that impose geographic restrictions on the types of land eligible for gaming.

## Conclusion

In conclusion, the Federated Indians of Graton Rancheria respectfully request that the EIS for the proposed Koi Nation Shiloh Resort be revised to more thoroughly assess the socioeconomic impacts on our tribe and to fully consider the implications for tribal sovereignty. We urge the decision-makers to engage in meaningful consultation with our tribe and to take our concerns into account in the final decision on this project.

In conclusion, any development within our ancestral lands must respect our rights, preserve our sovereignty, and promote the long-term well-being of our community. The proposed Koi Nation casino site threatens to violate each of these.

Sincerely,



**Andrea Ouse, AICP**  
Tribal Member, Federated Indians of Graton Rancheria  
3015 Parella Court  
West Sacramento, CA 95691  
[Andrea.ouse@gmail.com](mailto:Andrea.ouse@gmail.com)  
650.333.3973

Cc: **Greg Sarris, Tribal Chairman – Federated Indians of Graton Rancheria** ([info@gratonrancheria.com](mailto:info@gratonrancheria.com))  
Tribal Board – Federated Indians of Graton Rancheria

**From:** Anne Gray <annegray123@sbcglobal.net>

**Sent:** Sunday, August 25, 2024 2:18 PM

**To:** Broussard, Chad N <Chad.Broussard@bia.gov>

**Subject:** [EXTERNAL] EIS COMMENTS, KOI NATION SHILOH RESORT & CASINO

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Attached is my Comment. Please reply so I know it reached you.

Sincerely,

Anne Gray  
Santa Rosa

## Anne Gray

Santa Rosa, CA 95401

[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)

August 21, 2024

Re: EIS COMMENTS, KOI NATION SHILOH RESORT & CASINO

To: Chad Broussard  
Bureau of Indian Affairs  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Dear Mr. Broussard:

Please send me an email acknowledging receipt of this Comment.

I again ask that the Bureau of Indian Affairs (BIA) reject the Oklahoma Chickasaw and Koi Nation's effort to build a casino of any size in Sonoma County. All proposed options – A, B and C, for 222 E. Shiloh Road, Santa Rosa, 95403, are unacceptable. Only option D is acceptable, no building whatsoever. I spoke in opposition at the September 2023 Zoom Public Hearing and again at the July 30<sup>th</sup> hearing. I have sent numerous letters and emails to you on this topic.

Within this Comment I will refer to the proposed resort/casino as the **"Project"**. References to who will fund, build and manage the Project as the **"Oklahoma Chickasaw"**. It is well established that the tiny 90 person Koi Nation tribe of Lake County is not driving this initiative, nor will they be the primary decision-makers or beneficiary.

In reading the EIS, it appears to me that the firm who authored the report is looking at the Project in a static state, where no other major developments or factors that will impact our future are adequately considered.

The BIA's EIS ignores or does not fully consider the:

- ✓ **Water Resources** – Impact of State mandates under the Sustainable Groundwater Act
- ✓ **Planned Housing & Business Growth** – Massive, planned housing and business development in Sonoma County, and required dramatic infrastructure changes the Project would require
- ✓ **Community Health & Safety** – Impact on nearby senior living communities
- ✓ **Sonoma County Airport (STS)** – Community impact of increased air traffic
- ✓ **Community Confusion** – Input has been limited due to location misinformation
- ✓ **Supporting Native Tribes** – EIS shows the Project will not meet stated objectives
- ✓ **Koi Tribe** – Fact that the Koi Tribe is not indigenous to Sonoma County
- ✓ **Existing and Planned Casinos** – Fact that Sonoma County does not need another mega resort/casino
- ✓ **Wildfire Risks** – Impact on safe wildfire evacuation

There are three "build" options, all of which are unacceptable. For reference, Option A would include:

- A 540,000 square foot casino, 400-room hotel and a 2,800-seat event center
- More than 5,000 parking spots hosting up to 57,000 visitors daily
- Two ballrooms and five restaurants
- A 2,800-seat event center
- Additional support, dining, meeting and entertainment facilities
- Resort style expansive pool and aquatic/spa center
- Up to 294,000 gallons of water used daily (previous estimate 400,000 gallons)



## **PROJECT IMPACT ON THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)**

The EIS does not adequately consider current well water issues, or requirements for water restoration in our aquifers. It states in 3-16 that Windsor largely gets its water from the Russian River, but the Oklahoma Chickasaw would use existing and new wells for its water needs (2.1.3), but that there would be no major impact to aquifers the wells would draw from (P. 3-24).

During both Zoom hearings, and in written Comments, it is clear that nearby residents are experiencing well water shortages NOW. Wells are going dry, resulting in problems meeting basic human water needs, service restoration and cost. **I request the BIA examine the impact of this more closely before proceeding.**

Aa analysis of the broader impact of the Sustainable Groundwater Management Act (SGMA), is also not adequately covered by the EIS. It assumes new Project wells wouldn't impact the ability to meet SGMA goals but it's reasoning seems more like a guess rather than being rooted in sound analysis (P. 3-24).

In 2014, the State passed the Sustainable Groundwater Management Act (SGMA) to tackle critical diminishing water supplies across the state of California. As a result the SGMA established Groundwater Sustainability Agencies (GSAs). Each needs to develop approved Groundwater Sustainability Plans (GSPs) and begin implementation now in order to comply with the SGMA objective of becoming "water neutral" by the 2040-2042 mandatory deadline. "Water neutral" translates to "taking no more out than nature puts back".

GSAs cannot wait until 2040 to act. GSP plans must be developed, approved, enacted and tracked now. For some communities this is relatively easy; for others it is not. Hence the 2040 compliance date. Many GSP plans have already been approved, are rolling them out and tracking progress. Other GSAs have been taken over by the State, with harsh consequences, due to lack of progress. In other words, this is a serious State initiative with "teeth".

The Project would be in the Santa Rosa Plain GSA, as noted in the EIS, which is approximately 40% below its 2040 goal. Significant changes are needed to lower water usage, to redirect surface water and retreat water, in order to reach SGMA goals. This is a big task. More so since Sonoma County is home to large agricultural grape growing operations. (Here is a link to our GSA: <https://santarosaplainingroundwater.org/>).

The EIS needs a better analysis of how the Project's existence will impact the SGWA with respect to managing both well and surface water as one entity. For example, re-routing flood waters so there is less run-off, so it better penetrates and recharges our groundwater aquifers, or is used for other SWGA purposes.

Those currently relying primarily on the Santa Rosa Plains for water will also be challenged by the enormous residential and commercial growth planned for Sonoma County. This will strain our ability to meet SWGA goals. The EIS is weak in addressing all these issues.

Moreover, my understanding is the Oklahoma Chickasaw would not be required to comply with this State mandate since they are a sovereign nation. This means all others who rely on Santa Rosa Plain water would need to absorb the Project's water usage and ensure the same amount is replaced in our aquifers every year, and be heavily penalized by the State if we failed to meet SWGA goals.

The Project is expected to use up to 170,000 gallons of water daily (previous estimate 400,000 gallons). This translates to an annual usage of about 62 Million gallons of well water the rest of us would need to account for.

**I request the BIA examine the impact of this more closely before proceeding.**

**UNFETTERED HOUSING GROWTH AND IMPACT OF CLEARWATER AT WINDSOR SENIOR LIVING**

The EIS has not fully considered the impact of Sonoma County’s massive planned residential and commercial growth. It is touched upon in 3.14.1 but the impact not fully integrated in the EIS. **I request the BIA revisit this issue before moving forward with this Project.**

Multi-family housing construction in Sonoma County is currently undergoing a significant boom. Everywhere you turn there are massive multi-family complexes being opened or constructed. This drive for new housing is dictated in part in part by the state’s “Pro-housing Designation” program. This is only one of many housing growth initiatives, but an important one.

Cities “selected” for participation must achieve significant housing growth by 2031 or lose general state funding. Santa Rosa, Windsor, Healdsburg, Rohnert Park and Petaluma are all in this program. Below are the mandated new housing requirements that are in, or near, the Project site.

Pro-housing Designation requires that **6,155** new units be built in the combined area including Healdsburg, Santa Rosa and Windsor. Additionally, **3881** units are required for unincorporated Sonoma County; a larger geographic area, but technically where the Project site is located, with a Santa Rosa street address: 222 E. Shiloh Road, Santa Rosa, 94303

For Sonoma County the entire requirement is that we add **14,562** new units before 2031. When combined with all the other new housing and commercial buildings under construction now, planned and proposed, we are going to see new and unimaginable strains our water, infrastructure and wildfire evacuation resources. Where in the EIS is this addressed? The Project cannot be fully understood if it’s impact is not evaluated with respect to the entire Sonoma County area.

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
<b>SOLANO COUNTY</b>					
Jurisdictions in Solano County formed a subregion to complete a separate RHNA process on behalf of all jurisdictions in the county. The Solano Subregion adopted its final RHNA allocations on November 18, 2021. For more information see <a href="https://www.solanocounty.com/depts/vm/planning/regional_housing_needs_allocation_and_housing_element.asp">https://www.solanocounty.com/depts/vm/planning/regional_housing_needs_allocation_and_housing_element.asp</a>					
Solano Subregion	2,803	1,612	1,832	4,745	10,992
<b>SONOMA COUNTY</b>					
Cherrydale	74	43	45	116	278
Cotati	60	34	39	101	234
Healdsburg	190	107	49	128	476
Petaluma	499	288	313	810	1,910
Rohnert Park	399	230	265	686	1,580
Santa Rosa	1,218	701	771	1,995	4,685
Sebastopol	55	31	35	92	213
Sonoma	83	48	50	130	311
Unincorporated Sonoma	1,036	596	627	1,622	3,881
Windsor	385	222	108	279	994



**Nearby Developments – Under Construction, Approved and Pending**

Many of the new or approved developments were noted in 3.14.1, Land Resources, but not sufficiently. The scope of development is alarming, and potentially catastrophic, when combined with the demands the Oklahoma Chickasaw will put on all our resources and safety.

On Shiloh Road alone, approximately 307 new multifamily units are nearly complete – Shiloh Crossing with 173 units, and Shiloh Terrace with 134 units, as shown by these recent photos.



Shiloh Terrace at the corner of Shiloh Road and Old Redwood Highway



More development on Shiloh Road, right behind Home Depot to the west – Shiloh Crossing.

Below is an excerpt from the July 2024 Town of Windsor Community Development Department list of approved and pending new housing/business projects. The BIA’s EIS has failed to adequately consider the impact of this massive, planned growth on the Oklahoma Chickasaw Project, let alone additional future community development not on this list yet. This continued development will be ongoing for many years.

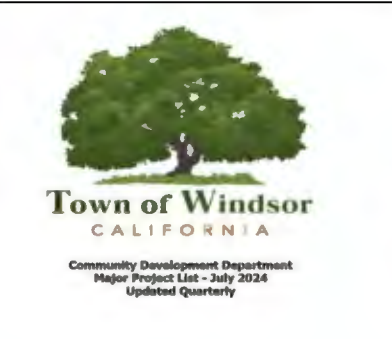
One cannot simply take a look at a single slice of time without an eye to the future when planning to build an extremely large resort/casino operation.

This included an approved new building at 376 E. Shiloh Road – **Clearwater at Windsor**; a large senior care facility with 246 rooms for **Memory Care, Assisted Living and Independent Living** residents and a wide range of support buildings for residential care, service, and visitors. It was only noted in the EIS.

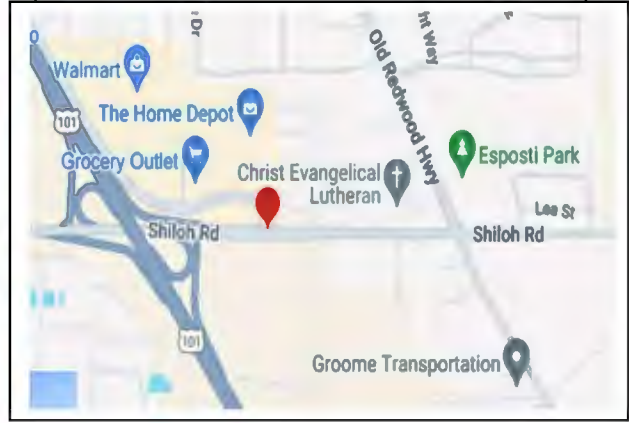
These residents, by definition, require additional care in both their daily lives, and during emergencies. for all activities – including emergency and wildfire evacuation. The EIS (Land Resources 3.14.1) notes Clearwater, but without adequate analysis of the Project’s impact on Clearwater operations and needs, especially during emergencies. **I request the BIA account for the Project’s impact on Clearwater in particular.**

Table of Contents	
<b>Under Construction Projects</b>	
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Pleasant View - Residential	
BoDean Company - Commercial	
Windsor Hotel - Commercial	



**Clearwater at Windsor. Memory Care, Assisted Living, Independent Living.** Approved to be built at 376 Shiloh Road; 246 rooms and numerous buildings designed to support this new senior community.



There are also 30 new hotels approved or pending for Sonoma County.  
(Source: Press Democrat, August 19, 2024)

This includes 15 new hotels slated for Santa Rosa, Healdsburg and Windsor – the towns nearest to the Project site.

The EIS does not take the impact of all this additional development into its analysis as it should. *Instead it looks at a more static environment where the Project is really the only key development to consider. There is no “eye” to the future where development from all sides of Sonoma County will begin to impinge on our needs for safe evacuation, clean air, water, and infrastructure expansion, and what that would mean if the Project was built.*

### 95 local hotel projects on the drawing board

**Napa County (35 projects):** 22 in Napa; seven in St. Helena; two in American Canyon; two in Calistoga; one in Pope Valley; one in Yountville

**Sonoma County (30):** nine in Santa Rosa; six in Healdsburg; three in Petaluma; three in Rohnert Park; three in Sonoma; one in Geyserville; one in Guerneville; one in Kenwood; one in Sea Ranch; one in Sebastopol; one in Windsor

**Solano County (11):** four in Vacaville; three in Fairfield; two in Vallejo; one in Dixon; one on Mare Island

**Lake County (eight):** four in Lakeport; three in Clearlake; one in Middletown

**Marin County (eight):** three in Novato; three in San Rafael; one in Corte Madera; one in Mill Valley

**Mendocino County (three):** two in Fort Bragg; one in Ukiah

Source: Atlas Hospitality Group, California Hotel Development Survey 2024 midyear

### EIS LACK OF RESEARCH – IMPACT ON SENIOR LIVING COMMUNITIES

There are also several senior-only mobile home parks - nearly 800 units -- within 3 miles of the Project, including Mobile Home Estates, which borders the Project property line, Colonial Park Mobile Homes, directly south of the Project and Windsor Mobile Country Club, northwest of the Project site. **The impact on these special need communities is not addressed by the EIS, which I request be done in-depth.**

### PAYING FOR INFRASTRUCTURE AND SOCIAL SERVICE IMPROVEMENTS

Federal law makes it clear that the Oklahoma Chickasaw will not be required to fund road, flood and wildfire containment and evacuation “improvements”, or contribute to Project staff needs for housing, medical, emergency, social service, or other requirements; or similar needs for visiting guests.

Who would pay for Highway 101, Shiloh Road, Sonoma Airport and other road improvements which should be done before the Project’s completion? Who would pay for required hospital and medical support the up to 57,000 daily visitors would require? What would all this cost taxpayers and how long would it take to ramp up all these services and road improvements that would be desperately needed?

The physical and economic impact of bond and tax needs on Sonoma County residents would be enormous as vast changes would be needed to deal with up to 57,000 additional daily visitors and Project staff. Where in the EIS are detail plans address all this?

Here is the relevant federal law link regarding tribal funding requirements, or the lack thereof:

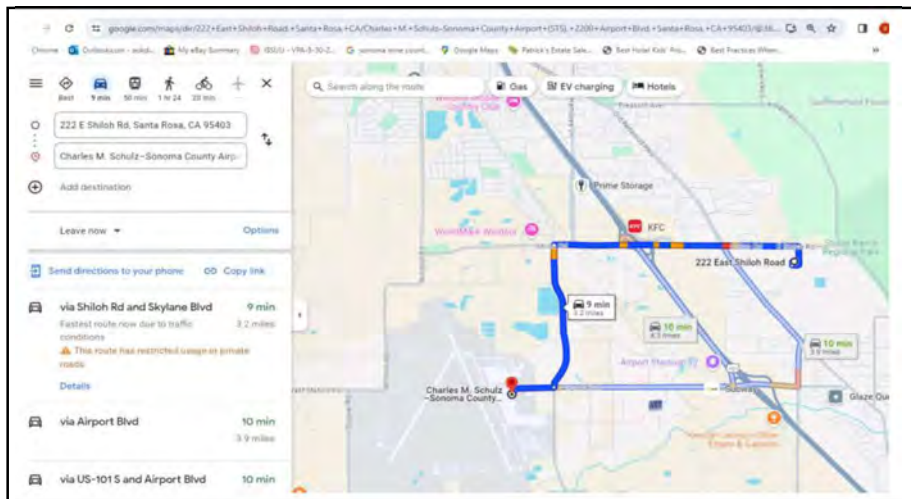
<https://www.ecfr.gov/current/title-25/chapter-I/subchapter-N/part-293>

### IMPACT ON AIR QUALITY, NOISE POLLUTION AND AIR TRAVEL VIA SONOMA COUNTY AIRPORT (STS)

Sonoma County residents already struggle with air quality and noise pollution caused by the growth of our STS regional airport. Demand for air travel via STS will skyrocket when up to 57,000 daily Shiloh visitors enter the mix. Air and noise pollution from low flying commercial aircraft will worsen. The EIS fails to consider the true impact this will have on the community.

Moreover, the ability for area residents to actually use STS will decline sharply as many of those 57,000 casino visitors compete with local residents for seats on crowded planes. Residents and businesses value the ability to fly directly into and out of Sonoma County versus being required to drive to San Francisco (SFO), Oakland (OAK), San Jose (SJC) or Sacramento (SMF) in order to access air travel.

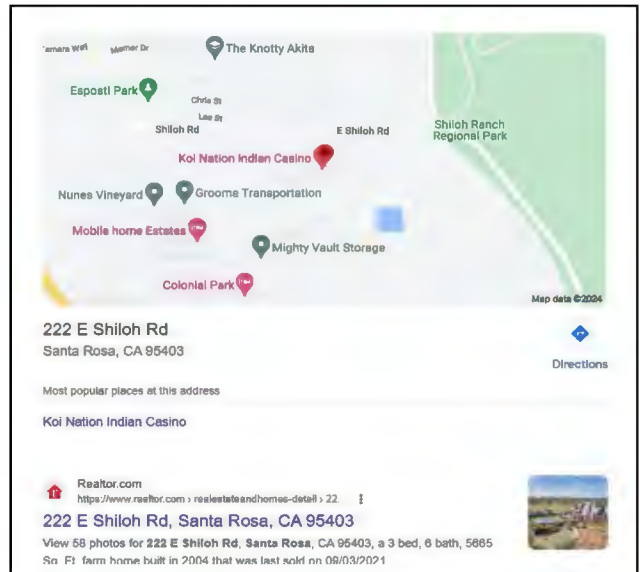
The STS airport would be about four miles from the Shiloh Resort & Casino, as you can see from the map below. This will also drastically increase road traffic, air, and noise pollution. It would also require significant roadway expansion and improvement – to be paid for by Sonoma County taxpayers, not the Oklahoma Chickasaw.



**GREAT CONFUSION AMONGST SONOMA COUNTY RESIDENTS AS TO WHERE THE PROJECT WILL BE BUILT, WHICH MEANS THE PUBLIC ZOOMS ARE NOT REALLY SOLICITING ADEQUATE COMMUNITY INPUT.**

There is also great confusion within the community as to where the Project will even be built. This confusion needs clarification so the wider community can weigh in before final decisions are made.

While many think it will be located within the Town of Windsor, it is actually going to be located in unincorporated Sonoma County, within the Larkfield-Wikiup area with A SANTA ROSA STREET ADDRESS. The Press Democrat and others have mistakenly misled the community and therefore **the BIA needs to allow for more discussion with the wider Sonoma County audience before moving forward.**



### Federal hearing on proposed Koi Nation casino near Windsor draws scores of detractors

The Koi Nation's proposed gaming resort led to a federal hearing Wednesday that exposed a sharp divide over the project. | 38

SLIDE 2 OF 8  
Residents of the Oak Park subdivision, north of Shiloh Road, near Old Redwood Highway, have placed signs opposing the proposed casino resort, which would be built south of Shiloh Road, on Thursday, Sept. 28, 2023. (Christopher Chung/The Press Democrat)

### Federal hearing on proposed Koi Nation casino near Windsor draws scores of detractors

The Koi Nation's proposed gaming resort led to a federal hearing Wednesday that exposed a sharp divide over the project. | 38

SLIDE 1 OF 8  
Nina Coté, left, Don Zision, and Lynn Darst are among the residents of a neighborhood adjacent to a proposed casino resort opposing the project, along Shiloh Road, on Thursday, Sept. 28, 2023. (Christopher Chung/The Press Democrat)

## SUPPORTING NATIVE TRIBES

Section ES.2 of the EIS discusses the proposed Project with respect to achieving tribal goals of Self-Sufficiency, Self-determination and Economic Development. But it is not really the Koi Nation that would get these benefits from this Project – that would develop skills in Self-Sufficiency, Self-determination and Economic Development. It is the Oklahoma Chickasaw that is the real beneficiary and therefore the EIS is flawed at the get-go. A tribe from a Southwestern US State.

I come to this conclusion because it has been reported that is the Oklahoma Chickasaw would **fund, build and manage** this entire Project. Not the tiny 90 member Koi Tribe. It is the Chickasaw that is infusing \$600 million into this Project, not the Koi. It appears this Oklahoma based tribe is simply using the Koi tribe to get a resort/casino in our county they will own and profit from.

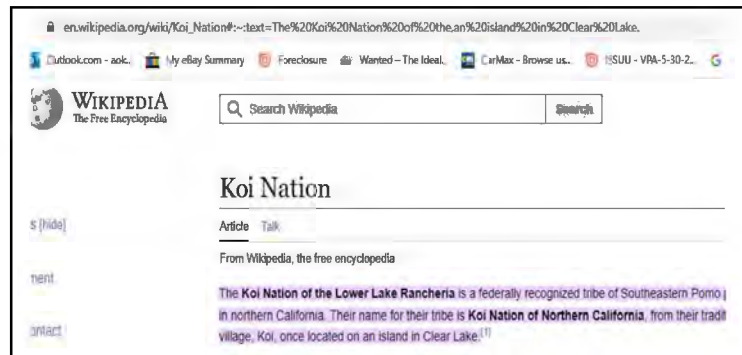
## KOI NATION IS INDIGENOUS TO LAKE NOT SONOMA COUNTY

It is clear that the Koi Nation are indigenous to Lake not Sonoma County and therefore have no significant historical connection or inherent rights to build the Project anywhere in Sonoma County. Their website acknowledges their historical roots exist in Lake County not Sonoma. The community, including legitimate Sonoma Tribes argue the Koi ancestors lived 50 miles away in Lake County.

In Clearlake, the Koi are embattled in legal challenges against the city for proposed park and road projects, further strengthening the reality that the Koi are not from Sonoma County. The Clearlake City Council is currently defending itself against legal challenges from the Koi involving major park and road projects. The tribe is suing to stop land development. (Lake County News, October 20, 2023)

Yet in 2021, the Koi Nation purchased 68 acres in Sonoma County at 222 E. Shiloh Road, Windsor, for \$12.3 Million. They did not have approval to build the casino before this purchase and are now requesting permission. Is this a version of "It's easier to ask forgiveness than it is to get permission"? Why buy the land first? To make it hard for the BIA to say "no"?

***So, which is it? Is the Koi Nation indigenous to Sonoma County? Lake County?***





## LARGE CASINOS ALREADY EXIST IN SONOMA COUNTY ARE ALREADY HAVING PROBLEMS COMPETING

By building the Project, one of the biggest resort/casinos in California, Sonoma County will become the Las Vegas of California. Forever changing our cherished rural landscape and sense of community, while creating new crime and safety challenges, and contributing to transportation gridlock for all.

Graton Casino, just 14 miles or 20 minutes away from the Project site. It is currently completing a \$1 Billion expansion, adding a new 400-room hotel, pool and spa, plus additional gaming, space, parking, and other amenities. This major resort/casino is getting even bigger.

Moreover, on March 1, 2023, Sonoma County Supervisors approved the Dry Creek Rancheria Band of Pomo Indians new River Rock resort and casino in nearby Geyserville. (Rendering Below.) This is only 18 miles or 30 minutes north of the Project site. (Twin Pine Casino & Hotel in Middleton, Lake County, is also just one hour by car from the Project site.)



Why are they tearing down their existing facilities to build a bigger new luxury resort and casino? During the approval process they argued that **business slowed significantly** after Graton opened. They were granted permission for a complete rebuild as **they need it to compete** and not go out of business.

This suggests that Sonoma County cannot sustain three massive casinos requiring high revenue targets to remain viable. If this turns out to be the case, it will lead to owner neglect as operating funds diminish. Sonoma County taxpayers may in the end need to step in with taxpayer monies watch over the property if they go bankrupt.

The Dry Creek Rancheria Band of Pomo Indians also plan to build a large casino near Petaluma. They have delayed it until 2032, but are still planning to build it.

Sonoma County residents do not need **three** massive Las Vegas style casinos within a 32-mile radius of each other with a fourth planned near Petaluma. The EIS fails to address the economic impact of having several mega resort/casinos within a short distance from another, and their ability to bring in enough profit to survive. **I request the BIA analyze this issue.**

## ALREADY STRESSED WILDFIRE EVACUATION ROUTES

The Project would clearly hamper wildfire evacuations as evacuees travel west on narrow roads to get to Highway 101, or via other routes. It is also unrealistic in my view to expect casino employees to risk their lives trying to evacuate patrons as the road traffic quickly comes to a standstill and a death trap.

## SUMMARY

The EIS fails to adequately answer many of the real concerns the community and native Sonoma County tribes have about the Project. This includes, but is not limited to, new planned housing and commercial growth, needs of nearby senior citizens, requirements under the SGWA, fire risk, casino overdevelopment, and public funding and support requirements.

The EIS looks at things through a “static lens” where future developments and requirements are not fully baked into the analysis.

I urge you to deny the Koi Nation Shiloh Resort & Casino in any form **anywhere in Sonoma County**, or to conduct additional research based on the information contained in this Comment and other testimony you’ve received.

Sincerely,

*Anne Gray*

Anne Gray  
Santa Rosa

**From:** John Andres <motorcityphotography@yahoo.com>  
**Sent:** Sunday, August 25, 2024 2:36 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] DEIS Comments, Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing this message to you to voice my opposition to the proposed casino project. I presently live less than one mile away from the site and am concerned that such a project would present a number of problems to those individuals who have established homes in the area. I imagine that by now you already have heard most of these concerns from others. The following list are the most important to me and my family;

- 1) Traffic congestion issues, especially during wildfire evacuations
- 2) Water usage
- 3) Crime related issues
- 4) Strain on present sewer capacity ie: solid waste increase
- 5) Negative effect upon the environment ie: quality of air
- 6) Negative effect upon the lives of those living across the street w/ possible decrease in housing values

It was my understanding that tribes were required to initiate projects on or near their ancestral lands. I understand the Koi's proposed site is not one of them.

Thank You,

John R. Andres  
5433 Berrybrook Court  
Santa Rosa, Calif. 95403

**From:** Arthur Young <ayoung28@icloud.com>  
**Sent:** Sunday, August 25, 2024 3:14 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr Broussard,

My name is Arthur Young

Please do not allow the Koi Nation to build a Resort and Casino along Shiloh Road in Windsor CA. As someone who hikes frequently the local Shiloh Ranch Regional Park, the addition of yet another Casino in Sonoma County makes no sense. A casino in that area will further disturb the natural landscape, adding more traffic and human activity that negatively impacts local resources. From my understanding the Koi Nation originally came from Lake county and should be allowed to build a casino on their historical lands in Lake County. While I understand they have been trying to establish a casino for some time, this location is not the right spot. I've regularly seen signs from local neighbors along Shiloh road voicing their opposition. Please take community viewpoints into consideration for your decision.

Thank you for your time,  
Arthur Young

**From:** Lesley Van Dordrecht <lesleyvan77@gmail.com>  
**Sent:** Sunday, August 25, 2024 3:45 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Cc:** Mike Van Dordrecht <mdnitemike@aol.com>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

My name is Lesley Van Dordrecht, and my husband is Machiel Van Dordrecht. We are residents and owners of 411 Candlelight Drive, Santa Rosa, CA 95403. We are writing to oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land for a hotel and casino gaming project funded and managed by the Chickasaw Nation.

We support the local, indigenous tribes here. This project is not right for Sonoma County. The DEIS does not adequately address significant impacts this project will have on the "off reservation" surrounding neighborhoods if approved.

The concerns we and our neighbors have about this project's negative impact on water supply and wastewater, wildfire evacuation, traffic, noise, and crime have been well-stated by many in our neighborhoods between Shiloh Rd. and Mark West Springs Road, both in writing and at the public hearings we have attended. We do not repeat them here, but we refer to them and agree with them.

We moved here from Coffey Park in 2018, after our home of 30 years was destroyed in less than an hour in the wee hours of the morning by a high-wind-driven firestorm during the Tubbs Fire on October 9, 2017. Our current Larkfield neighborhood and the whole area north of Santa Rosa has been an oasis for us, a place of healing. The vineyards in question are a beautiful agricultural and green buffer between the Mark West Area and Windsor. We often have driven around them to lull our grandchildren to sleep while babysitting. It never fails to feed our souls.

The prospect of competing with casino guests in an emergency wildfire evacuation onto Old Redwood Highway and our onramps to Highway 101 are truly terrifying to us. We well remember the traffic jam of cars trying to get out of our area of Coffey Park at 2:40 am on October 9, 2017. We remember wondering if we would be able to climb the SmartTrain track fence if the fire closed in on my car! You think it would be easy to evacuate all the casino guest and employee's extra cars in an emergency? We can guarantee it would not!

We are also concerned for the children who attend San Miguel School in the impacted area. I, Lesley, taught for 25 years in the same district, Mark West, and know these families do NOT want this casino in their area. I had parents in my class from the Lytton Rancheria and we have friends in the Graton Rancheria and they all are opposed to this project. They loved our school district and worked tirelessly to make our school a better place of learning. If this project were appropriate, they would be on board. But this project stretches the "restored lands" exception way beyond its legal limits.

In closing, we repeat that we support the local, indigenous tribes in our area. This project is not right for Sonoma County. The only way to avoid significant environmental impacts is for the BIA to approve the environmentally preferred "no project" alternative D in the DEIS.

Please listen to the heartfelt concerns of residents who care about indigenous rights, environmental impact, AND the unity and safety of our area.

Sincerely,

Lesley and Mike Van Dordrecht  
411 Candlelight Drive  
Santa Rosa, CA 95403

[lesleyvan77@gmail.com](mailto:lesleyvan77@gmail.com)

[mdnitemike@aol.com](mailto:mdnitemike@aol.com)

**From:** Mark Hauser <[mark.hauser@gmail.com](mailto:mark.hauser@gmail.com)>  
**Sent:** Sunday, August 25, 2024 4:07 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Sirs,

Attached are my feedback on the EIS for the proposed casino.

There are two attachments:

1. a summary of my feedback
2. an annotated copy of the EIS, with my feedback clearly identified in yellow.

I sincerely offer my thanks if you review my feedback. It is a contentious project & I don't want to see it rammed in over considerable project issues and pushback from the community.

Mark Hauser  
[mark.hauser@gmail.com](mailto:mark.hauser@gmail.com)  
236 Lea St, Windsor, CA 95492

I292-1

Comments on EIS Comments, Koi Nation Shiloh Resort and Casino

Sirs;

I want to provide feedback on the proposed casino.

**I support Alternative D. I strongly object to Alternatives A & B.**

**Attached is** the EIS pdf, with my comments in yellow. I did not make it all the way through the 278 pages. You will see in the marked up EIS my comments as I read the document (in yellow). Overall I found it to be biased to proceeding & weak to assessment of impacts. Apologies for some of my sarcasm in my comments.

I292-1  
cont.

Here is a sort of summary of my feedback:

- The EIS assessment seems to be assembled by someone hired by the **Koi Nation** to make their project seem innocuous. This is a prime focus of Acorn Environmental, correct? **“Acorn Environmental staff specialize in supporting Tribal Government...”**
- The impact analysis language uses “...the use of BMPs would minimize...” over and over again. “minimize” does not mean eliminate. This language assumes the project is proceeding & we will do the best we can. It is not an **evaluation of the impact. The impact is hidden behind LS & PS. It is deceiving** in that it does not address the impact.

This approach is used over and over in the EIS. Again, I find it deceiving and trying to paint the impacts in the best light. I would like to see the water agencies in the county to assess if they think this no problem.

I292-2

**Then the mitigation when the problems (water, crime, emergencies)** is to meet with the responsible agencies. The facility is already built, let’s figure out how to deal with it. No, this EIS should be addressing whether it should be build, not to minimize with BMPs & agency meetings.

- I am deeply troubled by the conclusion there is basically no impact to pumping the needed water from groundwater, like it is free & unlimited. This is a known problem to human’s approach to groundwater in California & is being addressed in the Valley. It make no sense that this approach is without consequence in Sonoma County.
- An onsite wastewater treatment plant is assessed without significant impact. No smells, no storm runoff issues, no plant failure impacts. I find the assessment incomplete.
- Property value impacts will be significant in a range around the proposed casino. Clearly within a 3 mile range there is large impact. I suggest it is already have impact in nearby residences.
- I believe the EIS significantly **underestimates** Crime & Drunk driving. The proposed **mitigations** do no make the real impacts go away. A policy does not fix drunk driving.
- The **Existing Tribal Casino Gaming Market Substitution Effects is almost a joke. It “could” reduce revenues at existing tribal casinos.** Really? Could. No, the assessment should be how much, which is going to be major. This casino is not going to generate new business above & beyond the two casinos we already have.

I292-3

I292-4

I292-5

I292-6

I292-7



The worst part is it seems the only measure is whether it will cause closure (“...it is unlikely that **competition would cause the closure of any affected gaming facilities...**”). That is a ridiculous gauge of the impact.

I292-7  
cont.

24.24% **revenue reduction at River Rock**...due to *unverifiable allegations*... This is not the language of a independent assessment. And what about the Graton casino?

- The project **traffic impact** is brushed over. Widening **the intersection is hardly going to make the** problem go away. 5000 car parking is a lot of cars coming & going.
- Land Use **Compatibility** – “The project **alternatives could conflict with neighboring** land uses, **including residential uses and parks**”. Could! Could! Blatant whitewashing.

I292-8

I292-9

Mark Hauser  
236 Lea Street, Windsor CA 95492  
mark.hauser@gmail.com

# DRAFT ENVIRONMENTAL IMPACT STATEMENT



## Koi Nation of Northern California Shiloh Resort and Casino Project Sonoma County, California | May 2024

### **Lead Agency:**

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



### **Cooperating Agencies:**

National Indian Gaming Commission  
U.S. Environmental Protection Agency

# DRAFT ENVIRONMENTAL IMPACT STATEMENT

## Koi Nation of Northern California Shiloh Resort and Casino Project

Sonoma County, California | May 2024

### **Lead Agency:**

Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825  
916.978.6000



### **Prepared By:**

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**ENVIRONMENTAL IMPACT STATEMENT**  
**For the Koi Nation of Northern California Shiloh Resort and Casino Project**  
**Fee-to-Trust Acquisition of 68.6-Acre Property in Sonoma County, California**

**Lead Agency:** U.S. Department of the Interior, Bureau of Indian Affairs

**Cooperating Agencies:** U.S. Environmental Protection Agency  
National Indian Gaming Commission

**Document Status:** Draft ( X ) Final ( )

**Abstract:** This Environmental Impact Statement (EIS) has been prepared pursuant to the National Environmental Policy Act (NEPA) to assess the environmental effects resulting from the Koi Nation of Northern California's (Koi Nation; Tribe) Shiloh Resort and Casino Project, which includes the acquisition by the U.S. Bureau of Indian Affairs (BIA) of a 68.6-acre property in unincorporated Sonoma County, California, into federal trust status for the benefit of the Tribe for gaming purposes (Proposed Action). The EIS identifies potentially significant impacts resulting from the Proposed Action associated with the following issues: groundwater resources, biological resources, cultural resources, public services, traffic noise, traffic circulation, wildfire hazards, and wildfire evacuation. All potentially significant impacts would be minimized or avoided with recommended mitigation measures.

**Comments on Draft Environmental Impact Statement are due to the BIA 45 days from the date the EPA publishes its Notice of Availability in the Federal Register.**

**Lead Agency Contact:** **Chad Broussard, Environmental Protection Specialist**  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825  
(916) 978-6165; email: chad.broussard@bia.gov

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# Executive Summary

## Shiloh Resort and Casino

### ES.1 INTRODUCTION

This Environmental Impact Statement (EIS) has been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) to assess the environmental effects resulting from the Koi Nation of Northern California's (Koi Nation; Tribe) Shiloh Resort and Casino Project, which includes the acquisition by the U.S. Bureau of Indian Affairs (BIA) of a 68.6-acre property in unincorporated Sonoma County, California, into federal trust status for the benefit of the Tribe for gaming purposes (Proposed Action). For the purpose of this EIS, the BIA serves as the Lead Agency for compliance with NEPA, with the U.S. Environmental Protection Agency (EPA) and the National Indian Gaming Commission (NIGC) serving as Cooperating Agencies.

### ES.2 PURPOSE AND NEED FOR PROPOSED ACTION

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

### ES.3 SUMMARY OF THE PROPOSED ACTION AND ALTERNATIVES

This document describes and analyzes three development alternatives and the No Action/No Development Alternative, which are described in detail in **Section 2** and are summarized below. Other alternatives were considered and rejected; these alternatives are described in the Scoping Report completed in September 2022, which is available online at <https://www.shilohresortenvironmental.com/>, and the Supplemental Scoping Report included in Appendix A-2. The alternatives analyzed in this EIS vary in the degree to which they meet the purpose and need of the Tribe and the BIA. The Executive Summary Table (**Table ES-1** below) summarizes potential effects to each environmental issue area from each alternative, mitigation measures to avoid or minimize impacts, and levels of significance for each environmental impact.

#### Alternative A – Proposed Project

Alternative A, the Proposed Project, includes the transfer of the 68.6-acre Project Site into federal trust status for the benefit of the Tribe for gaming purposes. The Project Site is located southeast of the intersection of Old Redwood Highway and Shiloh Road, adjacent to the southern boundary of the Town of Windsor. Subsequent to the fee-to-trust transfer, the Tribe proposes to develop a casino-resort facility that includes a three-story casino, five-story hotel with spa and pool area, ballroom/meeting space, event

center, and associated parking and infrastructure. The gaming component of the facility would be approximately 538,137 square feet and include 2,750 gaming devices with 105 table games. The hotel component of the facility would be approximately 268,930 square feet and consist of 400 rooms. Approximately 5,119 parking spaces would be provided on the ground floor of the casino, as well as in a four-story parking garage and a overflow surface parking lot on the eastern side of Pruitt Creek. An enclosed clear-span pedestrian bridge would connect the parking garage with the casino-resort approximately 12 feet above Pruitt Creek. Other supporting infrastructure, including the proposed water treatment and wastewater treatment facilities would be located on the southeastern portion of the Project Site.

### **Alternative B – Reduced Intensity Alternative**

Alternative B would involve the same federal action as Alternative A; however, a smaller casino-resort facility would be developed. Specifically, the hotel component would be three stories and contain 200 rooms and the large ballroom, the event center, and the surface parking lot would not be developed.

### **Alternative C – Non-Gaming Alternative**

Alternative C would involve the same federal action as Alternative A; however, the Tribe would develop a 25,000-square-foot winery and visitor’s center, a 200-room hotel with spa and pool area, a restaurant, and associated parking and infrastructure. This alternative does not include gaming. Approximately 492 parking spaces would be provided a paved surface parking lot on the western side of Pruitt Creek.

### **Alternative D – No Action Alternative**

Under the No Action Alternative, the BIA would not take any action, and none of the three development alternatives (Alternatives A, B, and C) considered within this EIS would be implemented. The No Action Alternative assumes that no land would be taken into trust and the existing agricultural use of the Project Site as a vineyard would continue for the foreseeable future. Pursuant to 40 CFR § 1502.14(f), Alternative D was determined to be the environmentally preferred alternative.

## **ES.4 ISSUES AND COMMENTS**

The BIA conducted scoping to solicit input from the public and agencies regarding the scope of the NEPA analysis. A Notice of Preparation (NOP) of an Environmental Assessment (EA) announcing a 30-day scoping comment period was circulated for review on May 27, 2022, and the results were made available in a scoping report dated September 2022. An EA was prepared and made available for public comment for a 45-day period, which was then extended for an additional 15-day period that concluded on November 13, 2023. Upon consideration of the comments received on the EA, the BIA decided to prepare an Environmental Impact Statement (EIS) to further analyze the environmental effects of the Proposed Action. Comments received during the EA public comment period are now considered scoping comments for the EIS and are included in **Appendix A-2**, Supplemental Scoping Report.

The BIA published a Notice of Intent (NOI) in the Federal Register on March 8, 2024, describing the Proposed Action, and announcing the BIA’s intent to prepare an EIS. A 30-day comment period began on March 8, 2024, and ended on April 8, 2024. Issues raised during scoping, public review of the EA, and scoping comments received in response to the NOI generally fell into the following categories:

- Alternatives and Purpose and Need
- Geology and Soils
- Water Resources
- Air Quality
- Biological Resources
- Cultural and Paleontological Resources
- Socioeconomic and Environmental Justice
- Transportation
- Land Use
- Public Services
- Noise
- Hazardous Materials
- Aesthetics
- Cumulative Impacts
- Procedural and Non-EIS Issues

To the extent required by NEPA, this EIS was prepared in consideration of issues and concerns identified during the scoping process. A summary that identifies all alternatives, information, and analyses submitted during the scoping process is provided in the September 2022 Scoping Report, which is incorporated by reference and available at <http://www.shilohresortenvironmental.com/>, as well as **Appendix A-2**. Through the issuance of this Draft EIS, the BIA invites comments on the summary of the alternatives, issues and analyses raised during scoping.

## ES.5 SUMMARY MATRIX

Potential adverse and beneficial effects as well as mitigation measures relevant to each alternative are presented below in **Table ES-1**. For a detailed discussion of environmental consequences and mitigation measures, see **Sections 3** and **4**.

**Table ES-1: Summary of Impacts and Mitigation Measures**

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
<b>Section 3.2. Land Resources</b>					
<b>Topography</b> – Development could result in changes to site topography from grading activities	No mitigation required.	LS	LS	LS	NI
<b>Seismic Conditions</b> – Construction near an active fault could yield adverse effects associated with seismic activity	The use of BMPs would minimize impacts related to seismic conditions. No mitigation required.	LS	LS	LS	NI
<b>Soil Characteristics</b> – Construction and grading activities could cause soil erosion	The use of BMPs would minimize impacts related to soil erosion. No mitigation required.	LS	LS	LS	NI
<b>Mineral Resources</b> – No known mineral resources would be impacted	No mitigation required.	NI	NI	NI	NI
<b>Section 3.3. Water Resources</b>					
<b>Surface Water</b> – Impacts related to surface water could include:					
1) <b>Construction Impacts</b> – Construction activities could increase the discharge of sediment and pollutants to surface waters	The use of BMPs would minimize impacts related to surface water quality during construction. No mitigation required.	LS	LS	LS	NI
2) <b>Stormwater Runoff</b> – Project alternatives could alter stormwater quantity, quality, and/or drainage patterns	The use of BMPs would minimize impacts related to stormwater runoff during operation. <b>No mitigation required.</b>	LS	LS	LS	NI
3) <b>Floodplain</b> – Development within a floodplain could cause adverse impacts due to inundation.	Building components intentionally sited outside of regulatory floodway. Any earthwork within floodplain would be balanced to prevent impacts to regulatory floodway. No mitigation required.	LS	LS	LS	NI

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation				
		Alternative A	Alternative B	Alternative C	Alternative D	
<p><b>Groundwater</b> – The following characteristics of groundwater resources could be impacted by the project alternatives:</p>		<div style="border: 2px solid red; background-color: yellow; padding: 5px; display: inline-block;"> <p>How is there no impact?</p> </div>				
<p>1) <b>Groundwater Supply</b> – The project alternatives could result in the drawdown of groundwater aquifers</p>	<p>The use of BMPs would minimize impacts to groundwater supply. <b>No mitigation required.</b></p>	No	LS	LS	LS	NI
<p>2) <b>Groundwater Recharge</b> – The project alternatives could impact groundwater recharge through the development of impervious surfaces.</p>	<p>The use of BMPs would minimize impacts to groundwater recharge. <b>No mitigation required.</b></p>	No	LS	LS	LS	NI
<p>3) <b>Groundwater Quality</b> – Impacts to groundwater quality could occur as a result of polluted stormwater runoff, or irrigation with tertiary treated water.</p>	<p>The use of BMPs would minimize impacts to groundwater quality. <b>No mitigation required.</b></p>	No	LS	LS	LS	NI
<p><b>Wastewater Treatment and Disposal</b> – Wastewater generated by project alternatives would be treated at a proposed onsite wastewater treatment plant (WWTP) and either be reused onsite, discharged to Pruitt Creek under an NPDES permit, or beneficially reused for irrigation of offsite agricultural areas or landscaping.</p>	<p>Compliance with regulatory standards and permits would ensure this impact is <b>less than significant</b>. No mitigation required.</p>		LS	LS	LS	NI
<p><b>Section 3.4. Air Quality</b></p>						
<p><b>Construction Emissions</b> – Construction activities could adversely affect air quality through the emission of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), reactive organic gases (ROG), greenhouse gases (GHGs), and hazardous air</p>	<p>The use of BMPs would minimize impacts to air quality caused by construction emissions. <b>No mitigation required.</b></p>		LS	LS	LS	NI
<p>NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact</p>						

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
pollutants (HAPs; primarily in the form of diesel particulate matter [DPM])					
<b>Operational Vehicle and Area Emissions</b> – Project alternatives could adversely affect air quality through the emission of criteria pollutants from vehicles and project facilities	The use of BMPs would minimize impacts to air quality caused by operational vehicle and area emissions. No mitigation required.	LS	LS	LS	NI
<b>Hazardous Air Pollutants</b> – Construction and operational activities associated with project alternatives would result in emissions of diesel particulate matter, however they would not be of a level or distance to sensitive receptors that would result in adverse effects.	No mitigation required.	LS	LS	LS	NI
<b>Odors</b> – Construction equipment could produce odors, but they would disperse rapidly and would not cause significant effects. The WWTP could result in the production of odors even with the inclusion of odor-reducing equipment and indoor facilities.	The use of BMPs to site the WWTP as far as feasible from sensitive receptors will minimize the potential for odor impacts. No mitigation required.	LS	LS	LS	NI
<b>Indoor Air Quality</b> – Low indoor air quality would not occur because the project alternatives would be constructed consistent with the CBC and would be entirely smoke-free.	No mitigation required.	LS	LS	LS	NI
<b>Section 3.5. Biological Resources</b>	<b>Biological Resources Mitigation</b>				
<b>Potential Effects to Habitats</b> – Development of project alternatives could disturb the following federally-designated sensitive habitats or aquatic features:					
1) Intermittent Drainage (Pruitt Creek) and its associated Riparian Corridor	The following Mitigation Measures shall be implemented to Alternatives A through C to avoid and/or reduce impacts to the Riparian Corridor: <b>Mitigation Measure A:</b> Alterations to riparian vegetation shall be avoided to the maximum extent possible. The project footprint shall be established at the minimum size necessary to complete the work.	PS/LS	PS/LS	PS/LS	NI
NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact					



Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<p>Temporary setback areas shall be marked with fencing to protect the riparian zone and its function. Any disturbed riparian areas shall be replanted with native trees and shrubs.</p> <p><b>Mitigation Measure B:</b> A qualified biologist shall delineate an Environmentally Sensitive Area along Pruitt Creek. The contractor shall install high-visibility fence to prevent accidental incursion on the Environmentally Sensitive Area.</p> <p><b>Mitigation Measure C:</b> Staging areas, access routes, and total area of activity shall be limited to the minimum area necessary to achieve Project goals. Routes and boundaries shall be clearly marked and outside of the riparian area and create a buffer zone wide enough to support sediment and nutrient control and bank stabilization function.</p>				
2) Roadside Drainage Ditches and Seasonal Wetlands	<p>The following measures shall be implemented to minimize or avoid potential impacts to wetlands, Waters of the U.S., and special-status species:</p> <p><b>Mitigation Measure D:</b> Prior to the start of construction, wetlands and jurisdictional features shall be fenced, and excluded from activity. Fencing shall be located as far as feasible from the edge of wetlands and riparian habitats and installed prior to the dry season, after special-status species surveys have been conducted and prior to construction. The fencing shall remain in place until all construction activities on the site have been completed.</p> <p><b>Mitigation Measure E:</b> Ground disturbing activities, such as grading, clearing, and excavation, within 50 feet of any U.S. Army Corps of Engineers (USACE) jurisdictional features identified in the formal delineation process shall be conducted during the dry season (between June 15 and October 15) to minimize erosion. In the event of substantial, unseasonably high flow within Pruitt Creek on or after April 15, work shall be altered or stopped until flow ceases in the creek. Temporary stormwater Best Management Practices such as vegetative stabilization and linear sediment barriers shall be established between disturbed portions of the Project Site and Pruitt Creek to prevent sedimentation in the watercourse.</p>	PS/LS	PS/LS	PS/LS	NI

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<p><b>Mitigation Measure F:</b> Staging areas shall be located away from the areas of wetland habitat that are fenced off. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. with tarps, silt fences, or straw bales).</p> <p><b>Mitigation Measure G:</b> 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.</p> <p><b>Mitigation Measure H:</b> If impacts to Waters of the U.S. and wetland habitat are unavoidable, a 404 permit and 401 Certification under the Clean Water Act shall be obtained from the USACE and U.S. Environmental Protection Agency (USEPA). Mitigation measures may include creation or restoration of wetland habitats either on site or at an appropriate off-site location, or the purchase of approved credits in a wetland mitigation bank approved by the USACE. Compensatory mitigation shall occur at a minimum of 1:1 ratio or as required by the USACE and USEPA.</p> <p><b>Mitigation Measure I:</b> Consultation with the National Oceanic and Atmospheric Administration Fisheries for impacts to fish and essential fish habitat shall be conducted in accordance with Section 7 of the federal Endangered Species Act (FESA) and Magnuson-Stevens Act and any requirements resulting from that consultation shall be adhered to.</p>				
<p><b>Potential Effects to Federally Listed or Protected Special-Status Species</b> – The following special-status species could be impacted by the project alternatives:</p>					
1) Special-status fish species	<b>Biological Resources Mitigation Measures A through I</b> shall be implemented for Alternatives A through C.	PS/LS	PS/LS	PS/LS	NI

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
2) California red-legged frog (CRLF)	<p>The following mitigation measures, consistent with United States Fish and Wildlife Service (USFWS) Framework, shall be implemented for Alternatives A through C to avoid impacts to California red-legged frogs (CRLF):</p> <p><b>Mitigation Measure J:</b> A qualified biologist shall conduct a preconstruction habitat assessment survey for CRLF following Appendix D of the U.S. Fish and Wildlife Service [USFWS (2005)] Revised Guidance of Site Assessments and Field Surveys for the California Red-legged Frog. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the CRLF. The survey shall be conducted in all potential CRLF habitat on and within 200 feet of ground disturbance. If CRLF is detected within or immediately adjacent to the area of ground disturbance, the USFWS shall be contacted immediately to determine the best course of action.</p> <p><b>Mitigation Measure K:</b> Should CRLF be identified during surveys, additional silt fencing shall be installed after surveys have been completed to further protect this species from construction impacts, should it be present. The fencing shall remain in place until construction activities cease. If identified on site, USFWS shall be contacted for additional consultation.</p> <p><b>Mitigation Measure L:</b> Prior to the start of construction, the Tribe shall retain a qualified biologist to conduct an informational meeting to educate all construction staff on the CRLF. This training shall include a description of the CRLF and habitat needs; an explanation of the status of the species and protection under the FESA; and a list of the measures being taken to reduce effects to the species during project construction and implementation. The training shall include a handout containing training information. The project manager shall use this handout to train any additional construction personnel that were not in attendance at the first meeting, prior to starting work on the project.</p>	PS/LS	PS/LS	PS/LS	NI
3) Northwestern Pond Turtle (NWPT)	<p>The following measures shall be implemented to avoid impacts to northwestern pond turtle (NWPT):</p>	PS/LS	PS/LS	PS/LS	NI

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<p><b>Mitigation Measure M:</b> A qualified biologist shall conduct a preconstruction survey for NWPT along Pruitt Creek 24 hours prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the NWPT. The survey shall be conducted within 350 feet of the stretch of Pruitt Creek. If NWPT is detected within or immediately adjacent to the area of ground disturbance, the USFWS shall be contacted immediately to determine the best course of action.</p> <p><b>Mitigation Measure N:</b> Should NWPT be identified during surveys, additional silt fencing shall be installed after surveys have been completed to further protect this species from construction impacts. The fencing shall remain in place until construction activities cease</p>				
<b>Potential Effects to Critical Habitat and Essential Fish Habitat</b> – essential fish habitat could be impacted by the project alternatives	Implement <b>Biological Resources Mitigation Measures A through I</b> and follow BMPs.	PS/LS	PS/LS	PS/LS	NI
<b>Potential Effects to Migratory Birds and Other Birds of Prey</b> – The following elements of the project alternatives could impact migratory birds:					
1) <b>Construction Activities:</b> Active nests could be disturbed if construction occurred during the nesting season	<p>The following measures shall be implemented for Alternatives A through C to avoid and/or reduce impacts to any potentially nesting migratory, raptor, and/or special-status bird species:</p> <p><b>Mitigation Measure O:</b> Removal of vegetation and trimming or removal of trees shall occur outside the bird nesting season (February 1 to August 30) to the extent feasible.</p> <p><b>Mitigation Measure P:</b> If removal or trimming of vegetation and trees cannot avoid the bird nesting season, a qualified wildlife biologist shall conduct a pre-construction nesting survey within 7 days prior to the start of such activities or after any construction breaks of 14 days or more. Surveys shall be performed for the Project Site and suitable habitat within 250 feet of the Project Site in order to detect any active passerine (perching bird) nests and within 500 feet of the Project Site to identify any active raptor (bird of prey) nests.</p>	PS/LS	PS/LS	PS/LS	NI

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<p><b>Mitigation Measure Q:</b> If active nests are identified during the pre-construction bird nesting surveys, the wildlife biologist shall place species-and site-specific no-disturbance buffers around each nest. Buffer size would typically be between 50 and 250 feet for passerines and between 300 and 500 feet for raptors (birds of prey). These distances may be adjusted depending on the level of surrounding ambient activity (e.g., if the Project Site is adjacent to a road or community development) and if an obstruction, such as a building structure, is within line-of-sight between the nest and construction. For bird species that are federally and/or State-listed sensitive species (i.e., fully protected, endangered, threatened, species of special concern), a Project representative, supported by the wildlife biologist, shall consult with the USFWS and/or the California Department of Fish and Wildlife (CDFW) regarding modifying nest buffers. The following measures shall be implemented based on their determination:</p> <ul style="list-style-type: none"> <li>▪ If construction would occur outside of the no-disturbance buffer and is not likely to affect the active nest, the construction may proceed. However, the biologist shall be consulted to determine if changes in the location or magnitude of construction activities (e.g., blasting) could affect the nest. In this case, the following measure would apply:</li> <li>▪ If construction may affect the active nest, the biologist and a Project representative shall consult with USFWS and/or CDFW, dependent on regulatory status, to develop alternative actions such as modifying construction, monitoring of the nest during construction, or removing or relocating active nests.</li> </ul> <p><b>Mitigation Measure R:</b> Any birds that begin nesting within the Project Site and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and minimum work exclusion zones of 25 feet shall be established around active nests in these cases.</p> <p><b>Mitigation Measure S:</b> A qualified wildlife biologist shall conduct pre-construction burrowing owl surveys within 7 days prior to the start of such activities or after any construction breaks of 14 days or more.</p>				

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<p>Surveys shall be performed at known mammal burrows or areas with the potential for new mammal burrows, within 250 feet of the Project Site. Surveys shall be conducted between morning civil twilight and 10:00 AM or two hours before sunset until evening civil twilight to provide the highest detection probabilities.</p> <p><b>Mitigation Measure T:</b> If surveys identify evidence of western burrowing owls within 250 feet of the Project Site, the contractor shall:</p> <ul style="list-style-type: none"> <li>▪ Establish a 250-foot exclusion zone around the occupied burrow or nest, as directed by the qualified biologist.</li> <li>▪ Avoid the exclusion zone while the burrow is occupied.</li> <li>▪ Not resume construction activities within the 250-foot zone until the Project representative provides written Notice to Proceed based on the recommendation of the qualified biologist.</li> </ul> <p><b>Mitigation Measure U:</b> If avoidance of occupied burrows is not feasible during the September 1 to January 31 non-breeding season, construction may occur within 250 feet of the overwintering burrows as long as the contractor’s qualified biologist monitors the owls for at least 3 days prior to Project construction and during construction and finds no change in owl foraging behavior in response to construction activities. If there is any change in owl foraging behavior as a result of construction activities, activities shall cease within the 250-foot exclusion zone.</p> <p><b>Mitigation Measure V:</b> If destruction of occupied burrows is necessary, burrow exclusion can be conducted in accordance with the Staff Report on Burrowing Owl Mitigation</p>				
2) <b>Lighting:</b> Lighting could increase collisions of birds with structures or cause avian disorientation	Design BMPs will minimize the potential impacts of lighting to migratory birds.	LS	LS	LS	NI
<b>Potential Effects to State Listed Special-Status Species</b> – Coho salmon could be impacted by the project alternatives. This was addressed under “Federally Listed Special-Status Fish Species” above.	<b>Potential Effects to Wetlands and Waters of the U.S. Mitigation Measure I</b> shall be implemented for Alternatives A through C.	PS/LS	PS/LS	PS/LS	NI
<b>Section 3.6. Cultural and Paleontological Resources</b>					

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
<p><b>Cultural Resources</b> – Ground-disturbing activities could uncover and/or damage archaeological sites</p>	<p>The following mitigation measures shall be implemented for Alternatives A through C:</p> <p><b>Mitigation Measure A:</b> Any ground-disturbing activities that occur within 150 feet of Pruitt Creek or within 50 feet of areas identified by the Canine Field Survey as having an “alert” shall be monitored by a qualified archaeologist, Native American Tribal Monitor from Koi Nation, and/or a Native American Tribal Monitor or archeologist selected by interested Sonoma County tribes. An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, lead agency, and the project proponent. The program shall clearly define the authority to temporarily halt/redirect construction should resources be encountered.</p> <p><b>Mitigation Measure B:</b> In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR Part 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior’s qualifications (36 CFR Part 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA and other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist and project proponent, a BIA representative shall meet with the archaeologist or paleontologist and project proponent to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate avoidance measures or other mitigation.</p> <p><b>Mitigation Measure C:</b> If human remains are discovered during ground-disturbing activities a BIA representative shall be contacted immediately. No further disturbance shall occur until the BIA representative has made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is</p>	PS/LS	PS/LS	PS/LS	NI

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	responsible for recommending the appropriate disposition of the remains and any grave goods.				
<b>Paleontological Resources</b> – Paleontological resources could be uncovered and/or damaged by ground-disturbing activities	Implement <b>Mitigation Measures A</b> through <b>C</b> .	PS/LS	PS/LS	PS/LS	NI
<b>Section 3.7. Socioeconomic Conditions</b>					
<b>Economy and Employment</b> – construction and operation of the project alternatives could impact spending and labor demand in the region. Construction and operation of the project alternatives could impact wages, job availability, and/or employment rates.	No mitigation required	BI	BI	BI	NI
<b>Fiscal Impacts</b> – The project alternatives could adversely impact County and/or City tax revenues and operating budgets	<p>The following mitigation measures shall be implemented for Alternatives A through C to reduce impacts to police and fire services:</p> <p><b>Mitigation Measure A:</b> Prior to operation, the Tribe shall make <b>good faith efforts</b> to enter into a service agreement with the Sonoma County Sheriff’s Office (SCSO) to compensate SCSO for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services to the Project Site. The agreement shall include a provision requiring the Tribe to meet with SCSO at least once a year, if requested, to discuss ways to improve police services and prosecution of crimes associated with the project.</p> <p><b>Mitigation Measure B:</b> Prior to operation, the Tribe shall make <b>good faith efforts</b> to enter into a service agreement with the Sonoma County Fire District (SCFD) to compensate SCFD for quantifiable direct and indirect costs incurred in conjunction with providing fire protection and emergency medical services to the Project Site. The agreement shall address any required conditions and standards for emergency access and fire protection systems.</p> <p><b>Mitigation Measure C:</b> If the Tribe does not enter into a service agreement for law enforcement and/or fire protection services, the Tribe shall <b>establish, equip, and staff a public safety building on the Project Site</b>. The fire department shall follow the certification and</p>	PS/LS	PS/LS	PS/LS	NI
<p>NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact</p>					

appears to be up to Tribe. If they want their own police, then just "good faith" come to no agreement with SC Sheriff

I292-11



Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	standards of the BIA, and shall be staffed at all times with a minimum of 3 personnel, each trained as a firefighter and emergency medical technician. The building shall be located in the "treatment area" designated in the eastern portion of the Project Site.				
<b>Housing</b> – Employment-driven in-migration could cause or exacerbate housing supply issues	No mitigation required	LS	LS	LS	NI
<b>Property Values</b> – Development of the project alternatives could cause a reduction in regional property values	No mitigation required		LS	LS	NI
<b>Social Effects</b> – The following social impacts could result from operation of the project alternatives:					
1) <b>Pathological and Problem Gambling</b> – Operation of the project alternatives could increase the prevalence of problem or pathological gaming	The use of BMPs would minimize impacts and problem gambling. No mitigation required.	LS	LS	NI	NI
2) <b>Crime</b> – Operation of the project alternatives could increase the incidence of crime in the region	The use of BMPs and implementation of <b>Socioeconomic Conditions Mitigation Measure A</b> would minimize impacts related to increased crime.	PS/LS	PS/LS	NI	NI
3) <b>Drunk Driving</b> – Operation of the project alternatives could increase the incidence of drunk driving in the region	The use of BMPs and implementation of a "Responsible Alcoholic Beverage Policy" would reduce the likelihood of drunk driving. No mitigation required.	LS	LS	LS	NI
<b>Substitution Effects</b>					
1) <b>Existing Tribal Casino Gaming Market Substitution Effects</b> – Operation of the project alternatives could reduce revenues at existing tribal casinos. While review of similar case studies and market data suggests that it is unlikely that competition would cause the closure of any affected gaming facilities,	No mitigation feasible.	PS	PS	NI	NI
	NI = No Impact LS = Less				
		BI = Beneficial Impact			

Nearby property values will decrease. for at least 1 mile, up to 3 mile radius? It is not less than significant, unless you dilute the impact with a 30 mile(?) range. Alternatives A & B have much more impact than C.

A strong PS to S impact.

A "policy" is not going to reduce the impact to LS. PS is more like it.

Is "closure" the criteria? There will be a significant impact. The overall gaming volume is not going to increase to the volume of this new facility. Of course it will significantly impact the business of the two casinos we already have. So are they going to go aggressive marketing to get more people to gamble?

I292-12

I292-13

I292-14

I292-15

ES-15

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation				
		Alternative A	Alternative B	Alternative C	Alternative D	
due to unverifiable allegations that there is a potential for closure, the estimated substitution effect on River Rock Casino (24.24%) is considered a potentially significant impact.						I292-16
<p style="color: red; border: 1px solid red; padding: 5px;">You have an estimate down to two decimals of accuracy. Really? and if it is 40%? 50%. There is strong risk of Significant impact.</p>						
2) <b>Non-Gaming Substitution Effects</b> – Operation of the project alternatives could reduce revenues at existing hotels, restaurants, and retail facilities	No mitigation required.	LS	LS	LS	NI	
<b>Environmental Justice: Minority and Low-Income Communities</b> – There are some identified minority and low-income populations in the vicinity of the Project Site that could be affected	Through mitigation and BMPs all environmental impacts of the project alternatives are minimized.	PS/LS	PS/LS	PS/LS	NI	I292-17
<b>Effects to the Tribe</b> – The project alternatives would allow the Tribe to generate revenues to fund tribal services	No mitigation required.			BI	NI	
<b>Section 3.8. Transportation/ Circulation</b>						I292-18
<b>Construction Traffic</b> – Vehicle trips associated with project construction would be temporary and not significantly increase traffic on roadways.			LS	LS	NI	
<b>Project Traffic</b> – Vehicle trips associated with the operation of the project alternatives could significantly increase traffic volume and exceed the designed capacity of regional roadways and intersections	Implementation of the mitigation measures below shall minimize potential impacts related to project traffic. The following mitigation measures shall be implemented for Alternative A: Opening Year 2028: <b>Mitigation Measure A:</b> For Intersection 1) Shiloh Rd. & Old Redwood Hwy. (100% fair share contribution) – <ul style="list-style-type: none"> <li>▪ Convert split phasing in Eastbound (EB)/Westbound (WB) direction to protected phasing.</li> </ul>	S/LS	S/LS	S/LS	NI	I292-19
		<p style="color: red; border: 1px solid red; padding: 5px;">No amount of road widening at the intersection is going to eliminate the 5000 car parking lot. The impact is Significant</p>				

"Minimized" does not tell us what the size of the impact is. "minimized" is what you do when you have made a decision. It is not the measure when you are making a decision.

"temporary" is how long. Of course it will significantly increase traffic. The building of the apartment across the street added traffic & parking congestion. This is much, much bigger.

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Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<ul style="list-style-type: none"> <li>Convert existing WB-through lane to an exclusive left-turn lane (storage length of 200 feet and taper length of 75 feet) and shared through/right turn.</li> <li>Add one Northbound left-turn lane.</li> <li>Restripe Eastbound right (EBR) to give 150 ft. storage length.</li> <li>Restripe Southbound left (SBL) to 190 ft. storage length.</li> <li>Restripe SBR to 105 ft. storage length.</li> <li>Construct Traffic Impact Fee (TIF) project to add second Northbound left (NBL) turn lane and second WB receiving lane.</li> </ul> <p><b>Mitigation Measure B:</b> For Intersection 2) Shiloh Rd. &amp; Hembree Ln. (100% fair share contribution) - Optimize splits and cycle length.</p> <p><b>Mitigation Measure C:</b> For Intersection 7) Shiloh Rd. &amp; Casino Entrance 1 (100% fair share contribution) – Signalize intersection.</p> <p><b>Mitigation Measure D:</b> For Intersection 8) Old Redwood Hwy. &amp; Casino Entrance 1 (100% fair share contribution) – Signalize intersection.</p> <p>Mitigation Measures for Alternative B and C are less than those listed above for Alternative A and are provided in <b>Section 4</b>.</p>				
<b>Transit, Bicycle, and Pedestrian Facilities</b> – Traffic generated by the project alternatives could adversely impact other transportation facilities	No mitigation required	LS	LS	LS	NI
<b>Section 3.9. Land Use</b>					
<b>Land Use Plans</b> – The project alternatives could conflict with County land use plans and ordinances	No mitigation required	LS	LS	LS	NI
<b>Land Use Compatibility</b> – The project alternatives could conflict with neighboring land uses, including residential uses and parks	The use of BMPs and implementation of mitigation measures for noise, air quality, traffic, and aesthetic resources would <b>minimize</b> impacts related to land use compatibility.	PS/LS	PS/LS	PS/LS	NI
<b>Agriculture</b> – The project alternatives could conflict with state and federal farmland designations	No mitigation required.	LS	LS	LS	NI

Again the "minimize" word. The size of the impact is large.

I292-20

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Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
<b>Section 3.10. Public Services</b>					
<b>Water Supply</b> – The project alternatives would not connect to a municipal water supply and therefore could not exceed the capacity of the municipal water supply or require significant improvements to the existing municipal water distribution infrastructure	No mitigation required	NI	NI	NI	NI
<b>Wastewater Service</b> – Operation of the project alternatives would not connect to a municipal wastewater treatment facility and therefore could not exceed the capacity of the existing municipal wastewater treatment and disposal infrastructure	No mitigation required	NI	NI	NI	NI
<b>Solid Waste Service</b>					
1) <b>Construction</b> – Construction of the project alternatives could generate quantities or types of waste that cannot be accommodated by regional waste disposal facilities	No mitigation required.	LS	LS	LS	NI
2) <b>Operation</b> – Operation of the project alternatives could generate quantities or types of waste that cannot be accommodated by regional waste disposal facilities	The use of BMPs would minimize impacts to solid waste services from project operation. No mitigation required.	LS	LS	LS	NI
<b>Electricity and Natural Gas</b>					
<b>Construction</b> – Construction activities could damage underground utilities	The use of BMPs would minimize impacts to electricity and natural gas from project construction. No mitigation required.	LS	LS	LS	NI
<b>Operation</b> – Operation of the project alternatives could necessitate improvements to electrical and natural gas infrastructure that generate adverse environmental effects	No mitigation required.	LS	LS	LS	NI

So where is the water coming from? Groundwater, right? & you said no impact to groundwater. Of course there is a huge impact to the water supply. This is so misleading & deceitful...and harmful, depleting

and their own water treatment plant has no impact? Odors, overflow risk, creek impact.

again, the "minimize" word. It is going to generate waste in significant quantities. You are whitewashing.

I292-21  
I292-22  
I292-23

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Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
<b>Law Enforcement</b> – Service calls to local law enforcement agencies could increase due to the project alternatives.	The use of BMPs and implementation of <b>Socioeconomic Conditions Mitigation Measure A</b> would minimize impacts related to increased calls for service to law enforcement agencies.	PS/LS	PS/LS	PS/LS	NI
<b>Fire Protection and Emergency Medical Services</b>					
1) <b>Construction</b> – Construction activities could increase the risk of fire	The use of BMPs would minimize impacts to fire protection and emergency services from project construction.	LS	LS	LS	NI
2) <b>Operation</b> – The project alternatives could increase the number of service calls to local fire protection/emergency medical service providers	The use of BMPs and implementation of <b>Socioeconomic Conditions Mitigation Measures B and C</b> would minimize impacts related to increased calls for service to fire protection/ emergency medical service providers.	PS/LS	PS/LS	PS/LS	NI
<b>Public Schools</b> – Employment-driven in-migration could cause increased demand on public schools	No mitigation required.	LS	LS	LS	NI
<b>Parks and Recreation</b> – Employment-driven in-migration could cause increased demand on parks	No mitigation required.	LS	LS	LS	NI
<b>Section 3.11. Noise</b>					
<b>Construction Noise</b> – Noise associated with construction activities could adversely affect human health and/or the physical environment	The use of BMPs would minimize impacts caused by construction noise. No mitigation required.	LS	LS	LS	NI
<b>Construction Vibration</b> – Vibration associated with construction activities could adversely affect human health and/or the physical environment	The use of BMPs would minimize impacts caused by construction vibration. No mitigation required.	LS	LS	LS	NI
<b>Operational Noise</b> – Noise from the following sources associated with the project alternatives could adversely affect the physical environment:					
1) <b>Traffic</b> – Operation of the project alternatives could increase traffic-	No mitigation required.	LS	LS	LS	NI
NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact					

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
related noise in the vicinity of roads surrounding the project site					
2) <b>On-Site Noise Sources</b> –Vehicle circulation, patron conversations, pool activities, wastewater treatment plant equipment, and doors opening and closing in parking lots could increase ambient noise levels	The use of BMPs would minimize impacts caused by on-site noise sources. No mitigation required.	LS	LS	LS	NI
<b>Operational Vibration</b> – Vibration associated with operation could adversely affect human health and/or the physical environment	No mitigation required.	LS	LS	LS	NI
<b>Section 3.12. Hazardous Materials and Hazards</b>					
<b>Construction</b> – Construction of the project alternatives could disturb existing hazardous materials or introduce new hazardous materials into the environment	The use of BMPs would minimize impacts from hazardous materials during construction. No mitigation required.	LS	LS	LS	NI
<b>Operation</b> – Operation of the project alternatives could introduce hazardous materials into the physical environment	The use of BMPs would minimize impacts from hazardous materials during operation. No mitigation required.	LS	LS	LS	NI
<b>Construction Wildfire Risk</b> – construction of the project alternatives could increase the risk of wildfire	The use of BMPs would minimize impacts to fire protection and emergency services from project construction. No mitigation required.	LS	LS	LS	NI
<b>Evacuation Impacts Due to Wildfire</b>	The following measures shall be implemented for all alternatives: <b>Mitigation Measure A:</b> Prior to opening day, the Tribe shall engage a qualified arborist and/or biologist to develop a riparian corridor wildfire management plan to be implemented annually during operation. The goal of the plan shall be to reduce fire hazard on and adjacent to the on-site riparian corridor. At a minimum the plan shall include the procedures and best management practices outlined in <b>Section 4</b> . <b>Mitigation Measure B:</b> Prior to occupancy, the Tribe shall coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan that includes, but is not limited to, the	PS/LS	PS/LS	PS/LS	NI
NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant		BI = Beneficial Impact			

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation				
		Alternative A	Alternative B	Alternative C	Alternative D	
	<p>procedures and best management practices outlined in <b>Section 4</b>. Unless a pre-determined evacuation zone specific to the casino-resort is created and/or unless specifically directed otherwise by the lead authority for evacuations, the casino-resort shall initiate a mandatory evacuation of the Project Site as soon as specified evacuation zones within the Trigger Evacuation Zone are issued a voluntary warning or order.</p> <p><b>Mitigation Measure C:</b> Management and staff at the casino shall be trained on evacuation procedures for guests and visitors as part of their new hire orientation and receive updated evacuation procedures training annually.</p> <p><b>Mitigation Measure D:</b> The Tribe shall coordinate with Sonoma County and the Town of Windsor on their respective emergency operation plans and implement or contribute to the implementation of measures intended to improve early detection of wildfire events, and evacuation times for the Project Site and vicinity. These measures could include, but would not be limited to the measures listed in <b>Section 4</b>.</p>					
		<p>5000 parking spots. I'd say that is a rather large issue for evacuation.</p>				I292-24
<b>Section 3.13. Visual Resources</b>						
	<p><b>Operational Impacts</b> – Development of the project alternatives could generate significant adverse aesthetic impacts, including those impacts addressed separately below</p>					
		<p>Again, "minimize". The view impacts compared to today will be if not huge, large...parking lot, casino, hotel.</p>				I292-25
<b>1) Effects on Viewsheds Surrounding the Project</b>	The incorporation of design features would minimize impacts to viewsheds during operation. No mitigation required.	LS	LS	LS	NI	
<b>2) Shadow, Light, and Glare</b>	The incorporation of design features and BMPs would minimize impacts caused by shadow, light, and glare. No mitigation required.	LS	LS	LS	NI	
<b>Section 3.14. Cumulative Effects</b>						
<b>Land Resources</b> – Future development in combination with the project alternatives may cumulatively impact land resources, including topographic changes, soil loss, and seismic risk.	The incorporation of BMPs would minimize impacts to land resources. No mitigation required.	LS	LS	LS	NI	

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Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
<b>Surface Water Resources</b> – Construction activities from the project alternatives and cumulative development could affect surface water and flooding while, but wastewater discharge would have a less than significant impacts to water quality.	The incorporation of BMPs would minimize impacts to surface water resources and flooding. No mitigation required.	PS/LS	PS/LS	PS/LS	NI
<b>Groundwater Resources</b> Groundwater pumping in combination with potential operation of new municipal wells in the Town of Windsor during multiple dry years could cause drawdown impacts to domestic wells in the shallow aquifer. The majority of impacts would result from the potential new Town of Windsor stand-by wells, but Alternative A would contribute to the overall drawdown.	The following measures shall be implemented to address cumulative groundwater impacts under a scenario in which the Town of Windsor is operating two new municipal wells under multiple dry year conditions: <b>Mitigation Measure A:</b> Should the Town of Windsor determine pursuant to mitigation measure HYD-3 Section 2 in the Town’s PEIR for adoption of the 2009 Draft WMP Water Master Plan (Horizon, 2011), or an equivalent mitigation measure adopted in a subsequent CEQA document for these wells, that aquifer connectivity in the vicinity of the Esposti Park and/or Bluebird wells causes their operation to induce a substantial decrease in water levels in the shallow aquifer or in surrounding wells, alterations to surface streamflow, or impact natural recharge, then the Tribe shall participate in the development and implementation of an interference drawdown monitoring and mitigation plan, and shall pay a share of the mitigation costs that is proportional to its contribution to the shallow aquifer impact being mitigated. The Tribe’s obligation to contribute proportionate fair share funding shall be limited to measures to address impacts to existing domestic water supply wells from groundwater pumping; the Tribe shall have no obligation to participate in or fund other water supply initiatives or infrastructure improvements. <b>Mitigation Measure B:</b> The Tribe shall implement an onsite groundwater level monitoring program, including the installation and monitoring of three shallow groundwater monitoring wells and monitoring of at least one of the existing supply wells, which shall be repurposed for monitoring purposes to assess groundwater levels in the pumped aquifer and at the water table beneath the Project site. Monitoring shall begin at least one year prior to initiation of Project pumping and shall continue for a period of least 5 years after pumping	PS/LS	PS/LS	PS/LS	NI

I292-26

We are short of water. This project is going to pump groundwater to support a hotel & casino operations. To judge it to only PS is to whitewash the problem. At the least is should be PS/S.

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Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<p>of the Town of Windsor’s Esposti Park well commences in order to help assess the vertical connectivity of the aquifer system and the potential cumulative effects of Town of Windsor and Project pumping on shallow domestic wells and GDEs.</p> <p>Groundwater level measurements shall be collected in the spring and fall of each year using an electronic well sounder to assess the depth to groundwater beneath a designated reference point. In addition, recording pressure transducers shall be deployed to assess short term changes in groundwater levels that can be compared to pumping of the on-site supply well(s) or nearby wells operated by the Town of Windsor and other parties. Observed groundwater levels shall be compared to predicted groundwater levels presented in the GRIA to help guide the implementation of appropriate well interference measures in cooperation with the Town of Windsor under Measure A, if required.</p> <p><b>Mitigation Measure C:</b> Should the Town of Windsor develop and operate two new municipal potable water supply wells during dry years as described in its Urban Water Management Plan, including one at Esposti Park, a Groundwater Dependent Ecosystem (GDE) Verification Monitoring Workplan shall be developed and implemented to verify whether vegetation stress and habitat degradation is occurring along the riparian area of Pruitt Creek through the Project Site. The GDE Monitoring Plan shall describe the program procedures, schedules, responsibilities, documentation requirements.</p> <ul style="list-style-type: none"> <li>▪ Baseline resource characterization and data acquisition shall be conducted by a qualified biologist in the on-Site portion of the GDE, including documentation of species composition and habitat condition, and documentation of photo points and reference transects.</li> <li>▪ Data collection at photo points and transects shall be conducted annually by a qualified biologist.</li> <li>▪ Satellite data available from the Landsat or Sentinel program shall be assessed annually and compared to a baseline and to shallow groundwater level trends.</li> </ul>				

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Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<ul style="list-style-type: none"> <li>Baseline data shall be analyzed for a period of at least six representative hydrologic years by using the satellite data to calculate a vegetation index such as NDVI or Leaf Area Index (LAI);</li> <li>Annual data shall be analyzed and compared to the baseline data to assess whether there is quantifiable remote sensing evidence of plant stress or reduced vigor.</li> <li>The biological and satellite data shall be evaluated, in consideration of groundwater levels in the shallow aquifer, Windsor pumping records and precipitation records in a representative meteorological station to assess whether vegetation vigor has occurred that may result in habitat loss and that is attributable to groundwater level changes caused by groundwater pumping.</li> <li>An annual monitoring report shall be submitted to the BIA by April 1 of the following year. If the program verifies that loss of plant vigor that may lead to habitat degradation is occurring, a meeting shall be convened between BIA, Sonoma County and the Town of Windsor to discuss and agree to appropriate changes in the monitoring procedures, parties responsible for program implementation and cost sharing.</li> </ul> <p>See Hazardous Materials and Hazards – Wildfire Hazards mitigation below regarding water quality measures related to the riparian corridor wildfire management plan.</p>				
<b>Air Quality</b> – CO emissions from operational emissions were deemed to be less significant with cumulative development as were hazardous air pollutants and GHG emissions from project operations.	The use of BMPs will minimize air quality and climate change impacts from operations. No mitigation required.	LS	LS	LS	NI
<b>Biological Resources</b> – Project alternatives could impact protected aquatic habitats, wetlands, federally-listed species, and migratory birds.	Implement <b>Biological Resources Mitigation Measures A through V.</b>	PS/LS	PS/LS	PS/LS	NI

So, once the problem is documented, let's meet & figure out what to do. We are already pumping out the water, so in reality no recourse.

This is a ridiculous approach...imho.

I292-27

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Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
<b>Cultural Resources</b> – Cumulative effects to cultural resources arise from disturbance during development, potentially causing loss of historical connections; while no resources were found, subsurface ones might exist.	Implement <b>Cultural Resources Mitigation Measures A</b> through <b>C</b>	PS/LS	PS/LS	PS/LS	NI
<b>Socioeconomic Conditions</b> – Cumulative effects associated with economic output, job creation, and fiscal effects would be generally beneficial. While review of similar case studies and market data suggests that it is unlikely that competition would cause the closure of any affected gaming facilities, given the absence of verifiable data, the effects of Alternative A in combination with the expansion of the Graton Resort and Casino to the River Rock Casino, operated by the Dry Creek Band, are considered potentially significant.	No mitigation feasible.	<div style="border: 2px solid red; padding: 5px; background-color: yellow;"> <p style="color: red; font-weight: bold;">I doubt the two nearby casinos would say the impact is only PS. It is Significant no matter how you look at it. Their problem, not ours, appears to be the assessment.</p> <p style="color: red; font-weight: bold;">I don't gamble, but it is beyond comprehension that a third gaming facility is needed in this area, or is desirable.</p> </div>			
<b>Transportation/Circulation</b> – The Traffic Impact Study evaluated cumulative impacts on roadway operations for project alternatives, identifying intersections and roadway segments that may operate at unacceptable levels of service.	Implement the following <b>Transportation and Circulation Mitigation Measures</b> Alternative A for the Cumulative Year 2040: <b>Mitigation Measure E:</b> For Intersection 1) Shiloh Rd. & Old Redwood Hwy. (39.4% fair share contribution) <ul style="list-style-type: none"> <li>▪ Convert split phasing in EB/WB direction to protected phasing.</li> <li>▪ Restripe NB approach to include two exclusive left turn lanes, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe SB approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe EB approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe WB approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe EBL to give 385 ft. storage length.</li> <li>▪ Restripe SBL to 145 ft. storage length.</li> <li>▪ Restripe SBR to 105 ft. storage length.</li> </ul>	S/LS	S/LS	S/LS	NI

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NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
	<ul style="list-style-type: none"> <li>▪ Construct TIF project to add second NBL turn lane and WB receiving lane.</li> <li>▪ Widen Shiloh Rd. between Hembree Ln. and Gridley Dr. from two lanes to four lanes.</li> </ul> <p><b>Mitigation Measure F:</b> For Intersection 2) Shiloh Rd. &amp; Hembree Ln. (36.4% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Convert split phasing in NB/SB direction to protected phasing.</li> <li>▪ Restripe NB approach to include one exclusive left turn lane and one shared through-right turn lane.</li> <li>▪ Restripe SB approach to include one exclusive left turn lane, one through lane, and two exclusive right turn lanes.</li> <li>▪ Restripe EB approach to include two exclusive left turn lanes, one through lane, and one shared through-right turn lane.</li> <li>▪ Restripe WB approach to include one exclusive left turn lane, one through lane, and one shared through-right turn lane.</li> </ul> <p><b>Mitigation Measure G:</b> For Intersection 5) Shiloh Rd. &amp; Caletti Ave. (5.9% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Restripe WB approach to include one exclusive left turn lane and two through lanes.</li> </ul> <p><b>Mitigation Measure H:</b> For Intersections 2, 3, and 5 (27.4% fair share) – Contribute fair share payment to TIF Project #2 Shiloh Road Interchange.</p> <p><b>Mitigation Measure I:</b> For Intersection 6) Shiloh Rd. &amp; Conde Ln. (6.3% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Optimize signal timing parameters.</li> <li>▪ Restripe SBR to give 65 ft. storage length.</li> </ul> <p><b>Mitigation Measure J:</b> For Intersection 12) Old Redwood Hwy. &amp; US 101 SB Ramp (5.2% fair share contribution) - Optimize signal timing parameters.</p> <p>Mitigation Measures for Alternative B and C are less than those listed above for Alternative A and are provided in <b>Section 4.0</b>.</p>				

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
<b>Land Use</b> – The Project Site would not be subject to local jurisdiction if taken into trust and although the land uses under operation would be inconsistent with existing zoning, cumulatively significant impacts would not occur	The use of BMPs and implementation of mitigation measures for noise, air quality, traffic, and aesthetic resources would minimize impacts related to land use compatibility.	PS/LS	PS/LS	PS/LS	NI
<b>Public Services</b> – The project alternatives wouldn't adversely affect water, wastewater, or public services, but in combination with cumulative development, there might be a requirement for additional police and fire facilities, equipment, and personnel.	The use of BMPs and implementation of <b>Socioeconomic Conditions Mitigation Measures A, B and C</b> would minimize impacts related to increased calls for service to law enforcement and fire protection agencies.	PS/LS	PS/LS	PS/LS	NI
<b>Noise</b> – Cumulative increases in roadway traffic volumes could result in significant increases in ambient noise levels at locations along Shiloh Road and Old Redwood Highway.	The following measures shall be implemented to reduce impacts from off-site traffic noise during the cumulative year: <b>Mitigation Measure A:</b> The Tribe shall pay a fair share to the following road segments with noise-reducing pavement: 1) Old Redwood Highway, between Hembree Lane and Gridley Drive, 2) Old Redwood Highway, between Shiloh Road and the Project Entrance. <b>Mitigation Measure B:</b> If repaving is not necessitated by traffic improvements prior to 2040, the Tribe will compensate homeowners adjacent to the identified roadway segments for dual pane exterior windows or other noise reducing measures, such as installing window assemblies with higher than 27 STC, that can achieve noise reduction in the interior of the sensitive receptors that meet federal, state, and local standards, at the request of the homeowner.	PS/LS	PS/LS	PS/LS	NI
<b>Hazardous Materials</b> – Development of the project alternatives, in combination with other foreseeable projects, could disturb existing hazardous materials or introduce new hazardous materials to the physical environment. The project alternatives in combination with community growth would	The use of BMPs will minimize impacts from inadvertent hazard material releases and implementation of <b>Hazardous Materials Mitigation Measures A, B and C</b> would minimize impacts related to wildfire evacuation.	PS/LS	PS/LS	PS/LS	NI

I take it that it is zoned for agriculture. The trust thing trumps local. Isn't that nice. No actually.

Traffic, noise are all going up. Buying some windows looks like a bandaid. Back yards, sidewalks, parks, the road congestion...they apparently don't count.

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I292-30

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
contribute to increased community wide evacuation timelines.					
<b>Aesthetics</b> – The project alternatives, in combination with other foreseeable alternatives, could be visually incompatible with existing land uses or otherwise adversely impact aesthetic resources, or cumulative increase lighting levels.	The incorporation of design features would to aesthetics and lighting.	How is light noise addressed? Right now there is quiet vineyards, a line of trees & a creek. Parking lots, hotels, traffic in & out all bring noise, congestion, & the ongoing presence of an entertainment complex.			
<b>Section 3.15. Indirect and Growth Inducing Effects</b>					
<b>Section 3.15.1. Indirect Effects of Off-Site Traffic Mitigation and Off-site Irrigation</b> – Compliance with applicable federal, State, and local regulations during construction of off-site traffic mitigation and irrigation infrastructure would ensure that indirect impacts would not occur.	No mitigation required	Use of "minimize" does not make these largely significant impacts go away, or diminish them. It just says...well, what does it say? No neon signs, no searchlights? It is just a whitewash.			
<b>Section 3.15.2. Indirect Effects of On-Site Riparian Corridor Wildfire Management Plan Mitigation</b> - The Riparian Corridor Wildfire Management Plan includes measures that would minimize the potential for impacts to Pruitt Creek. Implementation of the Riparian Corridor Wildfire Management Plan may result in short-term increases to local ambient noise levels from chainsaws and other landscaping equipment; however, with implementation of the BMPs significant adverse effects to the ambient noise environment would not occur. No adverse impacts would occur in relation to other environmental issue areas.	The use of BMPs would minimize indirect impacts associated with noise.	LS	LS	LS	NI
<b>Section 3.15.3. Growth-Inducing Effects</b> – Development of the project alternatives would not promote population growth and/or the	No mitigation required	LS	LS	LS	NI

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NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

Impact	Mitigation Measures	Original Impact / Residual Impact with Mitigation			
		Alternative A	Alternative B	Alternative C	Alternative D
construction of additional housing, which could adversely impact the physical and human environments.					

NI = No Impact    LS = Less than Significant    PS = Potentially Significant    S = Significant    BI = Beneficial Impact

# Section 1 | Introduction

## 1.1 SUMMARY OF THE PROPOSED ACTION AND ENVIRONMENTAL REVIEW PROCESS

This Environmental Impact Statement (EIS) has been prepared to assess the environmental impacts resulting from the Koi Nation of Northern California's (Koi Nation; Tribe) Shiloh Resort and Casino Project, which includes the acquisition by the U.S. Bureau of Indian Affairs (BIA) of a 68.6-acre property into federal trust status for the benefit of the Tribe for gaming purposes (Proposed Action). The BIA is the federal agency charged with reviewing and approving tribal applications to take land into federal trust status. The proposed trust parcel, referred to throughout this EIS as the Project Site, consists of 68.6 acres in unincorporated Sonoma County (County), California, adjacent to the Town of Windsor (Town). Following the acquisition of the Project Site into federal trust, the Tribe proposes to develop a resort facility that includes a casino, hotel, ballroom/meeting space, event center, spa, and associated parking and infrastructure on the Project Site (Proposed Project).

The statutory authority for acquiring lands in trust status for Indian tribes is provided in the Indian Reorganization Act of 1934 (25 United States Code [USC] § 5108) with regulations codified as 25 Code of Federal Regulations (CFR) Part 151. The Indian Gaming Regulatory Act (IGRA) was enacted in 1988 to regulate the conduct of Indian gaming and to promote tribal economic development, self-sufficiency, and strong tribal governments. IGRA generally prohibits gaming on lands acquired in trust after 1988, unless certain exceptions found in Section 20 of IGRA, 25 USC § 2719, are met. Here, the requested exception is the restored lands exception that allows gaming on land acquired in trust after 1988 if the lands are taken in trust as part of "the restoration of lands for an Indian tribe that is restored to Federal recognition" (25 USC § 2719 (b)(1)(B)(ii) and (iii)). The Section 20 exceptions are implemented through regulations found in 25 CFR Part 292.

### 1.1.1 National Environmental Policy Act

This EIS has been completed in accordance with and to satisfy the requirements set out in the National Environmental Policy Act (NEPA) (42 USC § 4321 et seq.); the Council on Environmental Quality Guidelines for Implementing NEPA (40 CFR Parts 1500-1508); and the BIA NEPA guidebook (59 Indian Affairs Manual 3-H). This EIS provides a detailed description of the Proposed Action and analysis of the potential environmental consequences associated with the Proposed Action and the subsequent development of the Proposed Project. **Section 2** of this EIS provides a detailed description of the project alternatives. **Section 3** provides a description of the existing environmental conditions on and in the vicinity of the Project Site, an analysis of the potential environmental consequences associated with the project alternatives including cumulative impacts, and a discussion of indirect and growth-inducing effects. **Section 4** provides mitigation measures for identified adverse impacts. **Section 5** and **Section 6** provide a summary of entities consulted and references utilized within the EIS, respectively.

The BIA serves as the Lead Agency for NEPA compliance with the U.S. Environmental Protection Agency (EPA) and the National Indian Gaming Commission (NIGC) serving as Cooperating Agencies.



## 1.1.2 Scoping

### Preparation of an Environmental Assessment

In accordance with 40 CFR § 1501.5, the BIA prepared an Environmental Assessment (EA) to analyze the potential environmental consequences associated with the Proposed Action and the subsequent development of the project alternatives to assist the BIA in determining whether a Finding of No Significant Impact (FONSI) should be prepared or whether an EIS should be prepared and conducted in the form of an EIS.

Although not required by NEPA for the preparation of an EA, the BIA provided a 30-day scoping comment period to solicit input from the public and agencies regarding the scope of the EA. A Notice of Preparation (NOP) describing the Proposed Project and announcing a 30-day scoping period was prepared and circulated for public and agency review on May 27, 2022. The NOP was published in The Press Democrat newspaper, posted on the project website at <https://www.shilohresortenvironmental.com/>, filed with the State Clearinghouse for distribution to State agencies, and sent to various federal and local agencies through direct mailings, including but not limited to Sonoma County and the Town of Windsor. The issues that were raised during this initial scoping period were summarized the September 2022 NEPA Scoping Report, which is incorporated by reference and available online at the project website. The EA addressed the relevant issues and concerns as summarized in the scoping report. A copy of the NOP and newspaper publication are provided in **Appendix A-1**.

A Notice of Availability (NOA; **Appendix A-1**) for the EA was submitted to the State Clearinghouse (SCH# 202205059), published in the local paper (The Press Democrat), mailed to interested parties, and posted on the project website. The EA was originally made available for public comment for a 45-day period, from September 12, 2023 to October 27, 2023. However, the BIA extended the public comment period for an additional 15-day period that concluded on November 13, 2023, resulting in a total comment period of 60 days. A virtual public hearing was held on September 27, 2023, that included an overview of the NEPA process, description of Proposed Action and Alternatives, summary of the contents of the EA, and an opportunity for the public to submit verbal comments on the EA. Upon consideration of the public and agency comments received, the BIA decided to prepare an EIS to further analyze the environmental effects which may result from the Proposed Action. Comments received during the EA public comment period are now considered scoping comments for the EIS and are included in **Appendix A-2**, Supplemental Scoping Report.

### Notice of Intent

Although a formal public scoping process had been conducted and an EA circulated for the Proposed Action, the BIA published a Notice of Intent (NOI) in the Federal Register (FR) on March 8, 2024, describing the Proposed Action and announcing intent to prepare an EIS. The 30-day public comment period began on March 8, 2024, and ended on April 8, 2024. Comments received in response to the NOI are included in **Appendix A-2**, Supplemental Scoping Report. To the extent required by NEPA, this EIS addresses the issues and concerns raised during the scoping and public review for the EA, as well as scoping comments received in response to the NOI.

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BIA prepares the EA by hiring Acorn, who is in the business of helping tribal governments to do assessments. This is not an independent assessment.

### 1.1.3 EIS Process

This Draft EIS will be distributed to federal, Tribal, State, and local agencies, as well as other interested parties for a review and comment period. The review and comment period begins after the Notice of Filing with the USEPA in the Federal Register. The Notice of Availability (NOA) published by the BIA provides information regarding the public comment period and virtual public hearing on this Draft EIS. The BIA will consider the comments received, and revisions may be made in the Final EIS to reflect the content of these comments. The Final EIS will be filed with the USEPA, and the USEPA will then publish an NOA for the Final EIS in the Federal Register. This marks the beginning of a 30-day period after which the BIA may proceed with a decision. At the time of the decision, the BIA will prepare a public Record of Decision (ROD) pursuant to 40 CFR § 1505.2. As required by the CEQ Regulations for Implementing NEPA, the ROD will state what the decision is, identify alternatives considered in reaching the decision, and discuss preferences among alternatives based on relevant factors including economic and technical considerations as well as the statutory mission of the BIA. The ROD will also discuss whether all practicable mitigation measures have been adopted to mitigate environmental harm. If all practicable measures are not adopted, the BIA must state why such measures were not adopted. The BIA will prepare a monitoring and compliance plan for mitigation consistent with 40 CFR § 1505.3(c), which will be attached to the ROD.

## 1.2 PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus satisfying both the Department of the Interior’s (Department) land acquisition policy as articulated in the Department’s trust land regulations at 25 CFR Part 151, and the principal goal of IGRA as articulated in 25 USC § 2701. The need for the Department to act on the Tribe’s application is established by the Department’s regulations at 25 CFR § 151.10(h) and 151.12.

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what is the population size of the Tribe?

When did they acquire the Shiloh parcel?

## 1.3 BACKGROUND

The Koi Nation is a federally recognized tribe governed by its Constitution and a **three-member** Council headquartered in Santa Rosa, California. The Tribe operates programs under the Tribal Self-Governance Act of 1994, programs funded by the Indian Health Service, and the American Rescue Plan of 2021, among others, for its enrolled tribal members; approximately 52% of whom live in Sonoma County and an additional 25% of whom live in Lake County, the remaining 23% live outside of Sonoma and Lake Counties. The Tribe currently has no reservation or land in trust for its benefit but owns approximately 68.6 acres of land in unincorporated Sonoma County known as the “Shiloh parcel.” The Tribe has requested that the BIA accept land into trust for gaming purposes to establish an economic land base in order to strengthen its governmental capacity and institutional framework, promote the general welfare of the Koi Nation and its members, raise governmental revenues, and create jobs for its members.

For most of its history the Koi people traveled throughout the Russian River Valley, primarily living at Clear Lake in what is now Lake County, California. By the middle of the 1800s, the Koi people were displaced as a result of federal policies intended to allow for Euro-American settlement and industrial development of the Clear Lake area. Although treaties between the federal government and the Koi people were negotiated in 1851, they were not ratified by Congress. In 1916, the BIA purchased a 141-acre tract of land (herein referred to as the Lower Lake Rancheria) between the towns of Lower Lake and Clearlake Highlands (now incorporated into the City of Clearlake) in Lake County, California, for use by the Tribe; however, due to the uninhabitable condition of the Lower Lake Rancheria, the Koi tribal leadership and

Koi community relocated to Sonoma County between Sebastopol and Santa Rosa where many worked in the farms and orchards of the Russian River Valley. By 1924, a number of tribal members were engaged in leasing and cultivating land in the Gold Ridge district near Sebastopol, California. Throughout this period of displacement, however, the Tribe maintained its tribal political activities (ultimately organizing under the Indian Reorganization Act of 1934) and pursued its land claims.

In 1956 Congress passed legislation to sell the majority of Lower Lake Rancheria to Lake County. The BIA incorrectly presumed the disposition of the Lower Lake Rancheria in 1956 had terminated its relationship to and responsibilities for the Koi Nation. On December 29, 2000, after decades of effort to assert its rights as an American Indian Tribal government, the Tribe's status as a federally recognized tribe was re-affirmed. In 2019, the United States District Court for the District of Columbia determined that the Koi Nation is a tribe that has been restored to federal recognition for the purposes of IGRA (*Koi Nation v. United States Department of the Interior*, 361 F. Supp. 3d. 14, 28 [D.D.C. 2019]).

Federally recognized tribes are entitled to receive or benefit from federal programs and services enacted by the Congress. Due to an erroneous termination interpretation that resulted in the Koi being deemed lacking federal recognition status, the Koi Nation was deprived of these benefits for the 44 years between 1956 and 2000. As a result, the Tribe has no reservation, which deprives the Tribe of the ability to build a sustainable economy. The revenue from the Proposed Action will restore the Tribe's ability to exercise its political rights, achieve self-governance, strengthen its institutions of governance, and establish a sustainable economy sufficient to provide governmental services and benefits not only to its citizenry today, but for future generations of tribal citizens as well.

## 1.4 LOCATION AND SETTING

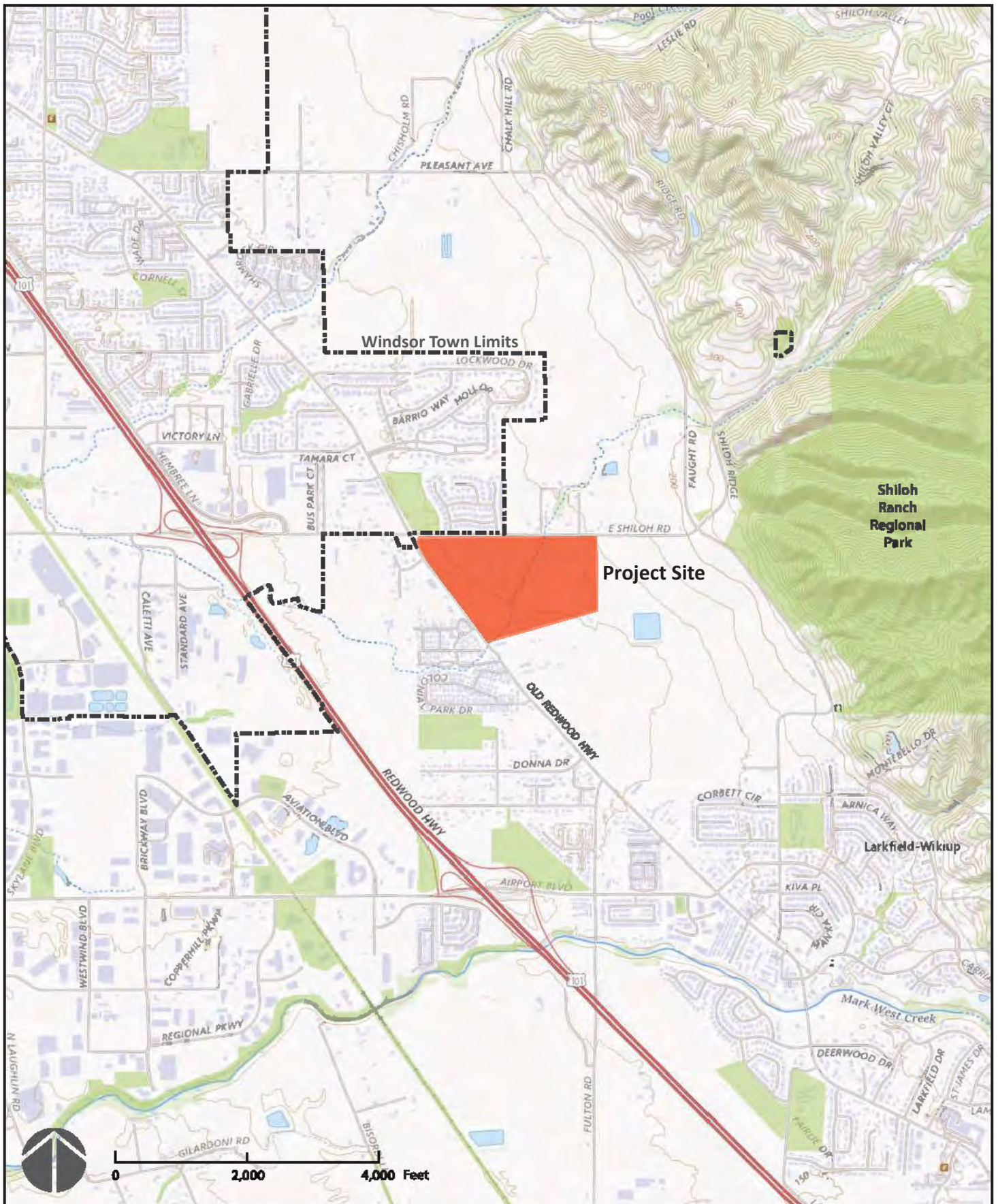
The Project Site consists of one parcel owned in fee by the Tribe (Assessor's Parcel Number 059-300-003) and is located in Section 20, Township 8 North, Range 8 West as depicted on the Mount Diablo Meridian U.S. Geological Survey 7.5' quadrangle map. The Project Site is located outside of, but contiguous to, the Town of Windsor and approximately 12 miles from the Koi Nation's tribal headquarters in Santa Rosa, California. **Figure 1.4-1** and **Figure 1.4-2** show the location of the Project Site, and **Figure 1.4-3** presents an aerial photograph of the Project Site and the immediate vicinity. Existing land uses on the Project Site consist of a residence and operating vineyard, with Pruitt Creek bisecting the central portion of the site. Regional access to the Project Site is provided by Highway 101, which runs in a general north-south direction and is located approximately 0.5 miles west of the Project Site. Local access to the Project Site is currently provided through existing driveways on Shiloh Road and Old Redwood Highway.

The Project Site is bordered by Shiloh Road, residential parcels, and Esposti Park to the north; vineyards to the east; residential to the south; and Old Redwood Highway, residential, commercial, and Shiloh Neighborhood Church, to the west. The Charles M. Schulz Sonoma County Airport is located approximately 2 miles southwest of the Project Site. Shiloh Ranch Regional Park is located approximately 0.3 miles east of the Project Site.



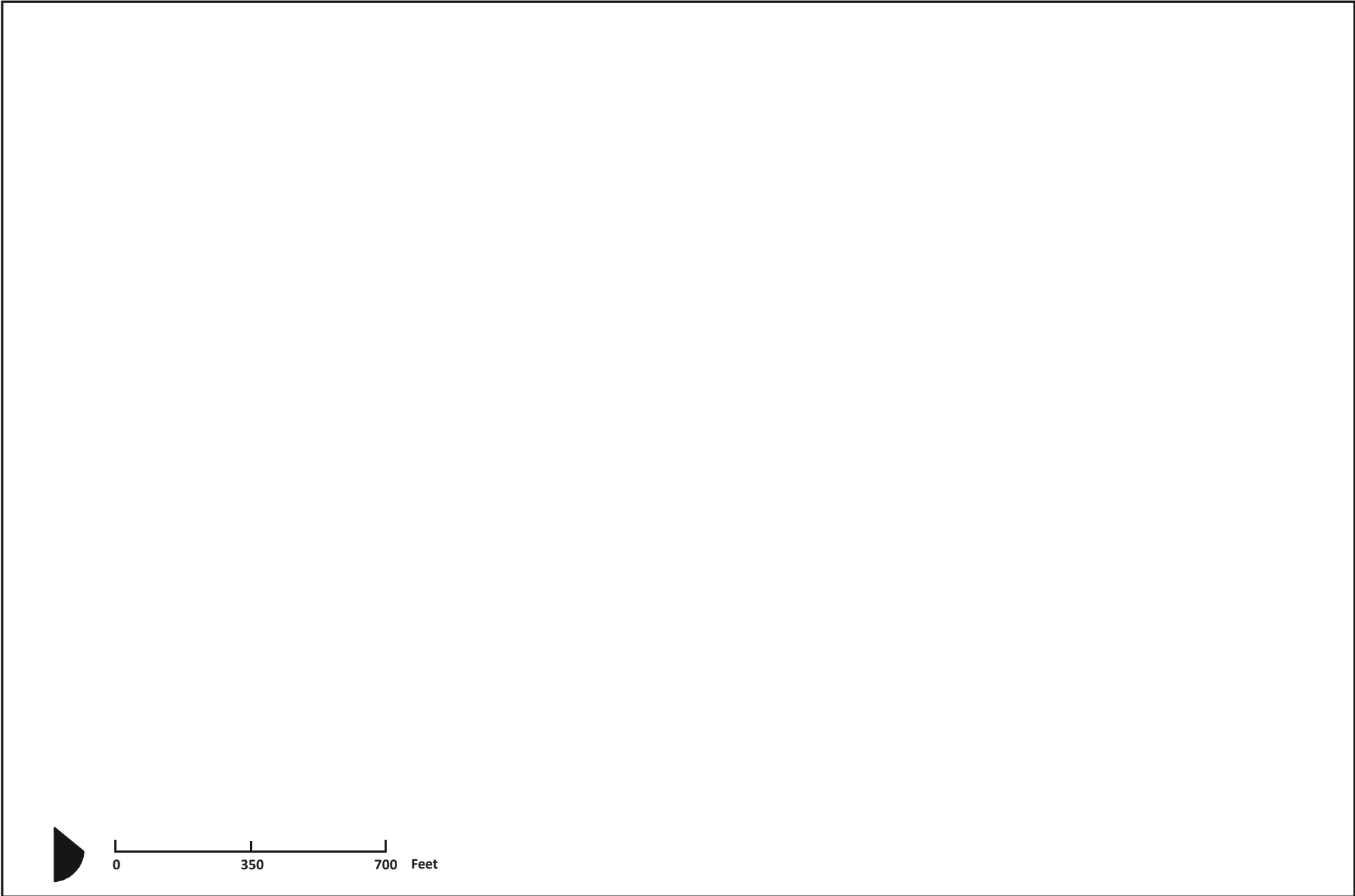
Source: Maxar imagery (4/16/2021)

**FIGURE 1.4-1**  
REGIONAL LOCATION



Source: USGS The National Map (June 2020)

**FIGURE 1.4-2**  
SITE AND VICINITY



0 350 700 Feet

Source: Maxar imagery (4/16/2021)

**FIGURE 1.4-3**  
**PROJECT SITE AERIAL**

## 1.5 REGULATORY REQUIREMENTS AND APPROVALS

The project alternatives, as described in **Section 2**, may require the federal, State, and local permits and approvals identified in **Table 1.5-1**.

**Table 1.5-1: Potential Permits and Approvals**

Agency	Permit or Approval	Alternatives
Secretary of the Interior	Transfer of land into trust	A, B, and C
National Indian Gaming Commission	Approval of gaming management contract	A and B
U.S. Environmental Protection Agency	Approval of coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities as required by the Clean Water Act.  NPDES discharge permit for seasonal discharge of tertiary treated effluent to Pruitt Creek, a tributary to the Russian River.  Approval of 401 Water Quality Certification prior to discharge of dredged or fill material into Waters of the U.S.	A, B, and C
State Historic Preservation Office	Consultation under Section 106 of the National Historic Preservation Act	A, B, and C
U.S. Army Corps of Engineers	Approval of a Nationwide 404 Permit prior to discharge of dredged or fill material into Waters of the U.S.	A, B, and C
U.S. Fish and Wildlife Service and/or National Oceanic and Atmosphere Administration, Fisheries Service	Consultation in accordance with Section 7 of the Endangered Species Act	A, B, and C
Regional Water Quality Control Board	Authorization of coverage under State Water Resources Control Board Order for Water Reclamation Requirements for Recycled Water Use	A, B, and C (options for off-site use of recycled water)

# Section 2 | Proposed Project and Alternatives

This section describes the alternatives that are analyzed within this EIS. A reasonable range of alternatives has been selected based on consideration of the purpose and need of the Proposed Action and opportunities for potentially reducing environmental effects. These alternatives include the Proposed Project (Alternative A), the Reduced Intensity Alternative (Alternative B), the Non-Gaming Alternative (Alternative C), and the No Action Alternative (Alternative D). These alternatives are described below and analyzed throughout this EIS. Consistent with Council on Environmental Quality guidelines (40 CFR § 1502.14), **Section 2.5** summarizes and compares the potential environmental consequences, benefits, and/or detriments of the project alternatives. **Section 2.6** discusses the alternatives that were considered but are not analyzed in this EIS.

## 2.1 ALTERNATIVE A – PROPOSED PROJECT

Alternative A consists of the following components: (1) transfer of the 68.6-acre Project Site into federal trust status for the benefit of the Tribe for gaming purposes (Proposed Action); and (2) the subsequent development by the Tribe of a resort facility that includes a casino, hotel, ballroom/meeting space, event center, spa, and associated parking and infrastructure on the Project Site (Proposed Project).

### 2.1.1 Fee-to-Trust Transfer

The Tribe has submitted an application to the BIA for the transfer of the 68.6-acre Project Site into federal trust for gaming purposes. The proposed trust parcel boundaries are shown in **Figure 1.4-3**. The BIA will make its determination regarding the proposed fee-to-trust acquisition in accordance with the procedures set forth in 25 CFR Part 151. The regulations in 25 CFR Part 151 implement Section 5 of the Indian Reorganization Act (IRA), codified at 25 USC § 5108, which is the general statute that provides the Secretary of the Interior with authority to acquire lands in trust status for tribes and individual Indians. The Tribe and the federal government would exercise civil regulatory jurisdiction over the Project Site once it is taken into trust.

### 2.1.2 Resort and Casino Facility

The Tribe proposes to develop a resort facility within the western portion of the Project Site that includes a **three-story casino, a five-story hotel** with spa and pool area, **ballrooms/meeting space, and event center**. The resort would be designated as entirely non-smoking and open 24 hours a day, 7 days a week. It is anticipated that the event center would **host concerts and performances** while the ballrooms/meeting space would host banquets, conferences, or other special events. Parking for the resort facility would be provided on the ground floor of the casino, as well as in a **four-story parking garage**; additionally an **overflow surface parking area** may be established on the eastern side of Pruitt Creek. An enclosed clear-span pedestrian bridge would connect the parking garage with the casino-resort approximately 12 feet above Pruitt Creek. The pedestrian bridge would be constructed without disturbing the bed and bank of Pruitt Creek. Other supporting infrastructure, including the proposed water treatment and wastewater treatment facilities (see **Section 2.1.3** and **Section 2.1.4**), would be located on the southeastern portion



of the Project Site. A conceptual site plan for Alternative A is shown in **Figure 2.1-1**. A breakdown of the components of Alternative A is provided in **Table 2.1-1**. Alternative A would create an estimated 1,571 full-time equivalent jobs (**Appendix B-1**).

**Table 2.1-1: Alternative A Project Components**

Component	Approximate Square Footage	Units
<b>Casino</b>	<b>538,137</b>	<b>2,750 gaming devices 105 table games</b>
Gaming Floor	114,345	-
High Limits Gaming	8,250	-
Sports Book	9,900	-
Food Hall	14,000	465 seats
Restaurants (5)	37,440	<b>1,240 seats</b>
Coffee Shop	2,750	-
Casino Bar	7,855	-
Service Bars (4)	4,080	-
Retail	2,250	-
Event Center	53,380	<b>2,800 seats</b>
Ballrooms (2)	44,900	-
Meeting Rooms	29,285	-
Circulation and Back of House	209,702	-
<b>Hotel</b>	<b>268,930</b>	<b>400 rooms</b>
Guest Rooms	207,540	-
Spa	13,930	-
Circulation and Back of House	47,460	-
<b>Parking</b>	<b>1,689,380</b>	<b>5,119 spaces</b>
Casino/Drop-off	286,000	800 spaces
Parking Garage	1,214,080	3,692 spaces
Overflow Surface Parking	183,100	618 spaces
Bus	6,200	9 spaces

Source: Dale Partners, 2022a



Source: Dale Partners

**FIGURE 2.1-1**  
**ALTERNATIVE A PROPOSED RESORT AND CASINO SITE PLAN**

## Architecture, Signage, Lighting, and Landscaping

The architecture of the facility would incorporate natural materials and colors to integrate the buildings with the natural characteristics of the site and surrounding areas, including living rooftops landscaped with fire-resistant plants on both the casino-resort and parking structures. The main facility, including the casino, hotel, and event center, would have a maximum height of approximately 65 feet above ground level. The parking garage would have a maximum height of approximately 60 to 65 feet above ground level and would include a decorative, perforated metal screen around the exterior to provide shade to the interior of the parking garage and visual screening.

The portions of the Project Site outside of the riparian area and building footprint would be landscaped with fire resistant plants, with existing vineyard areas maintained around the perimeter of the site. The Project Site currently contains approximately 59.3 acres of vineyards and development of Alternative A would retain between approximately 12.4 and 17.4 acres of vineyards depending on the size and type of seasonal storage selected for treated effluent (see **Section 2.1.4**). A five-foot non-combustible zone would be maintained around each structure that would remain void of vegetation and landscaping. A short decorative rock wall would be installed along the northern and western perimeter of the Project Site to separate the vineyards from the roadways. Architectural renderings of Alternative A are provided in **Figures 2.1-2a** and **2.1-2b**, and before/after renderings from various viewpoints are included in **Section 3.13**.

A decorative ground-level sign would be incorporated into the rock wall at the northwestern corner of the Project Site near the intersection of Shiloh Road and Old Redwood Highway. Decorative ground-level monument/directional signs would be located at the entryways to the Project Site.

Exterior lighting of Alternative A would be designed to be consistent with the Dark-Sky Association Model Lighting Ordinance, and internal lightening would be designed to be minimize interior spill light (see **Appendix C** and **Table 2.1-3** for details). The exterior lighting of Alternative A would be integrated into components of the architecture and strategically positioned to minimize off-site lighting and any direct site lines to the public. No illumination would be directed towards Pruitt Creek or beyond the Project Site boundaries with the exception of the three access points, where light may extend to the mid-center of the adjacent roadways, Shiloh Road and Old Redwood Highway. The porte-cochere canopy will be made of a solid material to prevent upward illumination and help capture ground-reflected light. Lighting for the signs would be integrated into components of the sign or landscaping and would be strategically positioned to minimize off-site lighting and any direct site lines to the public. A “no lighting” buffer zone will be established around the Project Site perimeter, including the vineyard areas and Pruitt Creek.

## Parking

**Table 2.1-2** provides a breakdown of the number of parking spaces recommended for Alternative A based on Sonoma County Parking Regulations and reductions for shared and simultaneous use functions.

As shown in **Table 2.1-2**, parking for Alternative A would be provided on the ground floor of the casino (800 spaces), in a four-story parking garage (3,692 spaces), and an overflow surface parking lot (618 spaces). Additionally, nine (9) spaces for bus parking would be provided. Therefore, Alternative A provides 5,119 parking spaces, which is 800 more than the recommended number of parking spaces. The location of the various parking areas is shown on **Figure 2.1-1**. The overflow surface parking lot would be gated and restricted to daytime use only to prevent the need for permanent nighttime lighting.



Source: Dale Partners

**FIGURE 2.1-2a**  
**ALTERNATIVE A ARCHITECTURAL RENDERING - DAYTIME**



Source: Dale Partners

**FIGURE 2.1-2b**  
**ALTERNATIVE A ARCHITECTURAL RENDERING - EVENING**

**Table 2.1-2: Recommended Parking Spaces under Alternative A**

Component	Regulation <sup>1</sup>	Units	Reduction for Shared Use	Parking Spaces Recommended
Casino	1 space/slot machine 2 space per table game	2,750 gaming devices 105 table games	N/A	2,960
Dining	1 space/60 square feet	51,440 square feet	20% (171 spaces)	686
Event Center	1 space/4 seats or 1 space/75 square feet whichever is greater	2,800 seats 53,380 square feet	35% (249 spaces)	463
Hotel	1 space/room plus 1 space/staff	400 rooms 40 managers/staff	75% of rooms (300)	140
Spa	1 space/100 square feet	14,000 square feet	50% (70 spaces)	70
			<b>Total Recommended</b>	<b>4,319</b>
			Total Provided	5,119

Source: Dale Partners, 2024; **Appendix I**

Notes: 1) Chapter 26, Article 86 of the Sonoma County Code of Ordinances

### 2.1.3 Water Supply

The estimated average daily water usage for Alternative A would be approximately **170,000 gallons per day (gpd) of potable water** and 108,000 gpd of recycled water. Potable water supply would be provided via on-site wells, and recycled water (tertiary treated effluent) would be provided from the on-site wastewater treatment facilities (see **Section 2.1.4**). Recycled water would be used for toilet and urinal flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. Fire flow requirements for Alternative A are anticipated to be 2,000 gallons per minute for 4 hours assuming the use of automatic fire sprinklers consistent with applicable requirements of the Tribe's Building and Safety Code of 2023, which are consistent with the California Building Code (CBC, **Appendix D-1**).

Water supply for the existing vineyards and residence on the Project Site is currently provided through four on-site wells; however, additional investigation is needed to determine if the existing wells would be suitable for use as potable water supply sources for Alternative A. As detailed in Section 5 of **Appendix D-1**, the proposed water supply system for Alternative A would consist of the following components:

- **Water production wells:** Up to two water supply wells would be established onsite, depending on whether existing wells can be used, with each well capable of meeting the peak day water demands. The wells would be drilled to a depth of approximately 700 feet below ground surface (bgs) and screened to draw from approximately 400-600 feet bgs (see Section 5.1 of **Appendix D-1**).
- **Water treatment plant:** Based on existing information related to groundwater quality in the region (see **Section 3.3**), it is anticipated that an on-site water treatment plant would be

developed to meet Clean Drinking Water Act requirements, including the removal of arsenic and manganese. The proposed layout of the treatment plant and process flow diagram is provided as Figures 5-1 and 5-2 of **Appendix D-1** (see Section 5.2 of **Appendix D-1**) and would be located within an enclosed building.

- **Storage tank:** A welded steel cylindrical water storage tank would be constructed to store water produced by the water treatment plant to meet fire flow and peak domestic demand requirements (see Section 5.3 of **Appendix D-1**). The tank would provide approximately 1 million gallons of storage, with an approximate diameter of 75 feet and height of 32 feet.
- **Pump station:** A potable water pump station would be used to convey potable water from the storage tank to the resort facilities and would be sized to handle both fire flow and domestic demands. The ultimate pumping capacity would be dependent on fire flow requirements and would be satisfied by two variable-speed high-service pumps that are half the capacity of the projected flow requirement (see Section 5.3 of **Appendix D-1**).

The water treatment plant, storage tank, and pump station would be located within the “treatment area” designated in the eastern portion of the Project Site (**Figure 2.1-1**). The location of the four existing wells and potential location of a new well is shown on Figure 2-3 of **Appendix D-1**.

## 2.1.4 Wastewater Treatment and Disposal

Alternative A is estimated to generate an average wastewater flow of 232,000 gpd and a peak weekend flow of 335,000 gpd. For the purposes of design, an average daily flow of 300,000 gpd and average weekend flow of 400,000 gpd was assumed (**Appendix D-1**).

### Wastewater Collection System

Wastewater from the resort facilities would flow through sewer lines by gravity to a lift station. The gravity sewer main would be laid along planned roadways within the Project Site to facilitate access and maintenance. The gravity sewer main from the resort facility to the proposed lift station and wastewater treatment plant (WWTP) would be installed either beneath Pruitt Creek by horizontal directional drilling or other trenchless construction methods or over Pruitt Creek by attaching it to either the proposed pedestrian or vehicle bridge to avoid impacts to the creek and riparian corridor. Wastewater would then be pumped from the lift station wet well through a sewer pipeline to the headworks of the WWTP. The lift station wet well would also be used to collect surface water runoff from the treatment site (see Section 6.1 of **Appendix D-1**).

### Wastewater Treatment Plant

The WWTP would treat wastewater to a tertiary level, as defined by Title 22 of the California Code of Regulations, that would comply with the effluent quality requirements of the National Pollution Discharge Elimination System (NPDES) discharge permit issued by the U.S. Environmental Protection Agency (USEPA). As detailed in Section 6.2 of **Appendix D-1**, the on-site WWTP would be located within the “treatment area” designated in the eastern portion of the Project Site (**Figure 2.1-1**) and would consist of the following components: coarse screening facility, headworks, immersed membrane bioreactor (MBR) system, ultraviolet (UV) disinfection, chlorine disinfection, effluent pump station, equalization tank, emergency storage tank, and associated operations and storage buildings.

Sewage would travel between the headworks and the MBRs within a covered influent distribution force main, which would pass through headworks to an influent splitter box that would evenly distribute the flow to the two MBR process trains. Each MBR process train is divided into three sections: an anoxic section, an aerobic section with mechanical mixers, and an aerobic section containing the immersed membranes. The membranes are typically backwashed every 15 minutes, and each backwash lasts about two minutes. Sodium hypochlorite and/or citric acid is typically injected into the backpulse flow to facilitate membrane cleaning and prevent regrowth in the membrane modules.

Disinfection to meet discharge and reclamation virus and coliform water quality standards would be provided via a UV disinfection system. Though the UV facilities would be designed to disinfect the treated wastewater, they do not continue to disinfect the wastewater after it leaves the UV channel. In order to prevent regrowth of bacteria in the recycled water distribution system, sodium hypochlorite would be added in small quantities. The introduction of this chemical creates a residual concentration of chlorine that persists in the recycled water and ensures that it is safe to use after it leaves the WWTP. Chlorine would be dosed at a location downstream of the UV disinfection facilities and before recycled water is pumped to the recycled water storage reservoir and/or tanks. Any water discharged to surface waters would be non-chlorinated or fully de-chlorinated prior to discharge.

## **Wastewater Disposal**

Treated effluent would be recycled and used on-site for toilet flushing and cooling tower makeup, as well as for irrigation of approximately 4.4 acres of landscaping and 12.2 to 17.4 acres of on-site vineyards at agronomic rates. In addition to on-site landscaping and vineyard areas, recycled water may be utilized for irrigation of off-site landscaping or agricultural areas in proximity to the Project Site at agronomic rates, subject to federal, State, and local regulations. During the wet season (approximately October 1 through May 14), treated effluent may be discharged on-site to Pruitt Creek, a tributary to the Russian River, subject to a USEPA NPDES discharge permit.

Excess effluent that cannot be immediately reused or discharged to Pruitt Creek would be stored in a lined seasonal storage pond or enclosed tanks. Sludge (biosolids) produced by the WWTP would be dewatered on-site and periodically hauled to a Class III landfill in accordance with federal and State regulatory requirements.

### ***Recycled Water Use***

Recycled water from the on-site WWTP would be utilized for toilet/urinal flushing, landscape irrigation, vineyard irrigation, cooling tower make-up and other approved non-potable uses consistent with EPA and California Title 22 regulations<sup>1</sup>. Additionally, recycled water could be utilized to supply water for fire protection, such as the sprinkler systems and fire hydrants. Treated effluent would be conveyed to a 1-MG welded steel recycled water equalization storage tank for on-site recycled water use located within

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<sup>1</sup> In California, recycled water is approved for commercial dual-plumbed use where fixtures dedicated to toilet and urinal flushing are separate in accordance with State Water Resource Control Board (SWRCB) requirements which includes regular cross-connection testing to confirm the separation of potable and recycled water plumbing. The limitation for indoor use is restricted for food and beverage processing and production facilities and specifically excludes facilities such as cafeterias and snack bars. Section 60313(c) states: "No recycled water agency shall deliver recycled water for internal use except for fire suppression systems, to any facility that produces or processes food products or beverages. *For purposes of this Subsection, cafeterias or snack bars in a facility whose primary function does not involve the production or processing of foods or beverages are not considered facilities that produce or process foods or beverages.*" (emphasis added)



the “treatment area” designated in the eastern portion of the Project Site (**Figure 2.1-1**). Water would be pumped from the recycled water storage tank to the recycled water distribution system and seasonal storage reservoir/tank. The on-site recycled water reuse facilities would be designed to comply with California State Water Resources Control Board standards including, but not limited to, marking irrigation facilities in a purple color and installing recycled water pipelines in separate trenches away from other water pipelines. Recycled water would be pumped out of the seasonal storage ponds/tanks to the irrigated areas for re-use. These pumps would operate seasonally, typically between April and October, and would be sized to convey the entire volume of recycled water stored in the seasonal storage ponds/tanks plus a portion of the daily summertime wastewater flows (see Sections 4.2 and 6.3 of **Appendix D-1**). The brine generated as a byproduct of the recycled water treatment would be periodically hauled offsite to a facility which accepts and treats such wastes, such as the East Bay Municipal Utility District WWTP. Under the maximum scenario for recycled water use, where no effluent is discharged to the creek, up to 44.8 acres of turf, or 406 acres of vineyards could be irrigated with recycled water produced as a result of Alternative A (**Appendix D-2**); this level of irrigation would be achieved through both on and off-site irrigation. Treated effluent could also be disposed off-site consistent with existing Title 22 regulations for groundwater replenishment and surface water augmentation, and pending Title 22 regulations for potable reuse.

### ***Seasonal Surface Water Discharge***

Any discharge to Pruitt Creek would occur during the wet season (approximately October 1 to May 14) and would be subject to the requirements of an NPDES discharge permit issued by the USEPA, which would allow discharges to surface water in accordance with the federal Clean Water Act (CWA) and applicable provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan). Facilities associated with the seasonal surface water discharge would include a new discharge pipeline and outfall structure. The outfall structure would be designed to prevent erosion of the natural creek banks and erosion downstream. The outfall pipe outlet would include a duckbill check valve or similar component to protect against settlement/silting inside the pipe or nesting of small animals or rodents. The area around the outfall pipe would be covered with riprap or similar material to prevent natural erosion around the pipe from occurring and to protect the banks during periods of discharge. The pipe material would be suitable for permanent exposure to sunlight and creek water quality conditions.

### ***Seasonal Storage Ponds or Tanks***

Seasonal storage ponds or tanks would be used to seasonally store treated effluent until it can be 1) reused either on-site or offsite for irrigation of landscaping, turf or vineyard areas, or 2) discharged to Pruitt Creek. The size of the storage facilities would vary depending on the extent of off-site recycled water usage/irrigation and discharge limitations to the Creek. Assuming that all recycled water is reused within the Project Site or discharged to the Creek (no offsite application), on-site seasonal storage would be provided via a 12.1-million-gallon (MG) reservoir (described as Option 1 within **Appendix D-1**), or within enclosed storage tanks capable of storing up to 16 MG (described as Option 2 within **Appendix D-1**). Under the maximum scenario for recycled water use, assuming that no effluent is discharged to the Creek, up to 33 million gallons of seasonal storage would be required. This could be accommodated via a combination of a reservoir and tanks within the site, as described for Options 5 through 8 in **Appendix D-2**.

- Seasonal storage pond(s) would be constructed using semi-buried ponds and berms and would be lined with an impermeable material, such as clay or concrete, to minimize percolation into the groundwater. Seasonal storage ponds would be located outside of the 100-year and 500-year floodplain and downgradient from any water supply well used for Alternative A. Seasonal storage

ponds would be sized according to the volume of disposal via irrigation and surface water discharge, as well as the remaining carry-over volume required from month to month. The maximum storage pond size, described under Options 5 and 7 in **Appendix D-2**, would include a 4.1 acre reservoir with a 15-foot-tall berm capable of storing up to 19.1 MG.

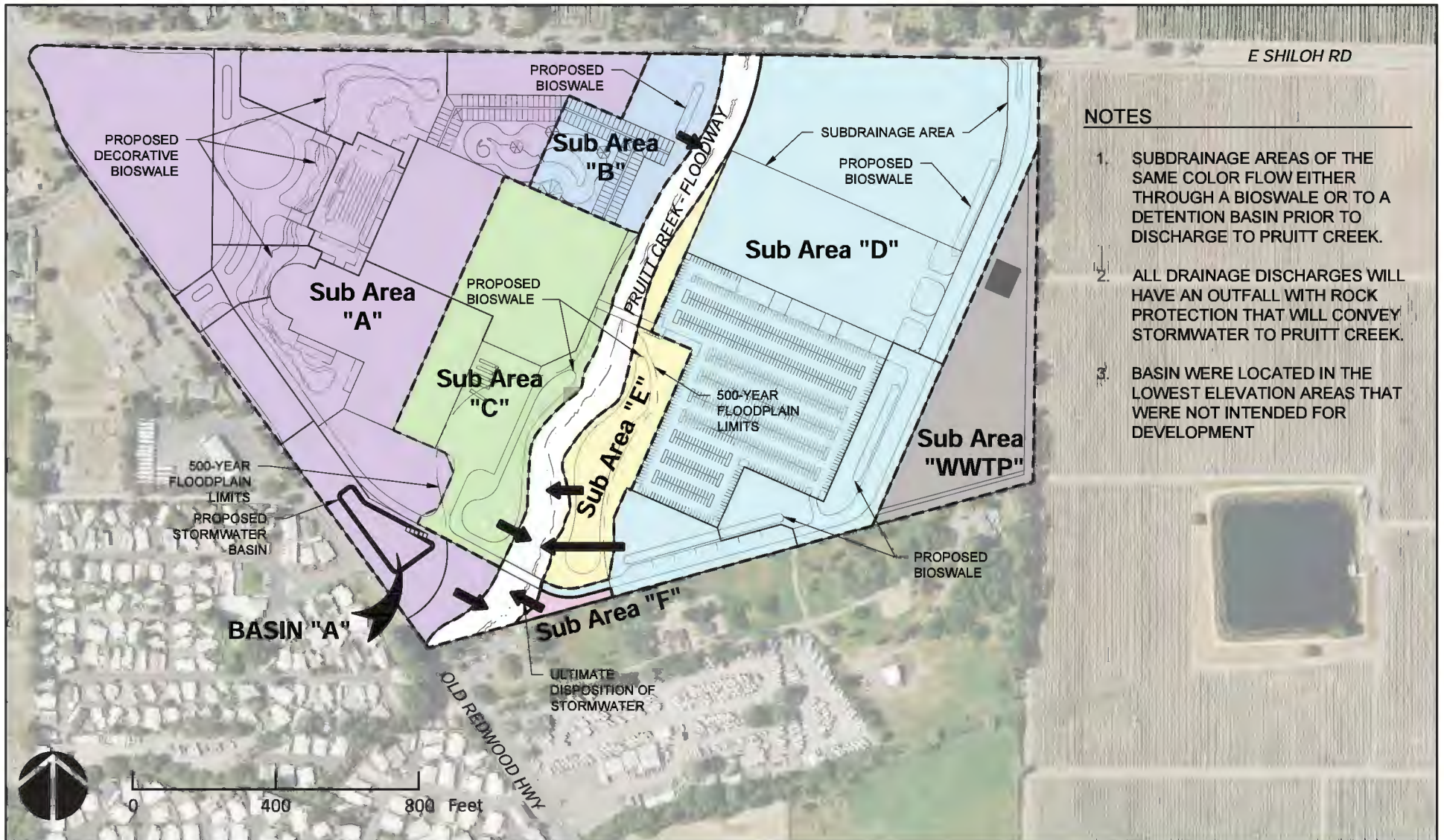
- Seasonal storage tank(s) would be located within the “treatment area” designated in the eastern portion of the Project Site (**Figure 2.1-1**). The maximum seasonal storage tank capacity, described as Options 6 and 8 in **Appendix D-2**, would include three 10-million gallon tanks, each with a diameter of 160 feet, and a height of 65 feet.

## 2.1.5 Grading and Drainage

The existing topography of the Project Site is relatively flat, ranging in elevation from 135 feet to 160 feet above mean sea level, and generally slopes toward Pruitt Creek, which runs through the site. Construction would involve grading and excavation for building pads and parking lots. A Site Grading and Hydrology Study is included in **Appendix D-3**. As described therein, building finish floors were chosen approximately 1-2 feet above existing 500-year floodplain elevations associated with the creek. These range from 142 feet in elevation for the conference center, to 144 feet for the casino and parking structure, and 146 feet for the hotel. Although some vineyard areas would remain undisturbed, the roadway-adjacent vineyards are intended as decorative landscape areas. These areas are to be graded with slopes not to exceed 4:1. Parking lot and roadways are to be designed between 1 and 5% slope. The proposed grading concept accomplishes a near balanced site with less than 10,000 cubic yards of fill required to be imported. Cut areas include the WWTP and foundations of the structures. Fill would primarily be placed on the southwesterly portion of the Project Site near, and outside of, the 100-year and 500-year floodplain. Earthwork within the 100-year and 500-year floodplain would be balanced. Fill would be transported in accordance with applicable requirements from a source within 20 miles during normal construction hours (7 a.m. to 5 p.m.), and dust suppression Best Management Practices (BMPs) would be used for roadways and trucks as discussed in **Section 2.1.10** below.

Although not required for tribal trust lands, the Sonoma County Water Agency Flood Management Design Manual (FMDM) was used for the design of the stormwater drainage system. Per FMDM standards, the stormwater drainage system under Alternative A would limit the post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event. As shown on **Figure 2.1-3**, the proposed grading for the portion of the Project Site west of Pruitt Creek consists of three different sub-area watersheds.

The largest shed, Sub Area A, would collect runoff from vineyards, roadways, and building roof drainage and convey the flows to the decorative bioswale in the front entrance of the casino and then to a detention basin on the southwestern portion of the Project Site prior to discharging to Pruitt Creek. Sub Area B would collect runoff from roof drainage and some landscape/vineyards into a bioswale adjacent to Pruitt Creek. Sub Area C would also collect runoff from roof drainage and the loading dock area and convey the flows through a bioswale and then discharge into the creek. The bioswale for Sub Area C is located within the flood zone of Pruitt Creek and therefore would be designed with an elevation at or above the floodplain elevation to allow for treatment of pollutants from the roof drains and service yard during a storm event. The proposed grading for the portion of the Project Site east of Pruitt Creek consists of four different sub-area watersheds. Sub Area D, E, and F would convey all drainage runoff from the parking, roadways, and landscape areas into bioswales and then discharge into the creek.



**NOTES**

1. SUBDRAINAGE AREAS OF THE SAME COLOR FLOW EITHER THROUGH A BIOSWALE OR TO A DETENTION BASIN PRIOR TO DISCHARGE TO PRUITT CREEK.
- ALL DRAINAGE DISCHARGES WILL HAVE AN OUTFALL WITH ROCK PROTECTION THAT WILL CONVEY STORMWATER TO PRUITT CREEK.
- BASIN WERE LOCATED IN THE LOWEST ELEVATION AREAS THAT WERE NOT INTENDED FOR DEVELOPMENT

Source: HydroScience

**FIGURE 2.1-3**  
ALTERNATIVE A STORMWATER DRAINAGE

The bioswales would be sized per Sonoma County low impact development (LID) requirements for pollutant reduction. Storm drain outfalls to the creek would be designed with rock slope protection to prevent erosion of the natural creek banks and erosion downstream. Sub Area WWTP is the fourth sub area of the easterly watershed. Due to potential for sanitary sewer spill contamination of potential overflows, runoff in this area would be captured and conveyed to the WWTP for treatment and disposal as described in **Section 2.1.4**.

### 2.1.6 Roadway Access and Circulation

Alternative A would be accessible via 1) the existing driveway on Shiloh Road east of Caporale Court, 2) a new driveway on Shiloh Road across from Gridley Drive, and 3) a new driveway on Old Redwood Highway across from the southern driveway for the existing Shiloh Neighborhood Church (**Figure 2.1-1**).

The onsite circulation includes a roundabout connecting the main driveways on the western portion of the site with the front entrance of the resort facility and a loop road to connect to the service yard and parking areas. The parking structure includes a primary speed ramp entrance/exit on the eastern side of the parking structure and a secondary entrance/exit on the southern side of the parking structure. The loop road would be designed with at least one paved shoulder wide enough to handle in-bound traffic during evacuation. The loop road would cross over Pruitt Creek via a clear-span bridge on the southern portion of the Project Site.

### 2.1.7 Law Enforcement, Fire Protection, and Emergency Medical Services

The Sonoma County Sheriff's Office (SCSO) provides law enforcement services to the County and staffs the Windsor Police Department through a negotiated contract between the Town and County. SCSO would be the public agency responsible for providing law enforcement services to the Project Site in accordance with Public Law 280 as amended in 1968, which gives criminal jurisdiction to State law enforcement of offenses involving Indians in Indian Country if tribal consent is given (for additional information on Public Law 280, refer to **Appendix E**). The Tribe proposes to enter into a contract with SCSO for law enforcement services on the Project Site. Tribe-managed security personnel and security cameras would provide surveillance of proposed structures, parking areas, and ancillary facilities.

The BIA is responsible for fire management on federal trust land. Under the *California Master Cooperative Wildland Fire Management and Stafford Act Response Agreement* signed in 2007, federal agencies and the California Department of Forestry and Fire Protection (now CAL FIRE) agreed to improve efficiency by facilitating the coordination and exchange of personnel, equipment, supplies, services, and funds for wildfires in addition to improving coordination regarding other incidents. Numerous federal agencies signed this agreement, including the BIA. Under this agreement, agencies can enter into agreements of mutual aid and contract for wildfire related services with each other (BIA et al., 2007).

The Tribe proposes to enter into a contract with the Sonoma County Fire District (SCFD) to be the primary provider of fire protection and emergency medical services (EMS). A Letter of Intent between the Tribe and SCFD that specifies the intention of the Tribe and SCFD to enter into a Memorandum of Understanding for the provision of fire response and emergency medical services to the Project Site is included as **Appendix O**. The nearest SCFD station to the Project Site is Station 1, approximately 1.6 miles to the northwest. CAL FIRE provides fire protection services to State Responsibility Areas and mutual aid throughout the County with the nearest station located approximately 5.4 miles south of the Project Site

in the City of Santa Rosa. Building plans and specifications would comply with the California Fire Code, including requirements for sprinkler systems and fire extinguishers.

### 2.1.8 Electricity and Natural Gas

Pacific Gas and Electric (PG&E) provides electrical services to the Project Site and would provide electricity to Alternative A. There are existing underground and overhead electrical lines on, and adjacent to, the Project Site. Alternative A will use electric boilers and appliances in lieu of natural gas or propane units to the greatest extent practicable as described in **Table 2.1-3**. If natural gas service is needed, PG&E would provide service. Natural gas infrastructure near the Project Site includes a transmission line approximately 0.95 miles west of the Project Site (PG&E, 2022a). PG&E has planned electrical and natural gas infrastructure projects which will increase capacity near the Project Site prior to 2028. For additional information on electrical and gas infrastructure, refer to **Section 3.10.2**.

Emergency on-site generators would be installed to provide power to the development in the event that PG&E is unable to provide electricity due to a planned or unplanned disruption in service. There would be five 1650 electrical kilowatts (2062 kilo-volt-ampere) diesel generators along with four 10,000-gallon aboveground storage tanks (ASTs) to store the diesel fuel for the generators. Only four generators would operate during PG&E outages, with the fifth generator providing redundancy. A potential generator model that could be used is the Cat® 3516C that meets USEPA Tier 4 Final standards. These generators would be able to provide electricity to the facility for up to 72 hours with the aforementioned ASTs. These generators would each be situated on 8-by-12-foot rebar reinforced pads.

### 2.1.9 Construction

Construction of Alternative A is conservatively assumed to occur in one phase beginning in 2026 and lasting 18 to 24 months, with an anticipated opening day in 2028. Construction of the parking garage and lot, on-site utilities, and landscaping would occur simultaneously with construction of the resort and casino. The proposed facilities would conform to applicable requirements of the Tribe's Building and Safety Code of 2023, which are consistent with the CBC and California Public Safety Code, including building, electrical, energy, mechanical, plumbing, fire protection, and safety. An indoor sprinkler system would be installed to provide fire protection.

### 2.1.10 Protective Measures and Best Management Practices

Protective measures and BMPs, including regulatory requirements and voluntary measures that would be implemented by the Tribe, have been incorporated into the design of Alternative A. Where applicable, these measures would be incorporated into any design or construction contracts to eliminate or substantially reduce environmental consequences from Alternative A. These measures are discussed below in **Table 2.1-3**.

**Table 2.1-3: Protective Measures and Best Management Practices**

Resource Area	Protective Measures and Best Management Practices
Land Resources	<ul style="list-style-type: none"> <li>▪ Erosion control measures will be implemented during construction as described further under the Water Resources BMPs.</li> <li>▪ A registered design professional will prepare a project-specific design-level geotechnical report conducted in accordance with standards no less stringent than the CBC. The Tribe will adhere to the recommended measures within the report.</li> </ul>
Water Resources	<ul style="list-style-type: none"> <li>▪ The Tribe will apply for coverage under and comply with the NPDES General Construction Permit from the USEPA, for construction site runoff during the construction phase in compliance with the CWA. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared, implemented, and maintained throughout the construction phase of the development, consistent with the General Construction Permit requirements. The SWPPP prepared for the Project Site would include, but would not be limited to, the following BMPs to minimize storm water effects to water quality during construction.               <ul style="list-style-type: none"> <li>○ Grading activities will be limited to the immediate area required for construction.</li> <li>○ Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary re-vegetation, rock bag dams, erosion control blankets, and sediment traps) will be employed for disturbed areas.</li> <li>○ Construction activities will be scheduled to minimize land disturbance during peak runoff periods.</li> <li>○ Disturbed areas will be paved or re-vegetated following construction activities.</li> <li>○ Construction area entrances and exits will be stabilized with large-diameter rock.</li> <li>○ A spill prevention and countermeasure plan will be developed that identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on site.</li> <li>○ Petroleum products will be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 USC § 1251 to 1387).</li> <li>○ Construction materials, including topsoil and chemicals, will be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater.</li> <li>○ Fuel and vehicle maintenance areas will be designed to control runoff.</li> <li>○ Sanitary facilities will be provided for construction workers.</li> <li>○ Disposal facilities will be provided for soil wastes, including excess asphalt during construction. Food-related trash will be stored in closed containers and removed from the site daily.</li> <li>○ Wheel wash or rumble strips and sweeping of paved surfaces will be used to remove any and all tracked soil.</li> </ul> </li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>○ LID methods (e.g., bioswales) will be implemented that would help store, infiltrate, evaporate, and detain stormwater runoff.</li> <li>▪ Should dewatering (the process of removing surface or ground water from a particular location) be needed during construction, extracted water would be treated in a proposed or temporary basin and/or be trucked out and disposed of consistent with stormwater regulations.</li> <li>▪ During operation, internal roadways and parking areas will be subject to trash clean-up daily and swept weekly to prevent debris from entering the stormwater management system.</li> </ul>
<p style="text-align: center;">Biological Resources</p>	<ul style="list-style-type: none"> <li>▪ Prior to construction, all construction workers will take part in an environmental awareness program conducted by an agency-approved biologist. Special-status species to be covered in the program include, but are not limited to: California red-legged frog, northwestern pond turtle, nesting migratory birds, western burrowing owl, Chinook salmon (CC ESU), coho salmon (CCC ESU), and steelhead (CCC DPS).</li> <li>▪ This training shall include a description of the special-status species with the potential to occur in the work area, habitat needs, an explanation of the status of the species and protection under federal law, and a list of the measures being taken to avoid or reduce impacts to the species during project construction. The awareness program will be conducted at the start of construction and thereafter as required for new construction personnel. The training shall include a handout containing training information. The project manager shall use this handout to train any additional construction personnel that were not in attendance at the first meeting, prior to starting work on the project.</li> <li>▪ At the end of each workday, all excavations (e.g., holes, construction pits, and trenches) of a depth of eight inches or greater will be covered with plywood or other hard material, and gaps around the cover will be filled with dirt, rocks, or other appropriate material to prevent entry by wildlife. If excavations cannot be covered, then they will include escape ramps constructed of either dirt fill, wood planking, or other appropriate material installed at a 3:1 grade (i.e., an angle no greater than 30 degrees) to allow wildlife that fall in a means to escape.</li> <li>▪ If directional drilling is used, pipelines would be installed a minimum of 10 feet below the bottom of Pruitt Creek and during the dry season, to prevent hydrofracture (e.g., frac-out).</li> </ul>
<p style="text-align: center;">Socioeconomic Conditions and Environmental Justice</p>	<ul style="list-style-type: none"> <li>▪ The Tribe would obtain a license to serve alcohol from the State of California Department of Alcoholic Beverage Control. Casino patrons would be required to be 21 years of age or older in areas where alcohol is served, and a “Responsible Alcoholic Beverage Policy” would be adopted to include provisions related to identification verification and refusal of service to individuals who are visibly intoxicated.</li> <li>▪ The Tribe will implement operation policies at the resort that will include, but are not limited to, employee training, self-help brochures available onsite, signage near automatic teller machines and cashiers, and self-banning procedures to help those who may be affected by problem</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<p>gaming. The signage and brochures will include problem gambler hotlines and websites.</p> <ul style="list-style-type: none"> <li>▪ The Tribe shall develop an anti-human trafficking program that will include training programs to help staff recognize potential victims of trafficking, including understanding the signs of trafficking and knowing how to report suspicious activity. The anti-trafficking program will also include an awareness program that will include visible signage and brochures to educate casino and hotel patrons on what constitutes human trafficking and how to report suspicious activity.</li> </ul>
<p style="text-align: center;">Air Quality</p>	<p>The following dust suppression measures will be implemented during construction to control the production of fugitive dust (particulate matter 10 microns in size [PM<sub>10</sub>]) and prevent wind erosion of bare and stockpiled soils:</p> <ul style="list-style-type: none"> <li>▪ Exposed soil will be sprayed with water or other suppressant twice a day or as needed to suppress dust.</li> <li>▪ Non-toxic chemical or organic dust suppressants will be used on unpaved roads and traffic areas.</li> <li>▪ Dust emissions during transport of fill material or soil will be minimized by wetting loads, ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks, cleaning the interior of cargo compartments on emptied haul trucks before leaving a site, and/or covering loads.</li> <li>▪ Spills of transported fill material on public roads will be promptly cleaned.</li> <li>▪ Traffic speeds on the Project Site will be restricted to 15 miles per hour to reduce soil disturbance.</li> <li>▪ Wheel washers will be provided to remove soil that would otherwise be carried offsite by vehicles to decrease deposition of soil on area roadways.</li> <li>▪ Dirt, gravel, and debris piles will be covered as needed to reduce dust and wind-blown debris.</li> </ul> <p>The following measures will be implemented to reduce emissions of criteria air pollutants (CAP), greenhouse gases (GHG), and diesel particulate matter (DPM) from construction:</p> <ul style="list-style-type: none"> <li>▪ The Tribe will control CAP and GHG emissions from the facility by requiring all diesel-powered equipment be properly maintained and limiting idling time to five minutes when construction equipment is not in use, unless per engine manufacturer’s specifications or for safety reasons more time is required. Since these emissions would be generated primarily by construction equipment, machinery engines will be kept in good mechanical condition to minimize exhaust emissions. The Tribe will employ periodic and unscheduled inspections to accomplish the above measures.</li> <li>▪ All construction equipment with a horsepower rating of greater than 50 will be equipped with diesel particulate filters, which would reduce approximately 85% of DPM, and be equipped with California Air Resources Board (CARB) rated Tier 3 engines.</li> <li>▪ The use of low reactive organic gases (150 grams per liter or less) will be required for architectural coatings to the extent practicable.</li> </ul>



Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>▪ Environmentally preferable materials, including recycled materials, will be used to the extent readily available and economically practicable for construction of facilities.</li> </ul> <p>The Tribe will reduce emissions of CAPs and GHGs during operation through the following actions:</p> <ul style="list-style-type: none"> <li>▪ It is the intent that the project be designed and constructed to a minimum standard of Leadership in Energy and Environmental Design (LEED) Silver. Energy efficient measures may include use of low-emissivity (Low E) glass, and automated lighting controls, motion sensors and timers to reduce average illumination levels.</li> <li>▪ The Tribe will use clean fuel vehicles (i.e. electric, hybrid, hydrogen, or other fuels with reduced emissions) in the vehicle fleet where practicable, which would reduce CAPs and GHG emissions.</li> <li>▪ The Tribe will provide preferential parking for employee vanpools, carpools, and or other rideshare vehicles, which would reduce CAPs and GHGs.</li> <li>▪ Twenty percent of parking spaces will be constructed as electric vehicle (EV) capable spaces. Twenty-five percent of the EV capable spaces will be provided with EV supply equipment (i.e., chargers).</li> <li>▪ The Tribe will use electric boilers and appliances in lieu of natural gas or propane units to the extent that electric boilers and appliances are commercially available.</li> <li>▪ Shuttle service to and from select population centers will be provided, which would reduce CAPs and GHGs.</li> <li>▪ Water consumption will be reduced through low-flow appliances, drought resistant landscaping, and the incorporation of “Save Water” signs near water faucets throughout the development.</li> <li>▪ The Tribe will control CAPs, GHG, and DPM emissions during operation by requiring that all diesel-powered vehicles and equipment be properly maintained and minimizing idling time to five minutes at loading docks when loading or unloading food, merchandise, etc. or when diesel-powered vehicles or equipment are not in use, unless per engine manufacturer’s specifications or for safety reasons more time is required.</li> <li>▪ The Tribe will use energy efficient lighting and appliances, which would reduce energy usage, thus reducing indirect CAP and GHG emissions from the project.</li> <li>▪ The Tribe will install recycling bins throughout the facility for glass, cans, and paper products. Trash and recycling receptacles will be placed strategically outside to encourage people to recycle. In addition, the Tribe will promote the use of non-polystyrene take-out containers and encourage food waste composting programs at all restaurants that serve more than 100 meals per day.</li> <li>▪ The Tribe will discourage buses from idling for extended periods.</li> <li>▪ Adequate ingress and egress at entrances will be provided to minimize vehicle idling and traffic congestion.</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<p>The following odor-reducing components and designs will be incorporated into the design of the WWTP:</p> <ul style="list-style-type: none"> <li>▪ Activated carbon filter/carbon adsorption.</li> <li>▪ Biofiltration.</li> <li>▪ Fine bubble aerator.</li> <li>▪ Cover or enclose all anaerobic areas.</li> <li>▪ WWTP area will be designed to maximize distance between odor sources and the sensitive receptors to the north, east, and south of the Project Site.</li> <li>▪ Exhaust stack and vents will be positioned to limit odor exposure to sensitive receptors.</li> </ul>
<p>Public Services and Utilities</p>	<p>BMPs to be implemented during construction:</p> <ul style="list-style-type: none"> <li>▪ The Tribe will contact the Utility Notification Center to notify the utility service providers of excavation at the work site. In response, the utility service providers will mark or stake the horizontal path of underground utilities, provide information about the utilities, and/or give clearance to dig.</li> <li>▪ The site will be cleaned daily of trash and debris to the maximum extent practicable.</li> </ul> <p>BMPs to be implemented during operation:</p> <ul style="list-style-type: none"> <li>▪ The Tribe will conduct background checks of all gaming employees and ensure that all employees meet licensure requirements established by the Indian Gaming Regulatory Act and the Tribe’s Gaming Ordinance.</li> <li>▪ Parking areas will be well lit and monitored by parking staff and/or roving security guards at all times during operation. This will aid in the prevention of auto theft and other similar criminal activity.</li> <li>▪ Facilities will have “No Loitering” signs in place, be well lit, and be patrolled regularly by roving security guards.</li> <li>▪ Security guards patrolling the facilities would carry two-way radios to request and respond to back up or emergency calls.</li> <li>▪ Security cameras and tribal security personnel would provide surveillance of Project Site to both lessen and apprehend criminal activity onsite.</li> </ul> <p>BMPs to be implemented during construction and operation:</p> <ul style="list-style-type: none"> <li>▪ A solid waste management plan will be developed and adopted by the Tribe that addresses recycling and solid waste reduction and proper disposal onsite during construction and operation. These measures will include, but not be limited to, the installation of a trash compactor for cardboard and paper products, the installation of ample and visible trash and recycling bins to encourage proper disposal, and periodic waste stream audits.</li> </ul>
<p>Visual Resources</p>	<ul style="list-style-type: none"> <li>▪ Exterior lighting on buildings will be designed so as to not cast significant light or glare into the public right-of-way or any surrounding residentially zoned properties, natural areas, or properties used for activities falling under household living. Lighting equipment at the project entrances will aim downward and backward toward the site to create only indirect illumination that would be visible to adjacent sensitive receptors.</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>▪ No direct lighting shall be cast on Pruitt Creek. The riparian line will be used to establish an internal project boundary in which no illumination will be permitted. A no-lighting zone will also be created on either side of the creek riparian lines extending to the building structures and out to the Project Site boundary.</li> <li>▪ All signage lighting will aim downward and backward toward the Project Site to create only indirect illumination that would be visible to adjacent sensitive receptors. No signage will be internally illuminated.</li> <li>▪ Outdoor light fixtures will be fully or partially shielded and filtered and oriented downward when possible.</li> <li>▪ The onsite loop road planned vehicular traffic will be unlit except where there is potential conflict with pedestrians or hazards such as bus parking, sharp curves, and intersections.</li> <li>▪ Lighting at the front roadways will be concentrated at the points of entry, the roundabout, and intersections. Lighting between these points may be considered where shielded by sufficiently mature landscape.</li> <li>▪ Marking and lighting necessary to indicate the presence of buildings, structures, or vegetation to operators of aircraft in the vicinity of the airport will be provided if required by the Federal Aviation Administration.</li> <li>▪ The exterior lighting of will be designed in accordance with the International Dark-Sky Association’s Model Lighting Ordinance so as not to cast light or glare off site (e.g. utilize a warm correlated color temperatures (3000K or less) for exterior lighting for reduced likelihood of blue wavelengths which stimulate the photoreceptors of humans and some wildlife).</li> <li>▪ Lighting will consist of pole-mounted lights up to a maximum height of 16 feet and use high pressure sodium or light-emitting diodes (LEDs) with cut-off lenses and downcast illumination unless an alternative light configuration is needed for security or emergency purposes. Additionally, no strobe lights, spotlights, or flood lights will be used. Shielding will be used in accordance with the International Dark-Sky Association’s Model Lighting Ordinance.</li> <li>▪ Efforts shall be made to “capture” the light emitted upward with built or natural material beyond what is specified in the Dark-Sky Association’s Model Lighting Ordinance.</li> <li>▪ Less reflective materials will be used in uncovered areas to reduce reflected light and glare.</li> <li>▪ A wall with a gate will be constructed around the service yard to shield Pruitt Creek from work lights which will be automatically controlled-off when not in use.</li> <li>▪ The foot bridge from the parking garage to the casino will incorporate electrochromic glass which can be automatically shaded when electric pathway lighting is required to contain electric light within the bridge. This will enable the bridge to be transparent during the day but prevent illumination from being cast on Pruitt Creek during the night.</li> <li>▪ The overflow surface parking lot will be restricted to daytime use only to prevent the need for permanent lighting in this area.</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>▪ Interior light will be controlled from spilling onto Pruitt Creek or nearby sensitive receptors through the following methods:               <ul style="list-style-type: none"> <li>○ Casino/Events windows – glazing will be minimized and primarily facing the main entryway and spill light will be utilized for backlighting of rain screens or contributing to illumination below canopies.</li> <li>○ Casino skylights – shading devices will be used to black out interior light that would otherwise be wasted into the night sky.</li> <li>○ Hotel – guest room windows facing Shiloh Road and the creek will be minimized, and automated shading and lighting sequences will be employed. A reliable presence detection method such as room-key docking will be used to enable lighting and also lower shades at sunset. The interior room lighting will also be developed with consideration of luminaire placement relative to windows.</li> </ul> </li> <li>▪ Parking structure lighting – Shielding will be used to reduce light reaching sensitive receptors and Pruitt Creek, such as a parapet wall wrapping all other exposures to contain reflected light. Lighting placement and luminaire distribution will be carefully coordinated to contain direct light onto the parking garage footprint. Further, automated controls will reduce light levels when occupants are not detected. On the top level, pole lights will be located interior to the parking surfaces so that all emitted light can be useable on the parking surface. Sight lines will be studied to ensure the lighting equipment is not visible from common angles of adjacent properties, and reflection reducing materials will be used in the parking to reduce reflectance.</li> </ul>
Noise	<p>The following BMPs will be implemented during construction:</p> <ul style="list-style-type: none"> <li>▪ Construction activities involving noise generating equipment will be limited to daytime hours between 7:00 a.m. and 6:00 p.m., with the exception of federal holidays where no work will occur, and with no construction work occurring between the hours of 10:00 p.m. to 7:00 a.m.</li> <li>▪ All powered equipment will comply with applicable federal regulations and all such equipment will be fitted with adequate mufflers according to the manufacturer’s specifications to minimize construction noise effects.</li> <li>▪ Noise-generating construction equipment will be located as away far from sensitive receptors as practicable while in usage.</li> <li>▪ The use of vibratory rollers will be limited to locations beyond 250 feet from an existing sensitive receptor and non-vibratory rollers will be utilized at locations within 250 feet from an existing sensitive receptor.</li> </ul> <p>The following BMPs will be implemented during operation:</p> <ul style="list-style-type: none"> <li>▪ Heating, ventilation, and air conditioning equipment will be shielded to reduce noise.</li> <li>▪ Noise generating equipment associated with water and wastewater treatment facilities will be shielded, enclosed, or located within buildings.</li> </ul>
Hazardous Materials and Hazards	<ul style="list-style-type: none"> <li>▪ Personnel will follow BMPs for filling and servicing construction equipment and vehicles. BMPs that are designed to reduce the potential for incidents/spills involving hazardous materials include the following.</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>○ Fuel, oil, and hydraulic fluids will be transferred directly from a service truck to construction equipment to reduce the potential for accidental release.</li> <li>○ Catch-pans will be placed under equipment to catch potential spills during servicing.</li> <li>○ Refueling will be conducted only with U.S. Department of Labor Occupational Safety and Health Administration approved pumps, hoses, and nozzles.</li> <li>○ All disconnected hoses will be placed in containers to collect residual fuel from the hose.</li> <li>○ Vehicle engines will be shut down during refueling.</li> <li>○ Refueling will be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.</li> <li>○ Service trucks will be provided spill containment equipment, such as absorbents.</li> <li>○ Should a spill contaminate soil, the soil will be put into containers and disposed of in accordance with local, State, and federal regulations.</li> <li>○ All containers used to store hazardous materials will be inspected at least once per week for signs of leaking or failure.</li> <li>■ In the event that contaminated soil and/or groundwater is encountered during construction-related earthmoving activities, all work will be halted until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, the Tribe will consult with the USEPA to determine the appropriate course of action, including development of a Sampling and Remediation Plan if necessary. Contaminated soils that are determined to be hazardous will be disposed of in accordance with federal regulations.</li> <li>■ Personnel will follow the following BMPs that are designed to reduce the potential for igniting a fire during construction: <ul style="list-style-type: none"> <li>○ Construction equipment will contain spark arrestors, as provided by the manufacturer.</li> <li>○ Staging areas, welding areas, or areas slated for development using spark-producing equipment will be cleared of dried vegetation or other materials that could serve as fire fuel.</li> <li>○ No smoking, open flames, or welding will be allowed in refueling or service areas.</li> <li>○ Service trucks will be provided with fire extinguishers.</li> </ul> </li> <li>■ Diesel fuel storage tanks for on-site emergency generators would comply with the National Fire Protection Association standards for aboveground storage tanks and have secondary containments systems. Materials used for the emergency generators would be handled, stored, and disposed of according to federal and manufacturer’s guidelines.</li> <li>■ BMPs to be implemented during operation to address fire hazards:</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>○ Annual maintenance will be conducted to ensure fire resistive materials and construction details are maintained at their highest level to reduce ember impacts.</li> <li>○ Fire protection devices including, but not limited to, fire sprinkler systems, alarm systems, commercial kitchens, and fire hydrants will be maintained, inspected, and tested per National Fire Protection Association standards.</li> <li>○ The exterior landscape of ignition resistant plants and existing vineyard areas will be maintained, including a five-foot non-combustible zone around each structure that will remain void of vegetation and landscaping.</li> </ul>
Transportation and Circulation	<ul style="list-style-type: none"> <li>▪ The Tribe will construct pedestrian facilities (e.g., sidewalks or trails) on the Project Site to facilitate pedestrian traffic between the casino resort facility and the intersection of Shiloh Road and Old Redwood Highway.</li> </ul>

## 2.2 ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Alternative B consists of the following components: (1) transfer of the 68.6-acre Project Site into federal trust status for the benefit of the Tribe for gaming purposes as described in **Section 2.1.1**; and (2) the subsequent development by the Tribe of a resort facility that includes a three-story casino, a three-story hotel with spa and pool area, ballroom/meeting space, and associated parking and infrastructure on the Project Site. Alternative B is similar to Alternative A, except that the number of hotel rooms is reduced to 200 and the large ballroom, the event center, and the surface parking lot are eliminated. A conceptual site plan for Alternative B is shown in **Figure 2.2-1** and a breakdown of the components of Alternative B is provided in **Table 2.2-1**.

**Table 2.2-1: Alternative B Project Components**

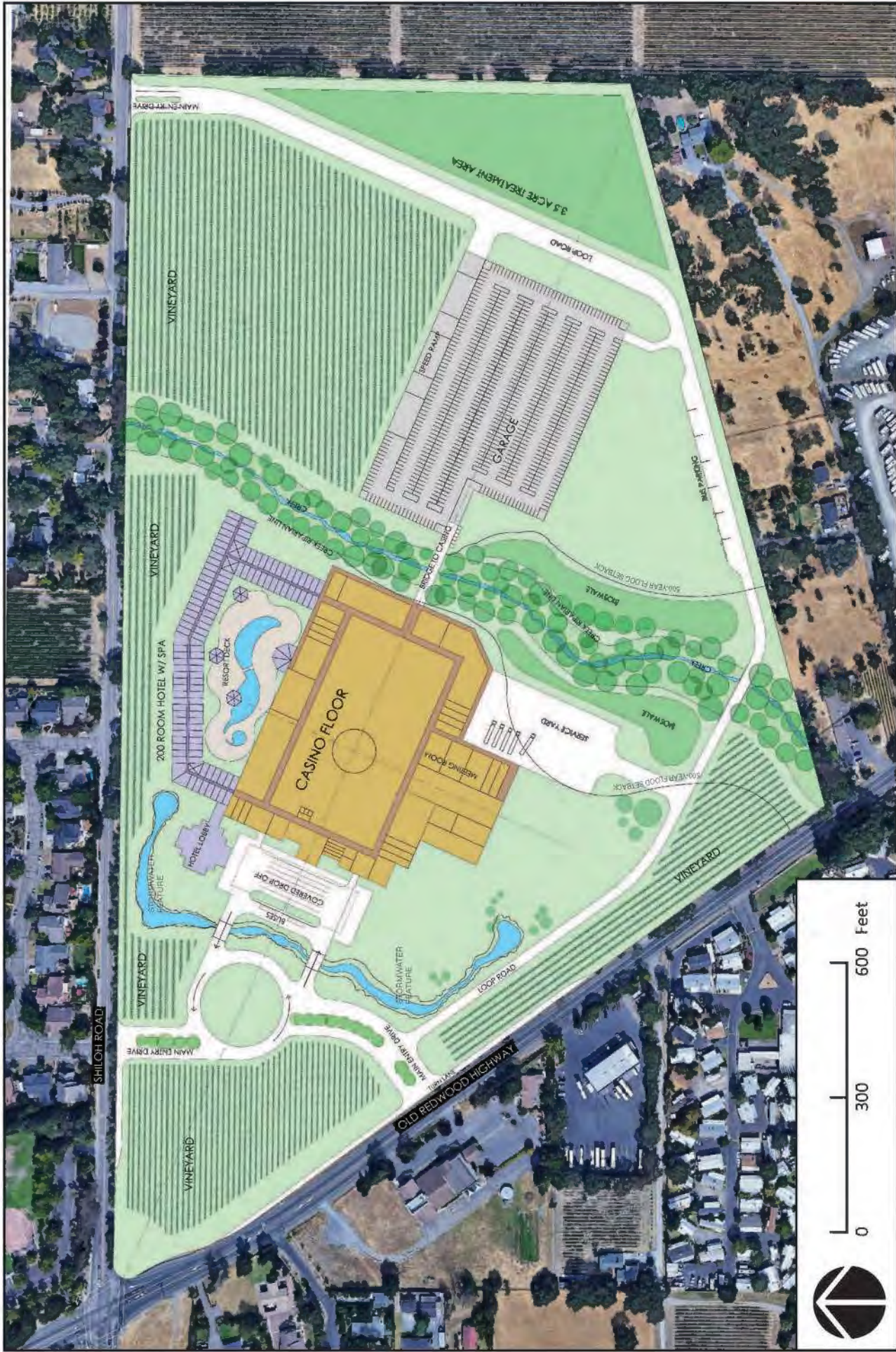
Component	Approximate Square Footage	Units
<b>Casino</b>	<b>405,882</b>	<b>2,750 gaming devices 105 table games</b>
Gaming Floor	114,345	-
High Limits Gaming	8,250	-
Sports Book	9,900	-
Food Hall	14,000	465 seats
Restaurants (5)	37,440	1,240 seats
Coffee Shop	2,750	-
Casino Bar	7,855	-
Service Bars (4)	4,080	-

Component	Approximate Square Footage	Units
Retail	2,250	-
Ballroom	12,400	-
Meeting Rooms	20,735	-
Circulation and Back of House	171,877	-
<b>Hotel</b>	<b>147,380</b>	<b>200 rooms</b>
Guest Rooms	103,770	-
Spa	13,930	-
Circulation and Back of House	29,680	-
<b>Parking</b>	<b>1,506,280</b>	<b>4,461 spaces</b>
Casino/Drop-off	286,000	760 spaces
Parking Garage	1,214,080	3,692 spaces
Bus	6,200	9 spaces

Source: Dale Partners, 2022b

As with Alternative A, Alternative B would be designated as entirely non-smoking and be open 24 hours a day, 7 days a week. Alternative B would employ fewer people and attract fewer patrons than Alternative A. Water supply, wastewater treatment and disposal, grading and drainage, roadway access and circulation, fire protection, law enforcement, emergency services, and electrical and natural gas utilities under Alternative B would be similar to Alternative A (**Section 2.1**) but with a reduced demand for services due to the smaller development size. The estimated average daily water usage for Alternative B would be approximately 117,000 gpd of potable water and 72,000 gpd of recycled water. Alternative B is estimated to generate an average wastewater flow of 158,000 gpd and a peak weekend flow of 215,000 gpd. The construction methods, protective measures, and BMPs for Alternative B would be identical to those described for Alternative A (**Sections 2.1.9** and **2.1.10**).

Architecture, signage, lighting, and landscaping design under Alternative B would be similar to Alternative A (**Section 2.1.2**) except the proposed three-story hotel would have a maximum height of approximately 36 feet above ground level (29 feet shorter than Alternative A). **Table 2.2-2** provides a breakdown for the number of parking spaces recommended for Alternative B under the Sonoma County Parking Regulations and reductions for shared and simultaneous use functions. Parking for Alternative B would be provided on the ground floor of the casino (760 spaces), a four-story parking garage (3,692 spaces). Additionally, nine (9) spaces for bus parking would be provided. Therefore, Alternative B provides 4,461 parking spaces, which is 690 more than the recommended number of parking spaces. The location of the various parking areas is shown on **Figure 2.2-1**.



Source: Dale Partners

**FIGURE 2.2-1**  
**ALTERNATIVE B REDUCED INTENSITY ALTERNATIVE SITE PLAN**



**Table 2.2-2: Recommended Parking Spaces under Alternative B**

Component	Regulation <sup>1</sup>	Units	Reduction for Shared Use	Parking Spaces Recommended
Casino	1 space/slot machine 2 space per table game	2,750 gaming devices 105 table games	N/A	2,960
Dining	1 space/60 square feet	51,440 square feet	20% (171 spaces)	686
Hotel	1 space/room plus 1 space/staff	200 rooms 5 managers/staff	75% of rooms (150 spaces)	55
Spa	1 space/100 square feet	14,000 square feet	50% (70 spaces)	70
			<b>Total Recommended</b>	<b>3,771</b>
			Total Provided	4,461

Source: Dale Partners, 2024 and **Appendix I**

Notes: 1) Chapter 26, Article 86 of the Sonoma County Code of Ordinances

## 2.3 ALTERNATIVE C – NON-GAMING ALTERNATIVE

Alternative C consists of the following components: (1) transfer of the 68.6-acre Project Site into federal trust status for the benefit of the Tribe as described in **Section 2.1.1**; and (2) the subsequent development by the Tribe of a winery and hotel that would include a visitor's center, a 200-room hotel with spa and pool area, a restaurant, and associated parking and infrastructure on the Project Site. A conceptual site plan for Alternative C is shown in **Figure 2.3-1** and a breakdown of the components of Alternative C is provided in **Table 2.3-1**.

**Table 2.3-1: Alternative C Project Components**

Component	Approximate Square Footage	Units
<b>Winery and Visitor Center</b>	<b>25,000</b>	-
Winery	20,000	-
Visitor Center	5,000	-
<b>Hotel</b>	<b>161,400</b>	<b>200 rooms</b>
Guest Rooms	130,000	-
Spa	14,000	-
Restaurant	4,700	135 seats
Circulation and Back of House	12,700	-
<b>Parking</b>	<b>145,800</b>	<b>492 spaces</b>
Surface Parking	145,800	492 spaces

Source: Dale Partners, 2022c

The winery would be used for fermentation, barrel storage, winery production, and support spaces. Regular production hours would be 7 a.m. to 6 p.m., Monday through Friday; while wine production hours during the harvest season (typically late August through mid-October) would be 6 a.m. to 10 p.m., seven days per week. The winery would produce approximately 15,000 cases of wine annually. Fruit for the wine would come from the Project Site vineyards. The visitor’s center would include a tasting room, restrooms, and support space for the direct sales of wine and other incidental products from the local area. The proposed tasting room hours would be 11 a.m. to 7 p.m., seven days per week. The hotel would be open 24 hours a day, 7 days a week. As with Alternatives A and B, Alternative C would be designated as entirely non-smoking. Alternative C would employ fewer people and attract fewer patrons than Alternatives A and B.

Water supply, wastewater treatment and disposal, grading and drainage, roadway access and circulation, fire protection, law enforcement, emergency services, and electrical and natural gas utilities under Alternative C would be similar to Alternative A (**Section 2.1**) but with a reduced demand for services due to the smaller development size. The estimated average daily water usage for Alternative C would be approximately 19,000 gpd of potable water and 29,000 gpd of recycled water. Alternative C is estimated to generate an average wastewater flow of 40,100 gpd and a peak weekend flow of 53,400 gpd. The construction methods, protective measures, and BMPs for Alternative C would be identical to those described for Alternative A (**Sections 2.1.9 and 2.1.10**).

Architecture, signage, lighting, and landscaping design under the Alternative C would be similar to Alternatives A and B (**Section 2.1.2**) except the proposed three-story hotel and winery/visitor center would have a maximum height of approximately 40 feet above ground level (25 feet shorter than the resort facility under Alternative A). **Table 2.3-2** provides a breakdown for the number of parking spaces recommended for Alternative C under the Sonoma County Parking Regulations. As shown in **Table 2.3-1**, 492 parking spaces for Alternative C would be provided on surface parking lots (see **Figure 2.3-1**). Therefore, Alternative C provides 38 more parking spaces than recommended.

**Table 2.3-2: Recommended Parking Spaces under Alternative C**

Component	Regulation <sup>1</sup>	Units	Parking Spaces Recommended
Winery	1 space/2,000 square feet	20,000 square feet	10
Visitor Center	1 space/250 square feet	5,000 square feet	20
Dining	1 space/60 square feet	4,700 square feet	79
Hotel	1 space/room plus 1 space/staff	200 rooms 5 managers/staff	205
Spa	1 space/100 square feet	14,000 square feet	140
<b>Total Recommended</b>			<b>454</b>
Total Provided			492

Notes: 1) Chapter 26, Article 86 of the Sonoma County Code of Ordinances

Source: Dale Partners, 2022c

## 2.4 ALTERNATIVE D – NO ACTION ALTERNATIVE

Under Alternative D, none of the development alternatives (Alternatives A, B, and C) would be implemented. No land would be placed in federal trust for the benefit of the Tribe. Alternative D assumes

that the existing agricultural use of the Project Site as a vineyard would continue for the foreseeable future.

## 2.5 COMPARISON OF THE ALTERNATIVES

- **Alternative A – Proposed Project.** Among the project alternatives considered, Alternative A, which is fully evaluated in **Section 3**, would best meet the Tribe’s objectives and provide the greatest socioeconomic benefit to the Tribe and surrounding community.
- **Alternative B – Reduced Intensity Alternative.** This alternative would result in similar effects to the environment as Alternative A, but it would provide the Tribe and the community with less economic benefit than Alternative A. Potential effects associated with most environmental issue areas would be less due to the smaller sized development that would be constructed under Alternative B.
- **Alternative C – Non-Gaming Alternative.** This alternative would result in reduced effects to the environment as Alternative A, it but would provide the Tribe and the community with less economic benefit than Alternative A. Potential effects associated with most environmental issue areas would be less due to the smaller sized development that would be constructed under Alternative C.
- **Alternative D – No Action Alternative.** Under Alternative D, the Project Site would remain in its existing condition and would not be taken into trust. No environmental effects would occur. This alternative would achieve the lowest net greenhouse gas emissions amongst the project alternatives. Under Alternative D, the Tribe would not achieve any of the economic benefit that would be achieved with development of Alternatives A, B or C. Moreover, the Tribe would not be able to utilize its landholdings in a manner that would most benefit its members. This alternative would not meet the stated purpose and need of facilitating tribal self-sufficiency, self-determination, and economic development. Pursuant to 40 CFR § 1502.14(f), Alternative D was determined to be the environmentally preferred alternative.

## 2.6 ALTERNATIVES ELIMINATED FROM FURTHER ANALYSIS

The intent of the analysis of alternatives in the EIS is to present to decision makers and the public a reasonable range of alternatives that are both feasible and sufficiently different from each other in critical aspects. Alternatives were considered and excluded from full EIS analysis either because these alternatives 1) did not meet the purpose and need for the Proposed Action; 2) were not feasible from a technical or economic standpoint; 3) were not feasible from a regulatory standpoint (including ability to meet the requirements for establishing connections to newly acquired lands for the purposes of the “restored lands” exception set forth in 25 CFR § 292.12); 4) did not avoid or minimize environmental impacts; and/or 5) did not contribute to a reasonable range of alternatives. The alternatives considered but rejected from full analysis and the reason for their elimination is discussed in the Scoping Report completed in September 2022, which is available online at <https://www.shilohresortenvironmental.com/>, and the Supplemental Scoping Report included in **Appendix A-2**. Additionally, for each alternative which includes a casino, the gaming activity may either be managed directly by employees of the Tribe or by a management contractor pursuant to a gaming management agreement approved by the NIGC. Under either form of management, the environmental impacts of the development of the casino for each alternative are the same. Therefore, analyzing gaming development alternatives that do not include



Source: Dale Partners

**FIGURE 2.3-1**  
**ALTERNATIVE C NON-GAMING ALTERNATIVE SITE PLAN**

approval of a gaming management agreement by the NIGC would not meaningfully contribute to the reasonable range of alternatives and such alternatives were eliminated.

# Section 3 | Affected Environment and Environmental Consequences

## 3.1 INTRODUCTION

This section describes the existing environment of the area affected by the project alternatives as well as the environmental consequences for each project alternative. The following environmental issue areas are described: Land Resources, Water Resources, Air Quality, Biological Resources, Cultural and Paleontological Resources, Socioeconomic Conditions and Environmental Justice, Transportation and Circulation, Land Use, Public Services and Utilities, Noise, Hazardous Materials and Hazards, and Visual Resources. Additional details on the regulatory setting summarized below are included within **Appendix E**. Although the Tribe and the federal government would exercise civil regulatory jurisdiction over the Project Site if it is taken into trust, State and local regulations are included in the regulatory setting of each issue area and in the Expanded Regulatory Setting (**Appendix E**) in order to provide background and context for the analysis. Cumulative and indirect and growth-inducing effects are identified in **Sections 3.14 and 3.15**, respectively. Measures to mitigate for adverse impacts identified in this section are presented in **Section 4**. Note that, consistent with 40 CFR § 1508.1(i), the term “effects” is used synonymously with the term “impacts.”

## 3.2 LAND RESOURCES

### 3.2.1 Regulatory Setting

The land resources regulatory setting is summarized in **Table 3.2-1** and additional information on the regulatory setting can be found in **Appendix E**.

### 3.2.2 Environmental Setting

#### Geological Setting

The Project Site is located within the central portion of the Coast Range Geomorphic Province of California (California Geological Survey, 2002). The topography of the province is characterized by mountain ranges with intervening valleys trending to the northwest, roughly paralleling the Pacific coastline. The central portion of the Coast Range is underlain by the Franciscan Complex, an assemblage of igneous, sedimentary, and metamorphic rocks.

As described in Appendix D of **Appendix D-1**, the central and southwestern portions of the Project Site are mapped as being underlain by Holocene to Latest Pleistocene aged basin deposits, which generally consist of poorly drained, clay-rich soils. The northern and eastern limits of the Project Site are mapped as being underlain by Holocene aged alluvial fan deposits, which generally consist of varying amounts of sand, gravel, silt, and clay, and are moderately- to poorly-sorted and bedded. Historical stream channel deposits are mapped along Pruitt Creek on the Project Site and include loose, unconsolidated, poorly- to well-sorted sand, gravel, and cobbles, with minor silt and clay.

**Table 3.2-1: Regulatory Policies and Plans Related to Land Resources**

Regulation	Description
<b>Federal</b>	
Clean Water Act	<ul style="list-style-type: none"> <li>▪ Prohibits sediment and erosion discharge into navigable waters of the United States and establishes water quality goals.</li> </ul>
<b>State</b>	
Alquist-Priolo Earthquake Fault Zoning Act	<ul style="list-style-type: none"> <li>▪ The Alquist-Priolo Earthquake Fault Zoning Act requires the delineation of zones along active and potentially active faults in California.</li> <li>▪ The California Geological Survey defines an “active” fault as one that exhibits evidence of activity during the last 11,000 years.</li> <li>▪ Faults that exhibit evidence of Quaternary activity (within the last 1.6 million years) are considered to be “potentially active.”</li> </ul>
Seismic Hazards Mapping Act	<ul style="list-style-type: none"> <li>▪ The Seismic Hazards Mapping Act was enacted to protect the public from the effects of strong ground shaking, liquefaction, landslides, ground failure, or other hazards caused by earthquakes.</li> </ul>
Surface Mining and Reclamation Act	<ul style="list-style-type: none"> <li>▪ The Surface Mining and Reclamation Act requires all jurisdictions to incorporate mapped mineral resources designations approved by the California Mining and Geology Board within their general plans.</li> <li>▪ The Surface Mining and Reclamation Act was enacted to limit new development in areas with significant mineral deposits.</li> </ul>

### Topography

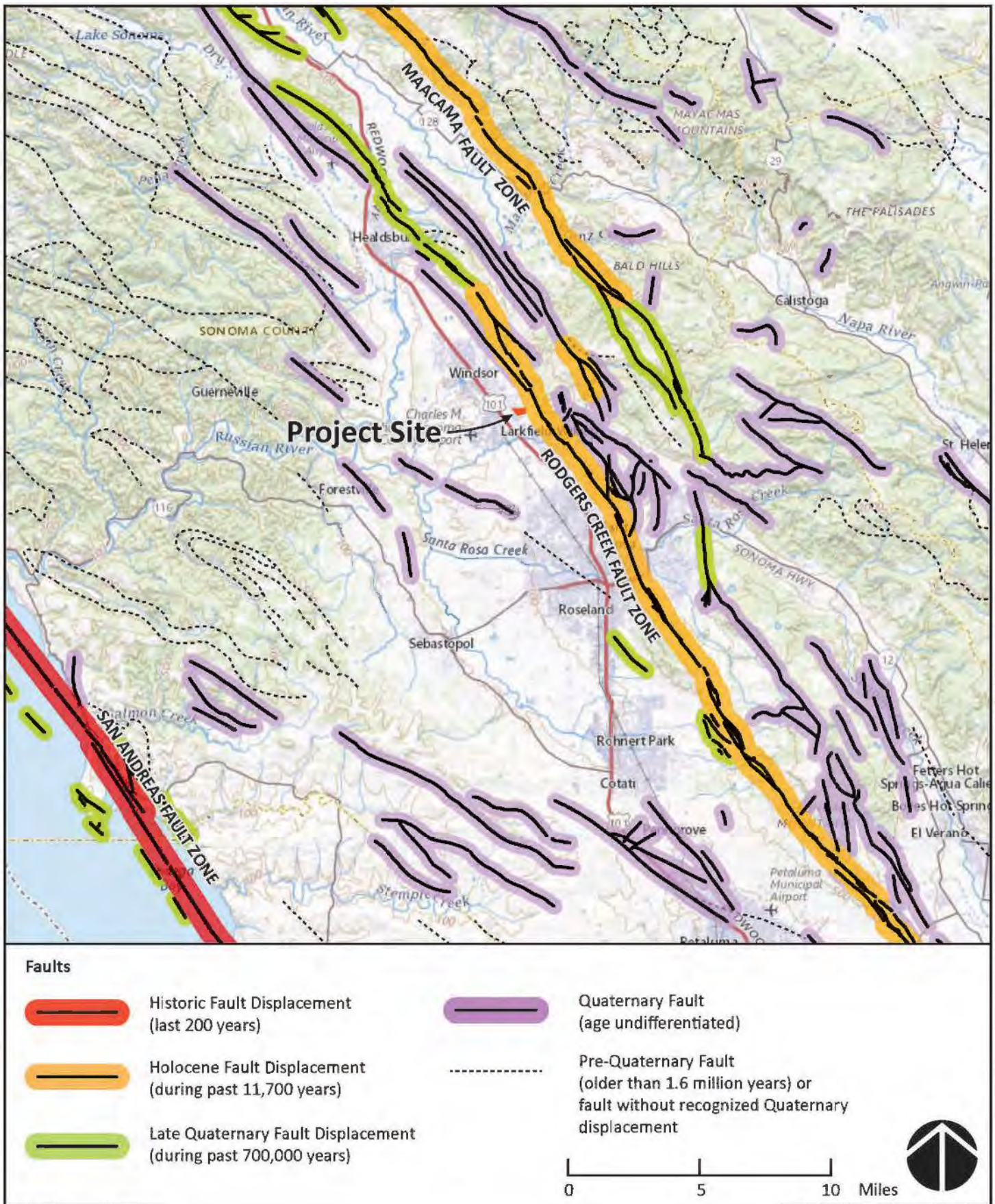
The existing topography of the Project Site is relatively flat ranging in elevation from 135 feet to 160 feet above mean sea level (amsl) and generally slopes toward Pruitt Creek, which runs through the Project Site (**Appendix D-3**).

### Seismic Conditions

The Alquist-Priolo Earthquake Fault Zoning Act defines an active fault as a fault that has evidence of fault or rupture in the past 11,000 years. Regional faults are shown on **Figure 3.2-1**. As illustrated therein, the Project Site is not within the zone of an active fault as defined by the Alquist-Priolo Earthquake Fault Zoning Act. The Project Site is approximately 0.5 miles west of the Rodgers Creek Fault and approximately six miles southwest of the Maacama Fault (**Figure 3.2-1**). The Rodgers Creek Fault and the Maacama Fault have both been active during the past 11,700 years (**Figure 3.2-1**).

### Soil Types and Characteristics

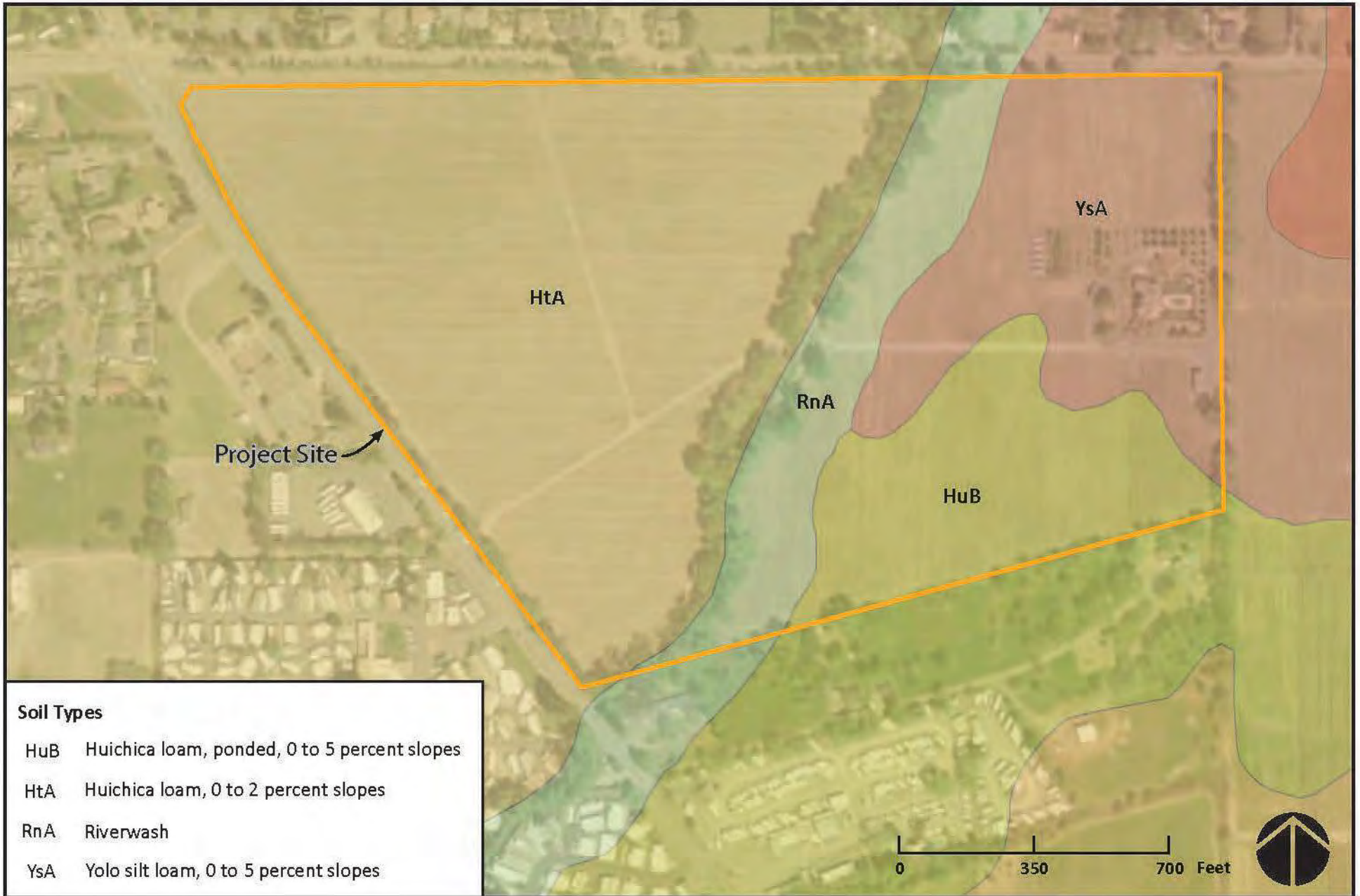
**Figure 3.2-2** provides a map of soils on the Project Site. As described in Appendix D of **Appendix D-1**, the Project Site contains four soil types: Huichica loam, Huichica loam ponded, Yolo silt loam, and Riverwash.



Source: CGS, USGS

**FIGURE 3.2-1**  
REGIONAL FAULTS





Source: NRCS

FIGURE 3.2-2  
SOIL MAP

Cal Engineering and Geology performed subsurface explorations on the Project Site which included laboratory analysis of soil samples and percolation testing for four test pits (Appendix D of **Appendix D-1**). Alluvial deposits were encountered in each test pit to the maximum depth explored of six feet. The encountered alluvium within the upper four feet of test pit 1, 2, and 3, located along the southern border of the Project Site, primarily consists of lean clays with varying amounts of sand, silt, and gravel and occasional silty sand layers. Shallow soils encountered in test pit 4, located northwest of the existing residence, are more granular and consist of moist to wet silty sand, clayey gravel, and clayey sand from zero to five feet below the ground surface. Sandy lean clay and lean clay with sand was encountered in each of the four test pits from approximately five to six feet below ground surface.

Perched groundwater was encountered at approximately two feet below ground surface in test pit 4. Groundwater was not encountered in the test pits 1, 2, or 3.

### Soil Hazards

#### *Soil Erosion*

The hydrologic soil group is a classification based on the runoff potential of the soils when thoroughly wet, which is defined by NRCS as being under the conditions of maximum yearly wetness (NRCS, 2007). Soils are grouped into four classes that grade from A to D, with A being coarse-grained soils with high infiltration and low runoff potential and D being mostly fine-grained clays with extremely slow infiltration and high runoff potential. The soils on the Project Site have hydrologic ratings of B, C, and D, indicating the soils have moderate to slow infiltration rates and moderately fine, coarse, and clayey textures (**Table 3.2-2**; NRCS, 2022).

**Table 3.2-2: Soil Properties**

Soil	Percent of Site	Hydrologic Soil Group	Drainage Class	Ksat (µm/s)	Surface Runoff	Corrosion of Concrete	Corrosion of Steel	Linear Extensibility
Huichica loam	54.9	C	Moderately well drained	Very low to moderately low	High	Moderate	Moderate	Low
Huichica loam ponded	13.9	D	Moderately well drained	Very low to moderately low	High	Moderate	High	Moderate
Riverwash	11	N/A	Excessively drained	High to very high	Negligible	N/A	N/A	Low
Yolo silt loam	20.1	B	Well drained	Moderately high to high	Low	Low	Low	Low

Source: NRCS, 2022

Saturated hydraulic conductivity [Ksat] is a quantitative measurement for the movement of water through saturated soil or the ease with which pores in a saturated soil transmit water. Ksat is a factor in determining the hydrologic soil group and is often used in the design of water and wastewater disposal features such as percolation ponds and septic systems. Ksat measures transport only in a vertical direction under completely saturated conditions. Ksat for Project Site soils is included within **Table 3.2-2**. The following descriptions for the range of measured Ksat are used by the Natural Resource Conservation Service (NRCS):

- very high: >100 micrometers per second ( $\mu\text{m/s}$ )
- high: 10–100  $\mu\text{m/s}$
- moderately high: 1–10  $\mu\text{m/s}$
- moderately low: 0.1–1  $\mu\text{m/s}$
- low: 0.01–0.1  $\mu\text{m/s}$
- very low:  $\mu\text{m/s}$

Soil erosion is the wearing and removal of soil materials from the ground surface and the transportation of these soil materials resulting in deposition elsewhere. Mechanisms of soil erosion include stormwater runoff and wind as well as human activities. Factors that influence erosion include physical properties of the soil, topography (slope), annual rainfall, and peak intensity. As shown in **Table 3.2-2**, soils on the Project Site transmit water at varying rates, including very low to very high rates. This indicates that in some portions of the Project Site water infiltrates at a high rate instead of running off, and in other portions of the Project Site water is more likely to run off rather than infiltrating into the soil. Although NRCS classifies the soil types present on the Project Site as moderately well drained to excessively drained, subsurface testing at the Project Site illustrated that the Project Site is poorly drained with areas of shallow groundwater, which could increase the potential for erosion (**Appendix D of Appendix D-1**). However, the majority of the Project Site is relatively flat, reducing erosion risks.

Corrosivity pertains to a soil-induced electrochemical or chemical reaction that corrodes concrete or steel. The soils on the Project Site have low to high risks of corrosion to concrete and steel (NRCS, 2022).

Expansive soils may increase in volume when water is absorbed and may shrink when dried, as expansive soils are largely comprised of clays. The property of expansion is measured using linear extensibility. Expansive soils are of concern because they can cause building foundations to rise during the rainy season and fall during the dry season, causing structural distortion. As shown in **Table 3.2-2**, the soils on the Project Site have low-to-moderate linear extensibility ratings and therefore are not considered to be expansive soils.

### *Liquefaction*

Liquefaction occurs when loose, saturated, and relatively cohesionless soil deposits temporarily lose strength from seismic shaking. The primary factors controlling the onset of liquefaction include intensity and duration of strong ground motion, characteristics of subsurface soil, on-site stress conditions, and the depth to groundwater. Portions of the Project Site have a shallow groundwater table and are poorly drained, increasing the potential for liquefaction during a seismic event (**Appendix D of Appendix D-1**). The liquefaction susceptibility on the Project Site is very high along Pruitt Creek, low on the southern half of Project Site outside of the creek, and moderate on the northern half of Project Site outside of the creek (USGS, 2006).

### *Landslides*

Areas susceptible to landslides are comprised of weak soils on sloping terrain. Heavy rains or strong seismic shaking events can induce landslides. The Project Site is relatively flat and does not have any features that would increase landslide potential. There are no mapped landslide features on or in the vicinity of the Project Site (USGS, 2022b).

### **Mineral Resources**

A search of the U.S. Geological Survey (USGS) Mineral Resources Data System found no known mineral resources on or in the vicinity of the Project Site (USGS, 2022). The County has established the Mineral Resource Combining District, a zoning designation intended to conserve and protect land necessary for future mineral resource production. The Project Site is not located within this zoning designation, and therefore has not been identified by the County as necessary for future mineral resource production.

## **3.2.3 Environmental Impacts**

### **3.2.3.1 Assessment Criteria**

Impacts to land resources would be significant if the alternative changes topography so that it is noticeable to the casual observer or causes an adverse effect, such as landslides. Seismic conditions would be adversely affected if the alternative substantially increases the occurrence of seismic events or increases the risks from seismic events. Impacts to soils would be significant if the project significantly increases soil erosion. Mineral resources would be significantly affected if the project reduces the regional availability of commercial mineral resources or increases the cost of extracting mineral resources.

### **3.2.3.2 Alternative A – Proposed Project**

#### *Topography*

Construction of Alternative A would require grading a significant portion of the Project Site (**Appendix D-3**). The estimated overall earthwork volume under Alternative A is 115,000 cubic yards (CY), and the grading concept accomplishes a near balanced site with less than 10,000 CY of imported fill required. If a seasonal storage pond is used to store treated effluent during the dry season (see **Section 2.1.4**), the overall earthwork volume would increase by 55,000 CY and no import or export of fill would be needed. Cut areas include the wastewater treatment plant and foundations of the structures. Fill would primarily be placed on the southwesterly portion of the Project Site near the floodplain. Proposed facilities would be constructed one to two feet above grade to ensure building protection from the 100-year floodplain. On-site grading would be designed to convey stormwater toward the proposed drainage system (**Figure 2.1-3**). The changes in topography due to the grading activities would not equate to a major or perceptible change to the existing topography. The grading activities proposed during construction would largely preserve the existing site topography, and impacts would be less than significant.

#### *Seismic Conditions*

As described above, the Project Site is not within the zone of an active fault as defined by the Alquist-Priolo Earthquake Fault Zoning Act; however, the Project Site is approximately 0.5 miles west of the Rodgers Creek Fault and approximately six miles southwest of the Maacama Fault. The Project Site's vicinity to active faults indicates that the Project Site could potentially be exposed to future seismic shaking and therefore prone to seismic induced hazards such as liquefaction. As described in **Table 3.1-3**,

a project-specific geotechnical report would be prepared prior to construction with standards no less stringent than the California Building Code (CBC). Use of these standards would allow ground shaking-related hazards to be managed from a geologic, geotechnical, and structural standpoint such that risks to the health or safety of workers or members of the public would be reduced. Therefore, impacts from potential seismic conditions and induced hazards would be less than significant.

### *Soil Characteristics*

Land clearing and grading activities during construction would result in exposure of soil, increasing the risk of erosion and associated hazards. The addition of impervious services to the Project Site would increase stormwater run-off volumes and the potential for associated operational erosion to occur. As described in **Section 3.3**, sediment discharge into navigable (surface) waters of the U.S. is regulated by the CWA, which establishes water quality goals for sediment control and erosion prevention for any project that would disturb more than one acre of soil. One of the mechanisms for achieving the goals of the CWA is the NPDES permitting program, administered by the USEPA. As part of the NPDES General Construction Permit, a SWPPP must be prepared and implemented. The SWPPP must make provisions for (1) erosion prevention and sediment control and (2) control of other potential pollutants. Construction of Alternative A would disturb more than one acre of land; therefore, the Tribe is required by the CWA to obtain coverage under, and comply with the terms of, the NPDES General Construction Permit for construction activities. The NPDES General Construction Permit requirements would reduce any potential impacts to less-than-significant levels. With adherence to regulatory requirements and BMPs described in **Table 2.1-3**, erosion impacts from implementation of the Alternative A would be minimal and, therefore, less than significant.

### *Mineral Resources*

As stated in **Section 3.2.2**, there are no known mineral resources within the Project Site. Therefore, Alternative A would have no impact on mineral resources.

#### **3.2.3.3 Alternative B – Reduced Intensity Alternative**

Similar to Alternative A, Alternative B would be developed on the Project Site and requires grading and other construction activities on a significant portion of the site; however, in comparison to Alternative A, Alternative B would disturb less of the site and have reduced impacts, due to the reduced building and parking footprint, and reduced size of the on-site wastewater treatment plant and reclaimed water storage facilities. As such, the potential impacts associated with topography, seismic conditions, and soil characteristics would be comparable but less than Alternative A and less than significant with adherence to regulatory requirements and BMPs described **Table 2.1-3**. There would be no impacts to mineral resources.

#### **3.2.3.4 Alternative C – Non-Gaming Alternative**

Alternative C would require less grading and other construction activities in comparison to Alternatives A and B as Alternative C has a smaller building and the existing vineyards would be maintained for use by the proposed winery and parking footprint. As such, the potential impacts associated with topography, seismic conditions, and soil characteristics would be less than Alternatives A and B and less than significant with adherence to regulatory requirements and BMPs described **Table 2.1-3**. There would be no impacts to mineral resources.

### 3.2.3.5 Alternative D – No Action Alternative

Under Alternative D, the land would not be taken into trust and the existing agricultural use of the site as a vineyard would continue. No significant alterations to topography or soils would occur and thus there would be no impacts related to land resources.

## 3.3 WATER RESOURCES

### 3.3.1 Regulatory Setting

The water resources regulatory setting is summarized in **Table 3.3-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.3-1: Federal and State Water Resources Regulations**

Regulation	Description
<b>Federal</b>	
Executive Order 11988	<ul style="list-style-type: none"> <li>▪ Requires federal agencies to evaluate the potential effects of any actions they may take in a floodplain; floodplain is defined as an area that has a 1% or greater chance of flooding in any given year.</li> <li>▪ Requires agencies proposing that an action be allowed in a floodplain to consider alternatives to avoid adverse effects; if the only practicable alternative action requires siting in a floodplain, Executive Order 11988 requires the agency to minimize potential harm to or within the floodplain.</li> </ul>
Clean Water Act	<ul style="list-style-type: none"> <li>▪ Establishes national water quality goals.</li> <li>▪ Regulates both point and non-point sources of pollution through the NPDES permit program.</li> <li>▪ Requires an NPDES permit be obtained to discharge pollutants into Waters of the U.S.</li> <li>▪ Requires states to establish water quality standards for waters in their jurisdiction and to periodically prepare a list of surface waters where beneficial uses are impaired by pollutants.</li> <li>▪ An Anti-Degradation Policy is required to be developed for each state to maintain surface water quality to levels permissible for existing uses.</li> </ul>
Safe Drinking Water Act	<ul style="list-style-type: none"> <li>▪ The USEPA sets National Primary Drinking Water Regulations (primary standards) that apply to public water systems and also defines National Secondary Drinking Water Regulations (secondary standards) for contaminants that cause cosmetic and aesthetic effects, but not health effects.</li> </ul>
Federal Emergency Management Agency (FEMA)	<ul style="list-style-type: none"> <li>▪ Responsible for the preparation of Flood Insurance Rate Maps (FIRM) for the National Flood Insurance Program.</li> </ul>

Regulation	Description
<b>State</b>	
Porter-Cologne Water Quality Act	<ul style="list-style-type: none"> <li>▪ Requires the State, through the State Water Resources Control Board and Regional Water Quality Control Boards, to designate beneficial uses of surface and groundwater and to specify water quality objectives for those uses per the water quality objectives described in Regional Water Quality Control Plans.</li> </ul>
Sustainable Groundwater Management Act	<ul style="list-style-type: none"> <li>▪ Establishes a definition of “sustainable groundwater management” based on halting overdraft and balancing levels of pumping from and recharge of groundwater basins.</li> <li>▪ Requires the adoption of a Groundwater Sustainability Plan (GSP) for the most important groundwater basins in the State.</li> <li>▪ Encourages local agencies to form or join Groundwater Sustainability Agencies to draft GSPs for their respective groundwater basins.</li> </ul>
Title 22 California Code of Regulations	<ul style="list-style-type: none"> <li>▪ Regulates the sources, uses, and quality standards of recycled water in the State.</li> </ul>
State Water Code	<ul style="list-style-type: none"> <li>▪ Water Code Section 13511, California Legislature declared that a substantial portion of the future water requirements of the state may be economically met by beneficial use of recycled water</li> <li>▪ Water Code Section 13512, Legislature expressed its intent that the state undertakes all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state</li> </ul>
State Water Resources Control Board Order - Water Reclamation Requirements for Recycled Water Use	<ul style="list-style-type: none"> <li>▪ Authorizes beneficial, non-potable recycled water uses consistent with the Uniform Statewide Recycling Criteria</li> <li>▪ Intended to streamline the permitting process for recycled water use and delegate the responsibility of administrating water recycling programs to producers and users of recycled water.</li> <li>▪ Producers and/or users of recycled water are required to apply for coverage under the general order, and receive approval from the applicable Regional Water Quality Control Board</li> <li>▪ Requires producers and/or users of recycled water to adhere to requirements that are protective of human health and water quality</li> </ul>

### 3.3.2 Environmental Setting

#### Surface Water

##### *Surface Water Resources*

The Project Site is located in the Russian River watershed, which includes 1,485 square miles in Mendocino and Sonoma Counties. The USGS has assigned hydrologic unit codes (HUCs) to define drainage areas in a multi-level, hierarchal system. The Project Site is located within the Windsor Creek Subwatershed (HUC 12: 180101100705), within the Mark West Creek Hydrologic Sub-Area (HUC 10: 1801011007), within the Russian River Hydrologic Unit (HUC 8: 18010110; USGS, 2021).

Surface drainage in the general area of the Project Site flows from the northeast to the southwest, originating from the foothills of the Mayacamas Mountains, flowing southwest through the Santa Rosa Plain, and eventually flowing into the Russian River. A map of major surface water features in the area is provided as **Figure 3.3-1**. The extent of Pruitt Creek which flows through the Project Site is shown on **Figure 3.3-2**.

*Surface Water Quality*

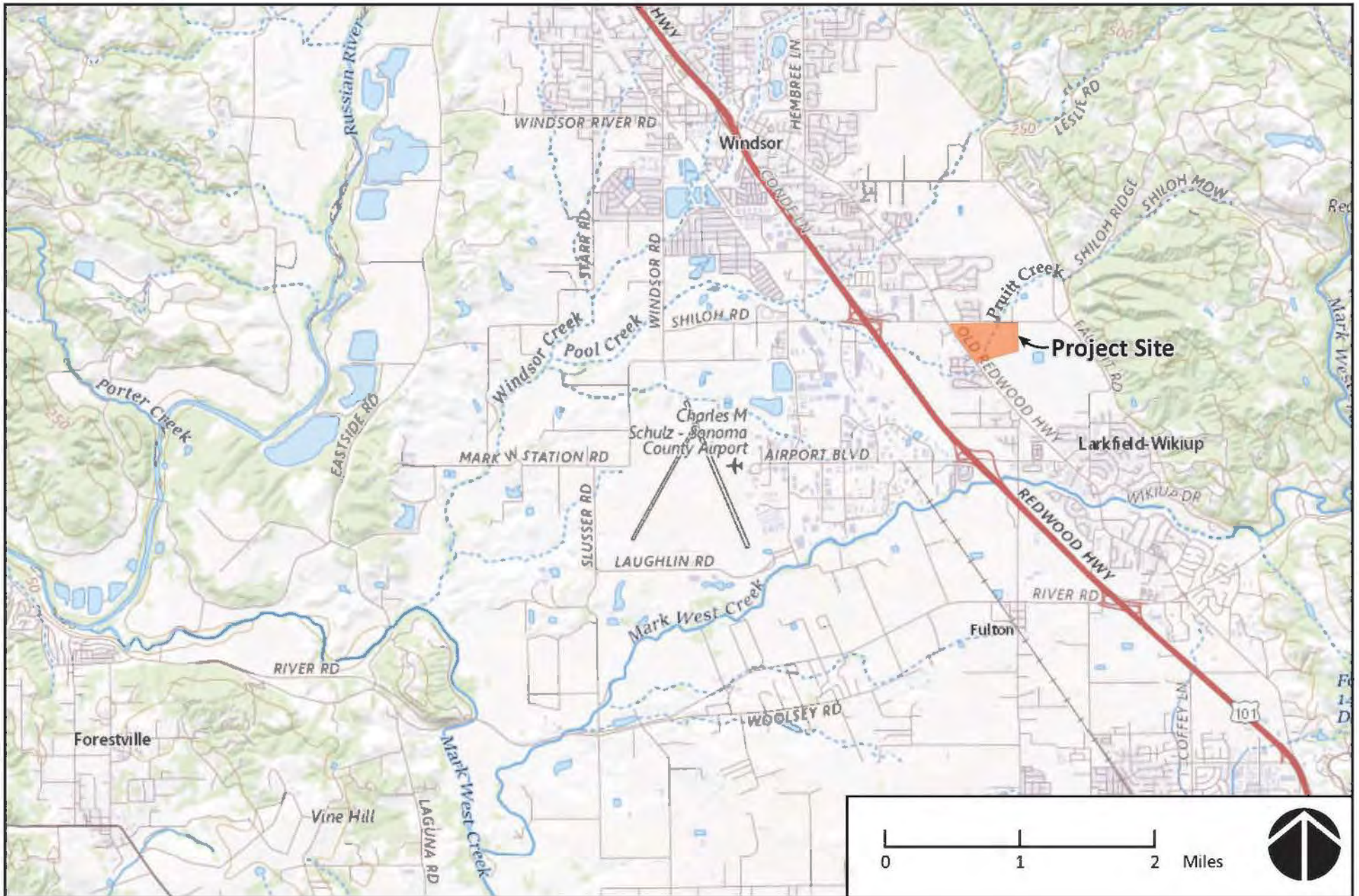
The surface water quality standards for the State of California include both narrative and numerical water quality objectives to keep California’s waters swimmable, fishable, drinkable, and suitable for use by industry, agriculture, and the citizens of the State. Beneficial uses for both Mark West Creek and the Russian River are listed in **Table 3.3-2**.

**Table 3.3-2: Beneficial Uses of Mark West Creek and the Russian River**

Beneficial Use		Category
MUN	Municipal and Domestic Supply	E
AGR	Agricultural Supply	E
IND	Industrial Service Supply	E
PRO	Industrial Process Supply	P
GWR	Groundwater Recharge	E
FRSH	Freshwater Replenishment	E
NAV	Navigation	E
POW	Hydropower Generation	P
REC1	Water Contact Recreation	E
REC2	Non-Water Contact Recreation	E
COMM	Commercial and Sport Fishing	E
WARM	Warm Freshwater Habitat	E
COLD	Cold Freshwater Habitat	E
WILD	Wildlife Habitat	E
RARE	Rare, Threatened, or Endangered Species	E
MIGR	Migration of Aquatic Organisms	E
SPWN	Spawning, Reproduction, and/or Early Development	E
SHELL	Shellfish Harvesting	P
EST	Estuarine Habitat	E
AQUA	Aquaculture	P

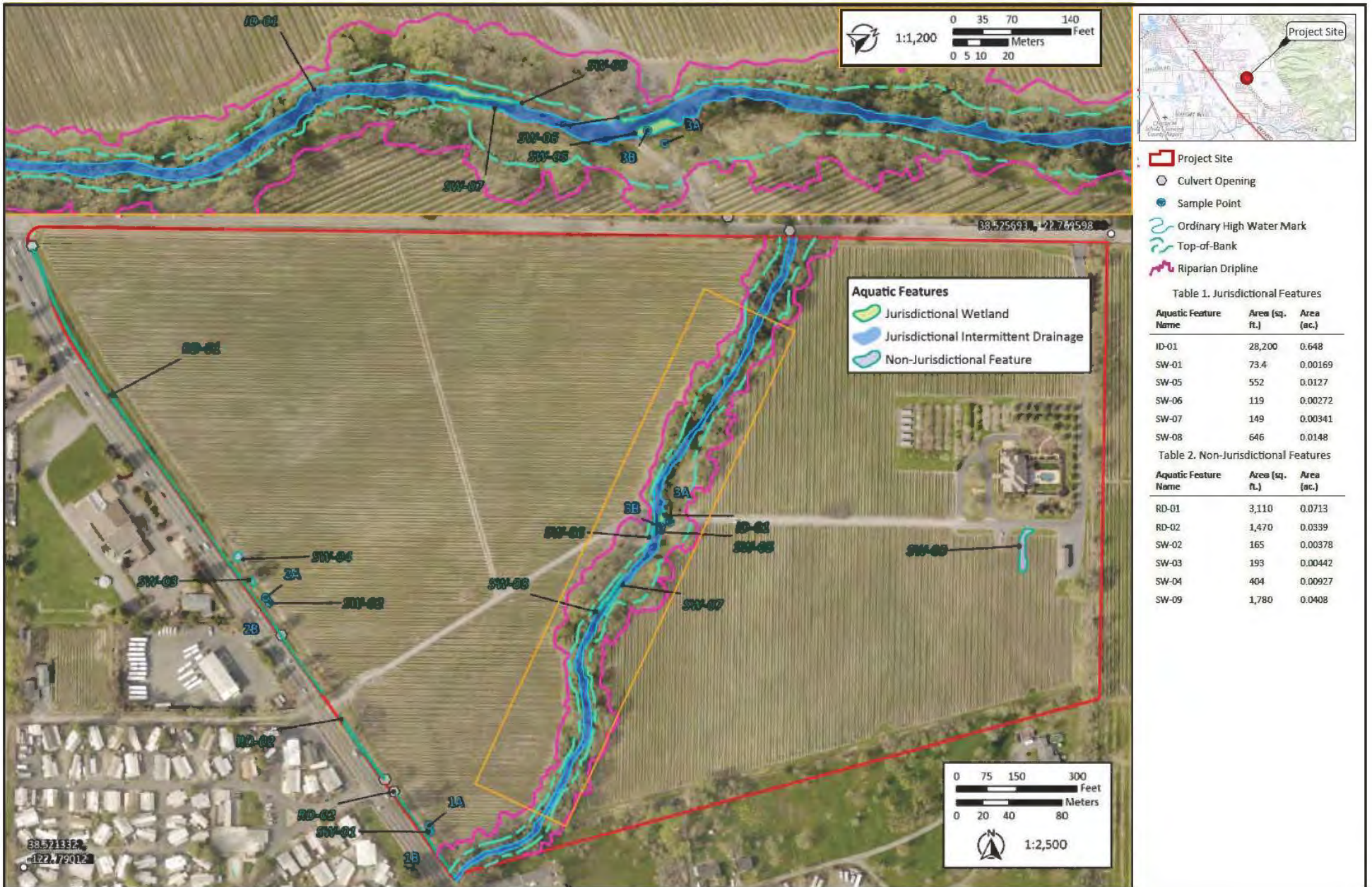
Notes: E=Existing Beneficial Use; P=Potential Beneficial Use  
 Source: North Coast Regional Water Quality Control Board, 2018.





Source: USGS

**FIGURE 3.3-1**  
SURFACE WATER RESOURCES



Source: Sequoia Ecological Consulting

FIGURE 3.3-2  
PROJECT SITE AQUATIC FEATURES

Relevant water quality objectives for the North Coast Region are summarized in **Table 3.3-3**. Under CWA Section 303(d) states are required to submit to USEPA a list identifying waterbodies not meeting water quality standards and the associated pollutants impairing beneficial uses of the waterbodies. The nearest waterbodies downstream of the Project Site and listed on the California State 303(d) list of impaired waters are Windsor Creek, Mark West Creek, the Laguna de Santa Rosa, and the Russian River. **Table 3.3-4** summarizes the pollutants of concern for the reaches of these waterbodies downstream of the Project Site. The entire Russian River watershed is listed as impaired for sediment and temperature.

**Table 3.3-3: North Coast Region Water Quality Objectives**

Constituent	Water Quality Objective
Color	Water shall be free of coloration that causes a nuisance or adversely affects beneficial uses.
Taste & Odor	<p>Water shall not contain taste or odor producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that causes nuisance or adversely affect beneficial uses.</p> <p>For waters designated MUN, chemical constituents, radionuclides, and pesticides shall not be present at levels prohibited by the drinking water standards set forth in Title 22 of the California Code of Regulations.</p>
Turbidity	Shall not be increased more than 20% above naturally occurring background levels.
Bacteria	<p>In waters designated REC-1, the median fecal coliform concentration on a minimum of not less than five samples for any 30-day period shall not exceed 50 per 100 milliliters (mL), nor shall more than 10% of the total samples during any 30-day period exceed 400 per 100 mL.</p> <p>In waters designated SHELL, the fecal coliform concentration throughout the water column shall not exceed 43 per 100 mL for a 5-tube serial dilution, or 49 per 100 mL for a 3-tube serial dilution.</p>
Temperature	At no time or place shall the temperature of any waters designated COLD or WARM be increased by more than five degrees Fahrenheit.
Chemical Constituents, Radioactivity, and Pesticides	For waters designated MUN, chemical constituents, radionuclides, and pesticides shall not be present at levels prohibited by the drinking water standards set forth in Title 22 of the California Code of Regulations.
Other Parameters	<p>The following are prohibited in concentrations that cause nuisance to or adversely affect beneficial uses: floating material, suspended material, suspended sediment, settleable material, oil and grease, and biostimulatory substances.</p> <p>Discharges containing toxic substances, pesticides, chemical constituents, or radioactivity in concentrations that impact beneficial uses are prohibited.</p>

Source: North Coast Regional Water Quality Control Board, 2018.

**Table 3.3-4: 303(d) List Summary for Downstream Waterbodies**

<b>Water Body</b>	<b>Listing Extent</b>	<b>Pollutant</b>
Russian River	Entire watershed	Sediment Temperature
Middle Russian River Hydrologic Area (HA), Laguna Hydrologic Sub-Area (HSA), mainstem Laguna de Santa Rosa	Entire water body	Indicator Bacteria Oxygen, Dissolved Mercury Phosphorus Sedimentation/Siltation Temperature
Middle Russian River HA, Mark West HSA, mainstem Mark West Creek upstream of the confluence with the Laguna de Santa Rosa	Entire water body	Sedimentation/Siltation Temperature
Middle Russian River HA, Mark West HSA, Windsor Creek and its tributaries	Entire water body	Sedimentation/Siltation Temperature

Source: State Water Resources Control Board, 2021.

A total maximum daily load (TMDL) is the maximum amount of a pollutant that a given water body can assimilate daily and still meet State water quality standards. A TMDL for pathogens for the Russian River. is pending approval from State and federal agencies. The North Coast Regional Water Quality Control Board has adopted policies for sediment and temperature which utilize existing permitting and enforcement tools (North Coast Regional Water Quality Control Board, 2022).

TMDLs for the Laguna de Santa Rosa watershed are currently under development for nutrients (nitrogen and phosphorus), dissolved oxygen, temperature, and sedimentation/siltation. A TMDL for ammonia and dissolved oxygen for the Laguna de Santa Rosa watershed was approved in 1995 (North Coast Regional Water Quality Control Board, 2020).

## **Drainage and Flooding**

### ***Project Site Drainage***

The Project Site is divided into a western and eastern drainage shed by Pruitt Creek. Surface drainage in both sheds and Pruitt Creek generally sheet flows to the south-southwest (see Appendix B of **Appendix D-1**). The western shed flows south-southwest toward Old Redwood Highway where roadside channels carry stormwater back southeast to meet Pruitt Creek at the southern boundary of the Project Site. The eastern shed also flows south-southwest toward Pruitt Creek at the southern boundary of the Project Site. Once offsite it drains through an adjacent property to the south and into a box culvert below Old Redwood Highway. Pruitt Creek drains to Pool Creek, which flows into Windsor Creek, then into Mark West Creek, and finally into the Russian River.

### *Flooding*

FEMA is responsible for predicting the potential for flooding in most areas. FEMA routinely performs this function through the update and issuance of FIRMs, which depict various levels of predicted inundation. The Project Site is on FIRM map number 06097C0569E (FEMA, 2008). **Figure 3.3-3** shows the regulatory floodway associated with Pruitt Creek and the following zones on the Project Site:

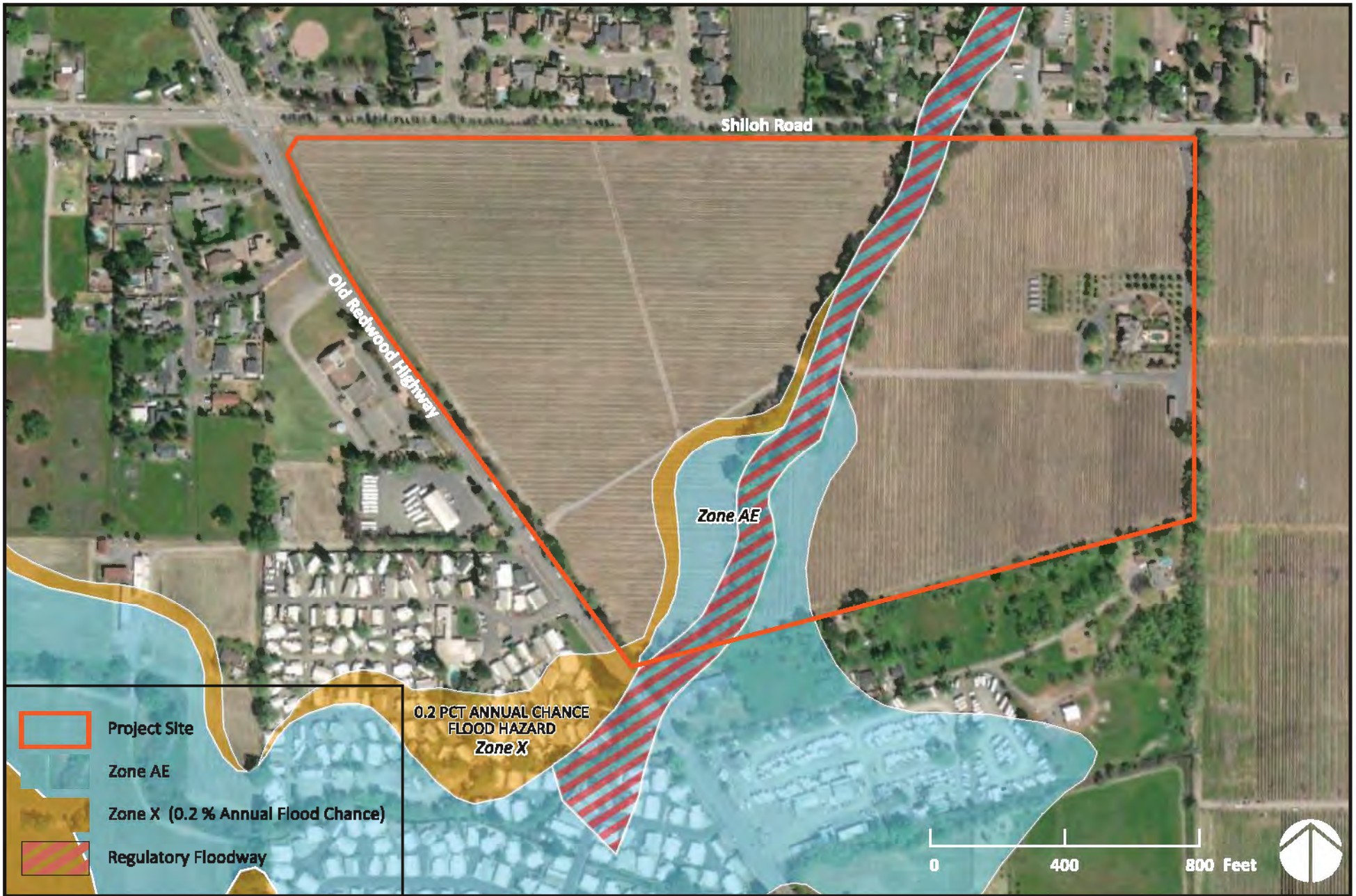
- Zone AE: the known base flood elevation for a 100-year storm event.
- Zone X with shading: area of 100-year storm event with an average flood depth of less than one foot or areas within a 500-year storm event.
- Zone X without shading: area of minimal flood hazard.

### *Groundwater*

The following groundwater information is summarized from the Water and Wastewater Feasibility Study (**Appendix D-1**) and the Supplemental Groundwater Resources Impact Assessment (GRIA, **Appendix D-4**).

The Project Site is located within the Santa Rosa Plain Groundwater Subbasin (Basin No. 1-055.01), the largest subbasin in the Santa Rosa Valley Basin with an estimated groundwater storage capacity of approximately 4,313,000 acre-feet. The three principal water-bearing geologic units present in the vicinity of the Project Site are the Glen Ellen Formation, Petaluma Formation, and Sonoma Volcanics, which are described in Section 4.3.3 of **Appendix D-4**. The following three major hydrostratigraphic units were identified to occur in the vicinity of the Project Site: 1) Shallow Zone (first water to approximately 120 feet bgs); 2) Intermediate Zone (Approximately 113 to 350 bgs); and 3) Deep Zone (greater than 350 feet bgs). The Santa Rosa Plain groundwater basin is monitored by the Sonoma County Groundwater Sustainability Agency, which updated its Groundwater Sustainability Plan (GSP) in January of 2022 (Sonoma County Groundwater Sustainability Agency, 2022). The GSP indicates groundwater is typically a primary source for water supply for irrigated agriculture and a secondary source of supply for many municipal water purveyors (except California American Water Company's Larkfield District). Long-term groundwater monitoring in the Santa Rosa Plain Groundwater Subbasin indicates that groundwater levels are relatively stable to increasing, especially in the northern portion of the subbasin, including the area near the Project Site. Seasonal groundwater level fluctuations near the Project Site range from about 5 to 10 feet and can be as much as 20 feet. Drawdown during drought periods has been offset by groundwater level recovery during normal and wetter years (**Appendix D-4**). The Project Site is not located in an area designated as critically overdrafted, overdrafted, or in an adjudicated area (Department of Water Resources, 2023; City of Santa Rosa, 2021).

The primary source of water supply for the Town of Windsor is surface water from the Russian River, however, the Town also utilizes tertiary-treated recycled water from the local Town wastewater treatment plant and groundwater from a non-potable irrigation well (the Esposti Irrigation Well) that provides raw water to irrigate Esposti Park, located across East Shiloh Road, northwest of the Project Site (Woodard & Curran 2021). The Town also maintains a standby potable water supply well at Esposti Park (the Esposti Park Well), and is in the process of developing this well and the North Windsor well as potable water sources for use during drought periods. Additional small municipal, irrigation and domestic supply wells are located throughout the surrounding area. Well construction details for the wells near the Project Site show water supply wells completed in the shallow, intermediate, and deep zones (see Figure 9 of **Appendix D-4**). In general, the domestic wells in the area tend to draw water from the shallow and intermediate zones, while the municipal and irrigation wells are completed in the intermediate and deep zones. Many of the wells draw water across multiple groundwater zones.



Source: FEMA FIRM 06097C0569E (12/2/2008)

**FIGURE 3.3-3**  
**FEMA FLOOD MAP**

Historical Project Site uses are summarized in Sections 1 and 3 of **Appendix D-4**. Groundwater has been used at the Project Site to support agricultural uses since the 1950s including orchards and cattle grazing. Based on historical aerial photographs, present-day vineyards appear to have been planted around the late 1990s. There are four existing on-site wells (shown on Figure 1 of **Appendix D-4**) with capacities ranging up to over 600 gpm. Well completion reports confirm that three of the existing wells were drilled between 1996 and 2002 (State of California, 1996; 1998; 2002). Existing groundwater uses on the Project Site result in a groundwater demand of approximately 34 acre-feet per year and include vineyard irrigation, frost protection, and domestic water use at the single-family residence. Based on the reported irrigation water duty for vineyards and timing of irrigation, it was determined that the majority of the vineyard water demand at the Project Site is met through soil water storage derived from local precipitation (approximately 20 inches/year).

Groundwater quality in wells neighboring the Project Site commonly includes higher levels of iron, manganese, and arsenic requiring treatment for elevated levels. Each of these constituents is found in higher-than-normal concentrations in certain areas of Sonoma County.

### **3.3.3 Impacts**

#### **3.3.3.1 Assessment Criteria**

Impacts to water resources would be significant if runoff from the Project Site causes localized flooding or introduces additional contaminants to stormwater runoff that leaves the Project Site. Groundwater impacts would be significant if the alternative would impede groundwater recharge or if drawdown caused by pumping the proposed wells at the Project Site would adversely affect local water supply. Additionally, groundwater impacts would be significant if the alternatives would interfere with the implementation of local groundwater management plans by causing or contributing to: chronic lowering of groundwater levels; depletion of groundwater storage; water quality degradation due to induced contaminant migration or interference with cleanup efforts or water quality management plans; depletion of interconnected surface waters, including potential flow in Pruitt Creek or impacts to groundwater-dependent ecosystems (GDEs); and/or land subsidence. Water quality would be significantly affected if wastewater or runoff generated by the alternatives adversely impacts water quality standards of receiving waterbodies or groundwater.

The alternatives would not impact surface water supplies, as the Project Site is a sufficient distance from surface waters, such as the Russian River, used by water suppliers. This issue is not discussed further.

#### **3.3.3.2 Alternative A – Proposed Project**

##### *Surface Water*

###### Construction

Construction impacts under Alternative A would include ground-disturbing activities (e.g., grading and excavation) that could lead to erosion of topsoil. Erosion from construction sites can increase sediment discharge to surface waters during storm events, thereby degrading downstream water quality. Construction activities would also include the routine use of potentially hazardous construction materials, such as concrete washings, oil, and grease that could spill onto the ground and dissolve into stormwater. Discharges of pollutants, including grease, oil, fuel, and sediments, to surface waters from construction activities and accidents are a potentially significant impact. Regulated construction activities in excess of

one acre are required to apply for coverage under the NPDES General Construction Permit. The provisions of this permit include preparation of a SWPPP that would be developed prior to any ground disturbance. The SWPPP would include BMPs to reduce potential surface water contamination during storm events. BMPs would include, but not be limited to, those presented in **Table 2.1-3**. The BMPs within the SWPPP would minimize adverse impacts to the local and regional watershed from construction activities associated with Alternative A by reducing detachment of soil particles from bare soil, reducing the risk of soil contamination from construction materials (e.g., fuel, fertilizer, paint), or by preventing movement of loose soil into waterways. Should dewatering be needed during construction, extracted water would be treated in a proposed or temporary basin and/or be trucked out and disposed of consistent with stormwater regulations as described in **Table 2.1-3**. With adherence to the NPDES permitting program and implementation of the SWPPP, impacts to surface water quality from construction activities would be less than significant.

### Operation

#### *Stormwater Runoff*

Alternative A would increase impervious surfaces on the Project Site by up to 35.51 acres<sup>2</sup> through the construction of buildings, circulation, parking, and infrastructure (**Appendix D-3**). Increased impervious surfaces would result in increased peak flows and increased total discharge from the Project Site during precipitation events. As described in **Section 2.1.5**, Alternative A includes a stormwater drainage system that would limit post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event. Stormwater treatment and detention would be provided by bioswales, a detention basin, and/or the wastewater treatment plant (WWTP) treatment depending on the location, as more fully described in **Section 2.1.5**. Additionally, BMPs also include weekly sweeping of internal roadways and parking areas to reduce sediment and debris from entering the stormwater drainage system (**Table 2.1-3**). Any stormwater discharge to Pruitt Creek would first be routed through bioswales for treatment. The bioswales would be sized per Sonoma County low impact development requirements for pollutant reduction. Storm drain outfalls to the creek would be designed with rock slope protection to prevent erosion of the natural creek banks and erosion downstream. The stormwater drainage system has been designed to prevent impacts related to drainage patterns and water quality such that impacts during operation of Alternative A would be less than significant.

#### *Floodplain*

The building components of Alternative A (**Figure 2.1-1**) would be constructed outside of the regulatory floodway and FEMA-designated 100-year and 500-year floodplains, as illustrated in **Figure 3.3-3**. Facilities within the 100-year floodplain include a service yard, two bioswales (one on either side of Pruitt Creek), and a discharge pipeline/outfall structure. Earthwork within the floodplain would be balanced to prevent changes to the delineated floodplain mapping. As such, floodplain impacts from Alternative A would be less than significant.

### ***Groundwater***

#### Groundwater Recharge

The introduction of impervious surfaces can reduce groundwater recharge in areas where surface percolation accounts for a large percentage of natural recharge. The soils on the Project Site are classified

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<sup>2</sup> The grading and drainage analysis conservatively assumed that the overflow surface parking area would be paved; however, the surface parking area could be developed to be permeable using grass turf, permeable pavement, or similar methods.



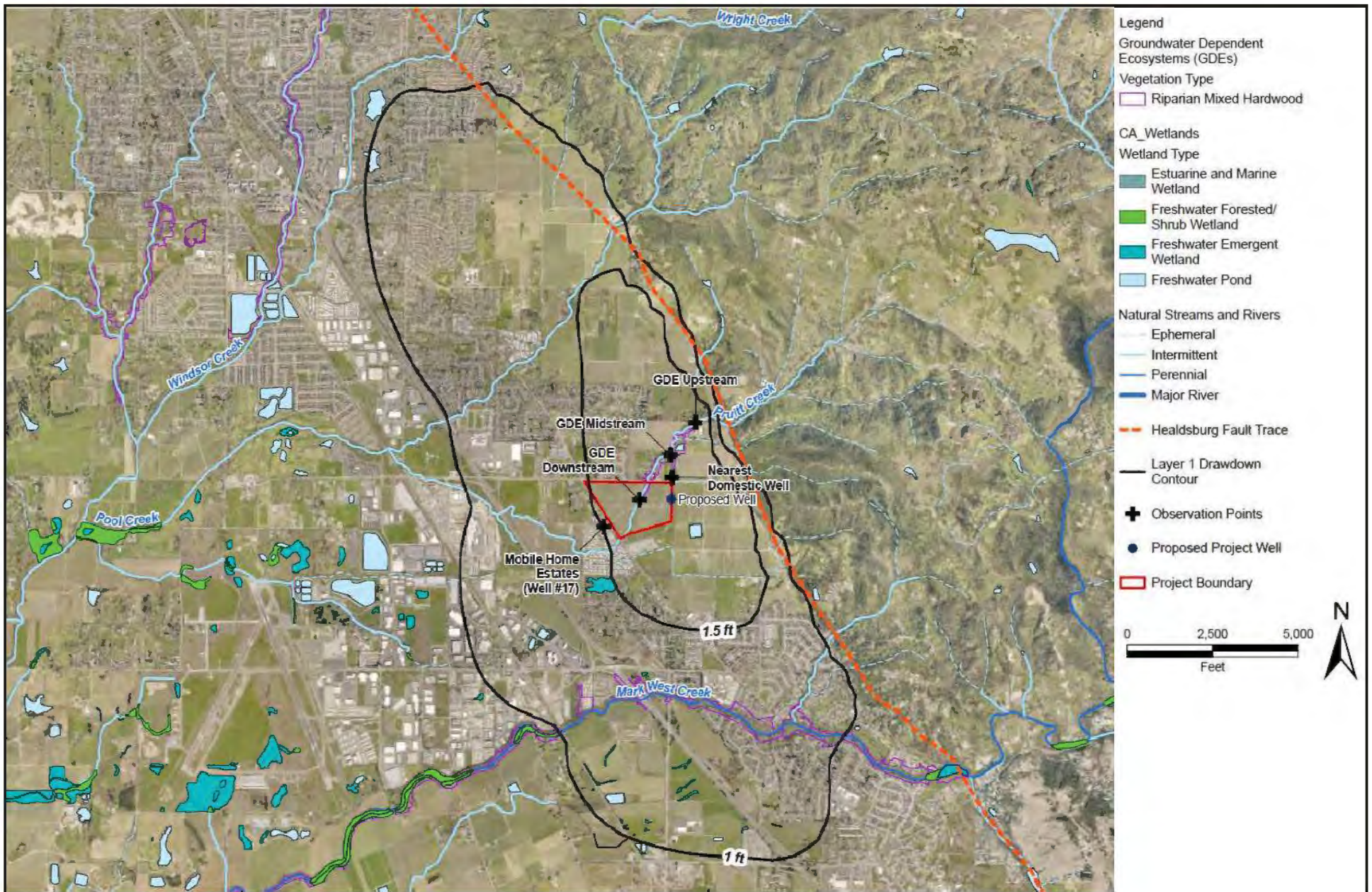
as Hydrologic Group C, which have a slow infiltration rate and moderate to moderately high rate of runoff. Based on these characteristics, the Project Site is not likely a significant source of groundwater recharge. The development of bioswales and a detention basin for capturing stormwater runoff onsite have been designed to maintain the stormwater discharge from impervious surfaces constructed for the Alternative A at rates that are no greater than current levels (**Appendix D-3**). This will result in stormwater percolation similar to historic rates. Additionally, the GRIA (**Appendix D-4**) determined that most of the vineyard water demand on the Project Site is met by soil water storage derived from precipitation; therefore, the reduction in vineyard areas on the Project Site would result in some of the soil moisture that is currently being used by the vineyard percolating downwards and recharging the groundwater table. Therefore, impacts to groundwater recharge would be less than significant.

#### Groundwater Drawdown

As described in **Section 2.1.3**, **potable water would be provided by on-site groundwater wells**. Based on information for groundwater wells in the vicinity, it is likely that groundwater treatment would be required to remove arsenic and manganese. Recycled water (tertiary treated effluent) would be provided from on-site wastewater treatment facilities (see **Section 2.1.4**). Use of recycled water for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup would reduce overall water demands. BMPs also include the use of low-flow appliances and drought tolerant landscaping to further reduce demands (**Table 2.1-3**). Assuming the use of recycled water, Alternative A has an average potable water demand of 170,000 gallons per day (gpd) and a peak potable water demand of 294,000 gpd (**Appendix D-1**). It is expected that groundwater is available within the Project Site and can reliably produce up to 400 gallons per minute (576,000 gpd) based on existing Project Site wells and the investigations conducted by the Town to develop a potable water source at Esposti Park (**Appendix D-1**).

**The GRIA (Appendix D-4) used a modeling approach based on the Santa Rosa Plain Hydrologic Model (SRPHM) developed by the USGS to estimate groundwater drawdown resulting from Alternative A.** The model grid of the SRPHM was locally refined around the area of interest utilizing data from investigations performed for the Town of Windsor wells. To simulate pumping associated with Alternative A, a forecast scenario was run in which the existing on-site wells were replaced by the proposed project pumping conceptualized as a single new well in the eastern side of the Project Site (see **Figure 3.3-4**). The new well was pumped at a constant rate equal to the Alternative A groundwater demand. The simulated pumping was started at the end of the baseline simulation and carried forward for a 50-year forecast period to simulate effects of Alternative A over the planning horizon. For additional information on the methodology for the GRIA, please see **Appendix D-4**.

The wells potentially most vulnerable to adverse effects from interference drawdown are shallow wells, which have less available drawdown. As a result, the same amount of drawdown in a shallow well will potentially have a proportionally greater performance impact than with deeper wells. In this regard, it should be noted that domestic wells are generally often shallower than municipal, industrial, and irrigation wells, but this is not always the case. Based on available well completion data for the site vicinity, most domestic wells in the area extend at least 50 feet below the water table. The GRIA determined that the maximum predicted drawdown from Alternative A at the water table is approximately 1.6 feet within the immediate vicinity of the Project Site (see Table 5 of **Appendix D-4**). The spatial extent of water table drawdowns greater than 1 foot is shown on **Figure 3.3-4**. Domestic wells in the shallow and intermediate zones would be more vulnerable to impacts than municipal, industrial and irrigation wells that are completed to greater depths and have greater pumping capacities. A threshold of 5 feet of drawdown has been widely used to identify the potential for significant interference drawdown in shallow wells in groundwater resources impact assessments (**Appendix D-4**). For wells of intermediate depth, with



Source: Formation Environmental

**FIGURE 3.3-4**  
**ALTERNATIVE A DRAWDOWN AT WATER TABLE**

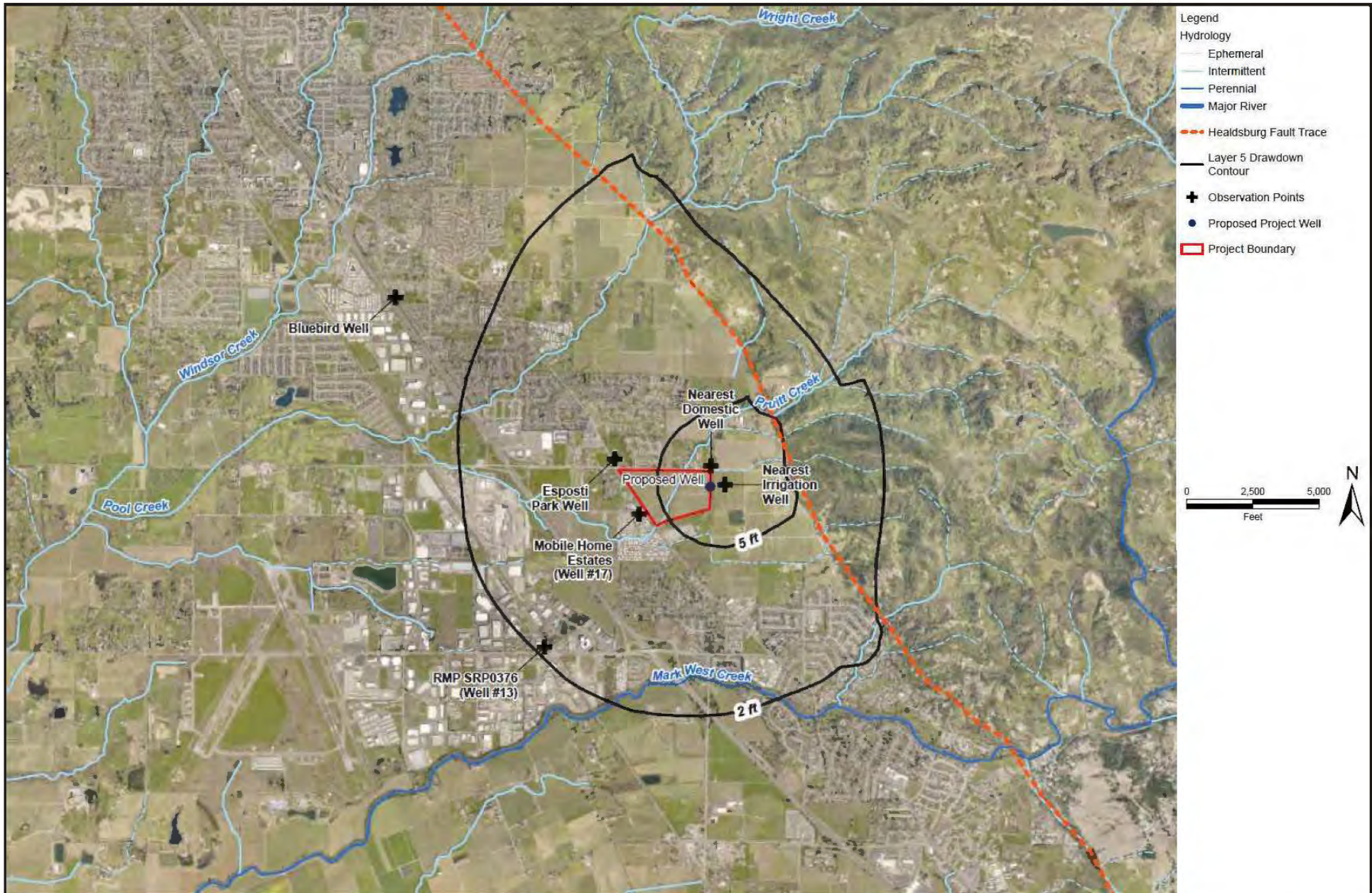
available drawdowns between 50 and 200 feet, a threshold equal to 10% of the available drawdown is often used. At the observation point representing the closest possible location for a nearby domestic well in the shallow aquifer, the predicted drawdown is 1.63 feet for the hypothetical shallowest reported domestic well depth, and 2.89 feet for the hypothetical average domestic well depth. Based on the available data, interference drawdown impacts to nearby domestic wells in the shallow and intermediate aquifer from Alternative A would be less than significant.

Municipal, industrial and irrigation supply wells are generally completed to a significantly greater depth and constructed to support greater production capacities. Many domestic wells are also completed to greater depths below the water table. A threshold of 20 feet of interference drawdown has been widely used to identify the potential for significant interference drawdown to deeper wells in groundwater resources impact assessments (**Appendix D-4**). An increased drawdown of less than 20 feet for these wells is not likely to significantly decrease well yield or result in other adverse effects; whereas, drawdowns greater than 20 feet can noticeably increase the electrical costs of pumping large volumes of water from greater depths. The GRIA determined that the maximum predicted drawdown from Alternative A at the deep pumped aquifer is less than 10 feet. The spatial extent of drawdowns greater than 5 feet is shown on **Figure 3.3-5**. Predicted drawdowns induced by Alternative A at nearby municipal supply wells are 1.43 feet at the Town of Windsor Bluebird Well (bottom of screen interval 745 feet bgs), 2.57 feet at the closest supply well for the Mobile Home Estates small community water system (bottom of screen interval 191 feet bgs), and 3.38 feet at the Town of Windsor Esposti Park Well (bottom of screen interval 655 feet bgs). The nearest irrigation supply well to the Project Site is located within the vineyard immediately east of the Project Site and the reported bottom of the screen interval for this well is 310 feet bgs. The predicted interference drawdown at this well is 9.23 feet. At the observation point representing the closest possible location for a nearby domestic well, the predicted interference drawdown would be 8.01 feet for a **these predicted drawdowns to wells drilled in the deep aquifer are much less than 20 feet or 10% of the available drawdown, and unlikely to result in significant adverse effects** irrigation wells, and domestic wells drilled in deep aquifer will be less than significant.

#### Consistency with the Groundwater Sustainability Plan

The GRIA conducted a detailed evaluation of whether Alternative A would interfere with the implementation of the GSP in Section 6.2 of **Appendix D-4**. The findings of the GRIA are summarized below:

- **Chronic Groundwater Level Decline** – As discussed in **Section 3.3.2**, long-term monitoring of the Santa Rosa Plain sub-basin indicates relatively stable groundwater-level conditions over time in the northern portion of the sub-basin and the Project Site is not located in an area designated as overdrafted. As shown in **Figure 3.3-5**, the predicted response of the deep water-bearing zone aquifer to pumping for Alternative A is a relatively rapid equilibration of groundwater levels to new levels that are roughly 5 feet lower in a relatively small area near the Project Site, and 2 to 5 feet lower in an area that measures about 1.5 by 2.5 miles. Groundwater levels at representative monitoring points in the northern subbasin are currently above minimum thresholds and near the designated measurable objectives. The **relatively small amount of drawdown** induced by Alternative A predicted to affect these wells will not significantly change this condition. Based on the available information, Alternative A will not cause or contribute to undesirable results related to chronic groundwater level decline.
- **Depletion of Groundwater Storage** – Drawdown of the water table at the Project Site related to Project pumping is predicted to stabilize at about 1.6 feet in normal and wet years, and to recover



Source: Formation Environmental

**FIGURE 3.3-5**  
**ALTERNATIVE A DRAWDOWN IN DEEP WATER-BEARING ZONE**

quickly after dry years. Assuming the observed historical range of groundwater level variability continues in the future, groundwater levels are predicted to remain well above minimum thresholds. The relatively small amount of predicted drawdown associated with Alternative A would not be distinguishable from ambient seasonal fluctuations in groundwater levels and would not reasonably be expected to interfere with implementation of the GSP. Therefore, implementation of Alternative A will not make the available groundwater in storage significantly less available by causing or contributing to undesirable results related to groundwater storage depletion.

- **Degradation of Groundwater Quality** – Degradation of water quality by groundwater pumping can occur when groundwater extraction changes local groundwater gradients and induces migration and spread of contamination plumes associated with nearby spill or release incidents or interferes with their cleanup. There are two groundwater contamination incidents approximately 0.7 miles west of the Project Site and approximately 1.2 miles south-southeast of the Project Site, respectively, that have impacted groundwater. Based on the limited magnitude of the predicted drawdown, the documented groundwater gradient direction, the limited extent and stability of the existing groundwater contamination plume, and the status of remediation and monitoring activities, it is very unlikely that groundwater pumping for Alternative A would influence the migration of the remaining contamination plume or interfere with cleanup operations. As such, pumping for Alternative A is expected to have no impact on water quality.
- **Adversely Affect Groundwater Dependent Ecosystems** – A potential riparian hardwood groundwater dependent ecosystem (GDE) area has been mapped along Pruitt Creek within and northeast of the Project Site (see Figure 3 of **Appendix D-4**). The GDE is reported to include riparian hardwoods that typically derive their water supply from a combination of precipitation, streamflow and, when present, shallow groundwater. The maximum predicted drawdown at the water table is 1.6 feet beneath this potential GDE area, which is expected to be only a fraction of the seasonal groundwater level fluctuation under which these woodlands have developed. The woodland species present are likely only partially reliant on groundwater for their water needs and have developed around Pruitt Creek, which is an uncontrolled stream with highly variable flow. Additionally, based on historic data, there has been little to no change in vegetation health and leaf density along the Pruitt Creek corridor from 2008 through 2022, during which the on-Site vineyard was developed, likely decreasing groundwater levels to irrigation pumping. Based on the available information, the additional drawdown induced by Alternative A is well within the range of historical hydrologic variability under which these potential GDEs developed and thrived. The GDEs should be capable of readily adapting to the predicted modest change in groundwater levels.
- **Adversely Affect Interconnected Surface Water** – The documented depth to the regional water table indicates it is unlikely that aquatic resources identified in the vicinity of the Site are groundwater connected, except for a possible perennial reach of Pruitt Creek located northeast of the Project Site at the foot of the Mayacamas Mountains. Induced drawdown at the water table in the area could potentially increase vertical groundwater gradients and infiltrations rates from the perennial reaches of the creek. The predicted water table drawdown in this area is approximately 1 foot. While this amount of drawdown may increase vertical gradients somewhat, the extent of perennial water in this reach of Pruitt Creek would be expected to be controlled, order of importance, by (1) the rate of water outflow from the Mayacamas Mountains; (2) the vertical impedance of the streambed; and (3) the gradient driving infiltration. Based on the available information, it is unlikely that the drawdown induced by Alternative A would significantly decrease the extent of perennial water in this portion of the stream in a way that would

significantly decrease the extent of aquatic resources or adversely affect aquatic species through stranding or habitat loss or degradation.

- **Induce Land Subsidence** – From late 2005 to 2019 the nearest subsidence monitoring station in the Santa Rosa Plain has shown a total vertical change of +0.1 inch. From 2015 to 2019 the total vertical change for the station was reported as 0.01 inch, with annual changes of +0.003 inch (SRPGSA 2022). Based on the lack of active subsidence reported in the subbasin, the lack of strongly confined regional aquifers and the fact that drawdown induced by pumping for Alternative A is predicted to be well within the range of annual and year-to-year groundwater level fluctuations, it is very unlikely that pumping for Alternative A would result in subsidence impacts. As such, the Project is expected to have no subsidence impact.

Based on the above, Alternative A would not interfere with the implementation of the local GSP by causing or contributing to: chronic lowering of groundwater levels; depletion of groundwater storage; water quality degradation due to induced contaminant migration or interference with cleanup efforts or water quality management plans; depletion of interconnected surface water, including potential flow in Pruitt Creek or impacts to groundwater-dependent ecosystems (GDEs); and/or land subsidence.

#### Groundwater Quality

Groundwater quality could be adversely affected if pollutants enter the environment during construction or operation of Alternative A. As shown in **Table 2.1-3**, the Tribe would comply with the NPDES General Construction Permit from the USEPA for construction site runoff during the construction phase in compliance with the CWA. This permit would include the preparation and implementation of a site-specific SWPPP and proper implementation of stormwater BMPs to reduce and/or prevent water quality impacts during construction. Implementation of BMPs would reduce the potential impacts during construction to a less-than-significant level.

During operation and as described in **Section 2.1.5**, an on-site stormwater system would include a detention basin, bioswales, and WWTP treatment to treat pollutants from stormwater runoff such as total suspended solids, hydrocarbons, nutrients, metals, and other common pollutants. With the collection and treatment provided by the proposed stormwater system, impacts would be less than significant during operation.

#### ***Wastewater Treatment and Disposal***

Alternative A is estimated to generate an average wastewater flow of 232,000 gpd and a peak weekend flow of 335,000 gpd. Wastewater would be collected and transferred to an on-site WWTP which would treat wastewater to a tertiary level as defined by Title 22 of the California Code of Regulations.

As described in **Section 2.1.4** and **Appendix D-1**, treated wastewater effluent would be adequately disposed through a combination of on-site re-use (toilet/urinal flushing, landscape irrigation and vineyard irrigation applied at agronomic rates, and cooling tower make-up), discharge to Pruitt Creek, and/or off-site irrigation. Leach fields were eliminated as an option due to the presence of poorly drained soils and perched groundwater in areas of the Project Site. Seasonal storage ponds or tanks would be used to seasonally store treated effluent until it can be reused or discharged to Pruitt Creek. Effluent discharged to Pruitt Creek would require an NPDES discharge permit. All on-site landscape and vineyard irrigation areas are at least 50 feet from known domestic water supply wells. Assuming no discharge to the creek and maximum use of recycled water, up to 44.8 acres of turf, or 406 acres of vineyards could be irrigated with recycled water produced as a result of Alternative A (**Appendix D-2**). Offsite irrigation with recycled

water would comply with the Statewide General Order for Recycled Water Use – Order WQ 2016-0068-DDW, which outlines extensive requirements for producers and users of recycled water to ensure the protection of public health and water quality. These include compliance with the Uniform Statewide Recycling Criteria outlined in Title 22 of the California Code of Regulations.

The Regional Water Quality Control Board prohibits effluent discharges from wastewater treatment facilities to the Russian River and its tributaries during the dry season (approximately May 15 through September 30) in their Basin Plan due to significant seasonal flow variations for the Russian River tributaries during the summer and winter months. Discharges during the wet season (approximately October 1 through May 14) when flows are higher are typically allowed to be a percentage of the measured streamflow near the point of discharge. The flow monitoring location would be located downstream of the proposed discharge location and specified by the NPDES permit. As required by the NPDES discharge permit, effluent water quality would be monitored and reported at least annually to the USEPA.

As described in **Section 2.1.4**, the outfall structure for discharge to Pruitt Creek would be designed to prevent erosion of the natural creek banks and erosion downstream. The outfall pipe outlet would include a duckbill check valve or similar component to protect against settlement/silting inside the pipe or nesting of small animals or rodents. The area around the outfall pipe would be covered with riprap or similar material to prevent natural erosion around the pipe from occurring and to protect the banks during periods of discharge. The pipe material would be suitable for permanent exposure to sunlight and creek water quality conditions.

As effluent would meet Title 22 standards, no significant reduction in the quality of surface or groundwater is anticipated. The NPDES permit through flow limitation, water quality testing, and other measures, would ensure that effluent disposal does not cause additional impairment of downstream waterbodies and that the beneficial uses of downstream waterbodies is maintained. For these reasons, potential impacts to surface water and groundwater resources from wastewater treatment and disposal activities associated with Alternative A would be less than significant.

### **3.3.3.3 Alternative B – Reduced Intensity Alternative**

#### ***Surface Water***

Construction and operational impacts would be similar to Alternative A but slightly reduced due to a reduced development footprint. Alternative B would increase impervious surfaces by up to 26.99 acres through the construction of buildings, circulation, parking, and infrastructure (**Appendix D-3**). With adherence to the NPDES permitting program and associated SWPPP, as well as implementation of BMPs in **Table 2.1-3** associated with dewatering, impacts to surface water quality from construction activities would be less than significant. The stormwater treatment system under Alternative B would be substantially similar to Alternative A, with potentially less storage requirements. The stormwater drainage system would provide treatment and limit post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event. Additionally, BMPs also include weekly sweeping of internal roadways and parking areas to reduce sediment and debris from entering the stormwater drainage system (**Table 2.1-3**). As such, surface water impacts during operation of Alternative B would be less than significant.

As with Alternative A, Alternative B includes the development of a service yard, two bioswales (one on either side of Pruitt Creek), and a discharge pipeline/outfall structure within the floodplain. Earthwork

within the floodplain would be balanced to prevent changes to the delineated floodplain mapping and thus floodplain impacts would be less than significant.

### *Groundwater*

Groundwater supply and water quality impacts would be similar to Alternative A but reduced in nature as Alternative B has a lower potable water demand. Assuming the use of recycled water, Alternative B has an average potable water demand of 117,000 gpd and a peak potable water demand of 186,000 gpd (**Appendix D-1**). Based on the GRIA conducted for Alternative A (**Appendix D-4**), interference drawdown impacts to nearby domestic wells, municipal supply wells, and nearby irrigation wells from Alternative B would be less than significant. Similar to Alternative A, Alternative B would not interfere with the implementation of the local GSP by causing or contributing to: chronic lowering of groundwater levels; depletion of groundwater storage; water quality degradation due to induced contaminant migration or interference with cleanup efforts or water quality management plans; depletion of interconnected surface water, including potential flow in Pruitt Creek or impacts to groundwater-dependent ecosystems (GDEs); and/or land subsidence. Compliance with the NPDES General Construction Permit and the inclusion of stormwater treatment and detention facilities would ensure that groundwater recharge and groundwater quality impacts are less than significant.

### *Wastewater Treatment and Disposal*

Alternative B is estimated to generate an average wastewater flow of 158,000 gpd and a peak weekend flow of 215,000 gpd. Wastewater treatment and disposal options under Alternative B are the same as Alternative A, although facilities may be reduced in size due to reduced wastewater demands. As effluent would meet Title 22 standards, no significant reduction in the quality of surface or groundwater is anticipated. The NPDES permit through flow limitation, water quality testing, and other measures, would ensure that effluent disposal does not cause additional impairment of downstream waterbodies and that the beneficial uses of downstream waterbodies is maintained. For these reasons, potential impacts to surface water and groundwater resources from treated effluent would be less than significant.

## **3.3.3.4 Alternative C – Non-Gaming Alternative**

### *Surface Water*

Construction and operational impacts would be similar to Alternatives A and B but reduced due to a reduced development footprint. Alternative C would increase impervious surfaces by up to 14.48 acres through the construction of buildings, circulation, parking, and infrastructure. With adherence to the NPDES permitting program and associated SWPPP, as well as implementation of BMPs in **Table 2.1-3** associated with dewatering, impacts to surface water quality from construction activities would be less than significant. The stormwater treatment system under Alternative C would be similar to Alternatives A and B, with potentially less storage requirements. Bioswales on the east side of Pruitt Creek would likely not be needed due to a lack of impervious surfaces on the eastern side of the Project Site; stormwater flows from the WWTP area would be treated at the WWTP. The stormwater drainage system would provide treatment and limit post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event. Additionally, BMPs also include weekly sweeping of internal roadways and parking areas to reduce sediment and debris from entering the stormwater drainage system (**Table 2.1-3**). As such, surface water impacts during operation of Alternative C would be less than significant.



Alternative C includes the development of vineyards and a discharge pipeline/outfall structure within the floodplain. Earthwork within the floodplain would be balanced to prevent changes to the delineated floodplain mapping and thus floodplain impacts would be less than significant.

### *Groundwater*

Groundwater supply and water quality impacts would be similar to Alternatives A and B but reduced in nature as Alternative C has a lower potable water demand. Assuming the use of recycled water, Alternative C has an average potable water demand of 19,000 gpd and a peak potable water demand of 35,000 gpd (**Appendix D-1**). Based on the GRIA conducted for Alternative A (**Appendix D-4**), interference drawdown impacts to nearby domestic wells, municipal supply wells, and nearby irrigation wells from Alternative C would be less than significant. Similar to Alternative A, Alternative C would not interfere with the implementation of the local GSP by causing or contributing to: chronic lowering of groundwater levels; depletion of groundwater storage; water quality degradation due to induced contaminant migration or interference with cleanup efforts or water quality management plans; depletion of interconnected surface water, including potential flow in Pruitt Creek or impacts to groundwater-dependent ecosystems (GDEs); and/or land subsidence. Compliance with the NPDES General Construction Permit and the inclusion of stormwater treatment and detention facilities would ensure that groundwater recharge and groundwater quality impacts are less than significant.

### *Wastewater Treatment and Disposal*

Alternative C is estimated to generate an average wastewater flow of 40,100 gpd and a peak weekend flow of 53,400 gpd. Wastewater treatment and disposal options under Alternative C are the same as Alternatives A and B, although facilities may be reduced in size due to reduced wastewater demands. As effluent would meet Title 22 standards, no significant reduction in the quality of surface or groundwater is anticipated. The NPDES permit through flow limitation, water quality testing, and other measures, would ensure that effluent disposal does not cause additional impairment of downstream waterbodies and that the beneficial uses of downstream waterbodies is maintained. For these reasons, potential impacts to surface water and groundwater resources from treated effluent would be less than significant.

### **3.3.3.5 Alternative D – No Action Alternative**

Under Alternative D, no change in land use would occur, and the Project Site would remain in its current state as a vineyard. Operation of the vineyard would be subject to federal, State, and local regulations protective of water resources and thus no new significant impacts would occur.

## **3.4 AIR QUALITY**

### **3.4.1 Regulatory Setting**

The air quality regulatory setting is summarized in **Table 3.4-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.4-1: Regulatory Policies and Plans Related to Air Quality**

Regulation	Description
<b>Federal</b>	
Clean Air Act (CAA) of 1970	<ul style="list-style-type: none"> <li>▪ The CAA created the National Ambient Air Quality Standards (NAAQS) for six criteria air pollutants: ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide (SO<sub>2</sub>), and lead.</li> <li>▪ States are required to have State Implementation Plans (SIP) for areas that are not achieving the NAAQS (nonattainment areas).</li> <li>▪ General Conformity Rule requires demonstration that a proposed federal action will conform to the applicable SIP.</li> <li>▪ Prevention of Significant Deterioration (PSD) program protects Class I areas.</li> <li>▪ Tribal minor new source review permits are required if emissions would exceed certain standards.</li> </ul>
NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change (2023)	<ul style="list-style-type: none"> <li>▪ The Council on Environmental Quality (CEQ) issued interim guidance to assist agencies in analyzing greenhouse gas (GHG) and climate change effects under NEPA.</li> <li>▪ Agencies should consider potential effects of a proposed action on climate change and the effects of climate change on a proposed action and its environmental impacts.</li> <li>▪ Agencies should provide context for GHG emissions, including using best available social cost of GHG estimates.</li> <li>▪ Agencies should mitigate GHG emissions associated with their proposed actions to the greatest extent possible, consistent with national, science-based GHG reduction policies established to avoid the worst impacts of climate change.</li> </ul>
Secretarial Order 3399	<ul style="list-style-type: none"> <li>▪ Secretary Order (SO) 3399 was issued to prioritize action on climate change throughout the Department and to restore transparency and integrity in the Department’s decision-making processes. SO 3399 specifies that when considering the impact of GHG emissions from a proposed action, Bureaus/Offices should use appropriate tools, methodologies, and resources available to quantify GHG emissions and compare GHG quantities across alternatives.</li> </ul>
<b>State</b>	
Global Warming Solutions Act of 2006 (AB 32)	<ul style="list-style-type: none"> <li>▪ Assembly Bill [AB] 32 is the overarching law that requires the State to set Statewide GHG reduction targets. AB 32 required the California Air Resources Board (CARB) to develop a Climate Change Scoping Plan that describes the approach California will take to reduce GHGs to achieve emission reduction goals and to update the plan every five years.</li> </ul>
Senate Bill 375	<ul style="list-style-type: none"> <li>▪ Provides for the creation of a new regional planning document called a “sustainable communities strategy.” This is a blueprint for regional transportation infrastructure and development designed to reduce GHG emission from cars and light trucks to target levels throughout the State.</li> </ul>
EO S-3-05	<ul style="list-style-type: none"> <li>▪ Sets GHG emission reductions targets and created a Climate Action Team.</li> </ul>

Regulation	Description
EO S-1-07	<ul style="list-style-type: none"> <li>▪ Mandates a State-wide goal to reduce carbon intensity of transportation fuels by at least 10% by 2020 from the 2010 baseline level.</li> </ul>
EO B-30-15	<ul style="list-style-type: none"> <li>▪ Sets an interim GHG target of 40% below 1990 levels by 2030.</li> </ul>
EO N-79-20	<ul style="list-style-type: none"> <li>▪ Bans the sale of new gas-powered cars and trucks by 2035.</li> </ul>
AB 1279 (California Climate Crisis Act)	<ul style="list-style-type: none"> <li>▪ Establishes the State policy of achieving net zero greenhouse gas emissions as soon as possible, but no later than 2045.</li> </ul>

### 3.4.2 Environmental Setting

#### Regional Meteorology

The topography of the Petaluma, Cotati, and Sonoma valleys primarily influences the climate in Sonoma County. Average daily winter temperatures range from cool overnight to moderate during the day while average daily summer temperatures range from moderate overnight to hot during the day. The Petaluma Gap strongly influences the wind patterns in the Petaluma and Cotati valleys while the Cities of Santa Rosa and Petaluma typically experience calm to mild winds. While sunshine is quite regular in the County, fog formation is regular during the late afternoons in summers in the Petaluma and Cotati valleys. This fog can last until late morning the next day. Examples of average rainfall ranges from 24 inches in the City of Petaluma, 29 inches in the City of Sonoma, and 30 inches in City of Santa Rosa (Bay Area Air Quality Management District, 2019).

#### Regional Air Quality

Ozone and fine particle matter with a diameter of less than 2.5 microns in size (PM<sub>2.5</sub>) are the major regional air pollutants of concern. During summer, ozone is the pollutant of concern primarily while in winter it is PM<sub>2.5</sub>. While the Bay Area is nonattainment for ozone (see discussion below), the County experiences some of the lowest ozone levels despite the temperatures being hot in the summers. PM<sub>2.5</sub> levels in the Bay Area can become elevated, especially during the holidays when wood burning is occurring, but air monitoring results show that the County experiences some of the lowest levels of PM<sub>2.5</sub> in the Bay Area (Bay Area Air Quality Management District [BAAQMD], 2019).

The area surrounding the Project Site has few permitted stationary sources of criteria air pollutants, but several major roadways. Within a 1,000 feet radius of the Project Site, the Bay Area Air Quality Management District (BAAQMD) recommended radius for assessing cumulative impacts, there is one permitted stationary source, DeFont Auto Body and two major roads, Shiloh Road/East Shiloh Road and Old Redwood Highway according to the BAAQMD’s stationary source screening map. The permitted stationary source has a reported chronic hazard index of 0.004, but no reported numbers for cancer risk and PM<sub>2.5</sub> (BAAQMD, 2022a).

#### *Attainment Status*

The County is within the jurisdictional area of the BAAQMD and the Northern Sonoma County Air Pollution Control District. The BAAQMD regulates air pollutant emissions from stationary sources within the southern portion of County, including the Project Site. However, once the Project Site is taken into trust, air quality would be under the jurisdiction of the USEPA.

Certain air pollutants, either directly or in reaction with other pollutants, have been recognized to cause notable health problems and consequential damage to the environment due to their presence in elevated concentrations in the atmosphere. Such pollutants have been identified and regulated as part of the overall endeavor to prevent further deterioration and facilitate improvement in air quality. The National Ambient Air Quality Standards (NAAQS) sets limits on atmospheric concentration of six pollutants that cause smog, acid rain, and other health hazards. These set levels are considered safe to protect public health, including the health of sensitive populations with a margin of safety, and to protect public welfare, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. To determine conformance with the NAAQS, states are responsible for providing ambient air monitoring data to the USEPA for critical air pollutants (CAPs) (shown in **Table 3.4-2**). The USEPA then determines, using the violation criteria, if the results of the monitoring data indicate compliance with the NAAQS. The USEPA classifies areas in compliance with the NAAQS as being in "attainment." Areas that do not meet the NAAQS are classified as being in "nonattainment" by the USEPA. As shown in **Table 3.4-2**, the BAAQMD portion of the County has a "marginal" nonattainment status for ozone and attainment or unclassifiable for all other pollutants. The nonattainment status for ozone is classified as marginal (USEPA, 2023). The BAAQMD in April 2017 adopted the multi-pollutant air quality plan *Clean Air Plan: Spare the Air, Cool the Climate*. This plan addresses ground level-zone, ozone precursor pollutants, particulate matter, toxic air contaminants, and greenhouse gases (BAAQMD, 2017a).

The BAAQMD portion of the County is designated by the USEPA as a maintenance area for carbon monoxide (CO) (USEPA, 2023). In 2004, CARB submitted to the USEPA a revision to the SIP, and included a Maintenance Plan, in the *Revision to the California State Implementation Plan for Carbon Monoxide, Updated Maintenance Plan for Ten Federal Planning Areas* (CARB, 2004). The CO Maintenance Plan outlines how the region will continue to comply with the NAAQS.

**Table 3.4-2: NAAQS Attainment Status for San Francisco Bay Area portion of Sonoma County**

Pollutant	NAAQS
Ozone (8-hour)	Nonattainment (Marginal)
PM <sub>10</sub> (24-hour, annual)	Attainment
PM <sub>2.5</sub> (annual)	Attainment
Carbon Monoxide (8-hour, 1-hour)	Attainment (Maintenance)
Nitrogen Dioxide (annual, 1-hour)	Attainment
Sulfur Dioxide (24-hour, 1-hour)	Attainment
Lead (30-day average)	Attainment

Source: USEPA, 2022a

PM<sub>10</sub>: Particulate matter with diameters that are generally 10 micrometers and smaller

PM<sub>2.5</sub>: Particulate matter with diameters that are generally 2.5 micrometers and smaller

## Hazardous Air Pollutants

Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. HAPs are also known as toxic air pollutants or air toxics (USEPA, 2022a). The State of California uses the terminology “toxic air contaminants,” and under section 39655 of the California Health and Safety Code, toxic air contaminants are defined as “an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.” The USEPA has listed 188 HAPs that are considered detrimental to the environment (USEPA, 2022a). For more information on HAPs, see **Appendix E**. Of the 188 HAPs listed, PM<sub>2.5</sub> is considered the most hazardous CAP to human health in the Bay Area due to its ability to cause short-term and long-term health effects, such as bronchitis and aggravated asthma. PM<sub>2.5</sub> and other HAPs can be generated from mobile sources and stationary sources; common stationary sources are diesel emergency generators, dry cleaners, and gas stations. Mobile sources, which are far more common, include motor vehicles on freeways and roads and off-road sources, such as construction equipment, ships, and trains (BAAQMD, 2017b).

## Odors

Odors can be produced by many substances in the environment, such as animals, human activities, industry processes, natural decomposition of materials, and vehicles. Odors are perceived differently by each individual, with some being sensitive to low concentrations of an odor or a certain type of odor while others are not. Sometimes odors can induce temporary symptoms, which are based on someone’s sensitivity to the odor, concentration in the air, frequency and duration of exposure, and a person’s physical characteristic (e.g., age). Symptoms to odors can include headache, nasal congestion, nausea, facial irritation (e.g., eyes), coughing, shortness of breath, and more. Symptoms have a higher probability of occurring in more people at higher concentrations. While odors are normally only nuisances, some can be toxic and can cause detrimental health effects. In general, the USEPA does not have regulations for odors per se but does control 188 toxic air pollutants in addition to the air pollutants seen in **Table 3.4-2**. Only sulfur dioxide SO<sub>2</sub> is odorous, and the controlled toxic air pollutants are only monitored for toxicity and not odor (Agency for Toxic Substances and Disease Registry, 2015).

In the County, human related sources that could produce odors include waste processing and heavy industrial facilities such as WWTPs, landfills and composting facilities, chemical manufacturing facilities, and confined animal facilities (e.g., dairies). Alcohol fermentation, such as during wine production, can also be odiferous if outdoors. A potential natural occurring odor during wildfire season is smoke from wildfires (for additional information on wildfire effects, please see **Section 3.12**). Odor would be noticeable if in close proximity to the Project Site, such as within two miles. There are no large-scale odor producing facilities, including confined animal facilities, within two miles of the Project Site. There are nearby agricultural operations that can be a source of periodic odor from application of fertilizers and pesticides, but these are sporadic events. The Project Site itself produces no noticeable odors except possibly from the application of maintenance chemicals for the on-site vineyards, but these events are infrequent and considered minor annoyances that are protected under the County’s Right to Farm Ordinance for unincorporated areas.

## Sensitive Receptors

Sensitive receptors are generally defined as land uses that house or attract people who are susceptible to adverse effects from air pollution emissions and, as such, should be given special consideration when evaluating air quality impacts from projects. Sensitive receptors include facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent homes, parks and recreational facilities, and residential areas are examples of sensitive receptors.

Sensitive receptors adjacent to the Project Site include residential areas north and west, Shiloh Neighborhood Church to the west, Esposti Park to the north, and a few households to the south. Sensitive receptors near the Project Site include additional residential development beyond the adjacent residential development: Little School House (preschool) that is approximately 0.45 miles south, and Le Elen Manor (assisted living facility) that is approximately 0.38 miles south.

In addition to sensitive receptors, there are no areas near the Project Site that are within the BAAQMD's Community Air Risk Evaluation Program, which means there are no identified communities experiencing unusually elevated levels of ozone, PM<sub>2.5</sub>, or cumulative area impacts (BAAQMD, 2022b).

## Climate Change

Climate change is a global phenomenon. Certain gases in the atmosphere, classified as GHGs, play a critical role in determining the surface temperature of the earth. GHGs include CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (Health & Safety Code § 38505[g]). In 2018, the primary sources of GHG emissions in the County were transportation (60%), building energy (21%), livestock (11%), solid waste (6%), and water/wastewater (1%). The County emitted approximately 3.41 million metric tons carbon dioxide equivalent (MT CO<sub>2</sub>e) in 2018. Compared with 1990 emissions, this equates to an approximate 13% reduction in emissions (Regional Climate Protection Authority, 2022). Climate change has the potential to impact the natural and economic environment of both the State and the BAAQMD. **Appendix E** provides a summary of the potential effects from climate change that could occur in the region.

### 3.4.3 Impacts

#### 3.4.3.1 Assessment Criteria

Adverse impacts to ambient air quality could result if either construction or operation would result in violations of the CAA provisions, or if emissions would impede the ability of the State to meet NAAQSs. The effects of proposed federal actions on BAAQMD air quality management are assessed below as required under the CAA.

#### 3.4.3.2 Methodology

##### *Construction Analysis*

Construction activities would consist of land clearing, vineyard removal, mass earthwork, fine grading, building, road work, and parking lot construction. A fleet mix of trucks, scrapers, excavators, and graders would be used to complete construction of the alternatives. Effects on air quality during construction

were evaluated by estimating the quantity of each CAP emitted over the duration of the construction period. Fine particulate matter 10 microns in diameter (PM<sub>10</sub>) and PM<sub>2.5</sub> are the pollutants of concern resulting during earth-moving and fine grading activities. Volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>), SO<sub>2</sub>, carbon monoxide, GHG, and diesel particulate matter (DPM) emissions would be emitted from heavy equipment from the combustion of diesel fuel. Mobile source emissions would result from the use of on-road construction vehicles.

Emissions from construction trucks and heavy equipment were calculated using the USEPA-approved 2020 California Emissions Estimator Model, Version 2020.4.0 (CalEEMod). Emissions were estimated assuming that construction would begin in July 2026 and continue at an average rate of 5 days per week for all project alternatives. The construction duration for Alternatives A, B, and C is estimated to be 18 months. CalEEMod input tables and emissions results are summarized below and included in **Appendix F-1**.

### *Operation Analysis*

Annual operation emissions for the project alternatives were calculated using CalEEMod. **Appendix F-1** includes the assumptions and inputs incorporated into CalEEMod for each alternative, which are summarized below:

- Trip generation rates were provided from **Appendix I** and vehicle type distribution is based on CalEEMod default values. Employee trip lengths are based on CalEEMod default values of 14.7 miles. Delivery trips are based on distance from the Santa Rosa area to Project Site (10 miles). Average trip length for patrons of 55 miles was based on the market analysis (**Appendix B-1**). The delivery and patron trip lengths used in the analysis are longer than the CalEEMod default values.
- Project completion anticipated in January 2028.
- Water/wastewater and solid waste generation model inputs are from **Sections 2.1, 2.2, 2.3, and 3.10**, respectively.
- The emergency generators described in **Section 2.1.8** were assumed to operate for 84 hours per year, which assumes one hour of testing per month for five generators and 72 hours of emergency use for four generators. Although Tier 4 engines are proposed, Tier 2 engines were assumed to operate to provide a conservative analysis of potential emissions.

### *Hazardous Air Pollutants Health Screening*

HAPs were assessed using screening methods and resources developed by the BAAQMD and CARB, which provide region-specific emissions estimates. Specifically, the BAAQMD's "Recommended Methods for Screening and Modeling Local Risks and Hazards" (BAAQMD, 2022d) was used to address mobile sources of DPM, and CARB's "Hot Spots" Stationary Diesel Engine Screening Risk Assessment Tables (CARB, 2022a) were used to address DPM generated by proposed emergency generators.

### *Federal General Conformity*

Conformity regulations apply to federal actions that would cause emissions of CAPs above certain levels to occur in locations designated as nonattainment or maintenance areas for the emitted pollutants. As discussed in **Section 3.4.2**, the Project Site is located in an area that is classified as being in attainment for all NAAQS with the exceptions of ozone (8-hour). The Project Site is located in a maintenance area for CO. If project emissions are equal to or exceed applicable levels for any CAP provided in 40 Code of Federal Regulations (CFR) §93.153 (b)(1) and (2), then a federal general conformity determination analysis would be required. Stationary sources are exempt under conformity regulations and therefore not subject to de

minimis levels. The requirements for a conformity determination for each project alternative are discussed below.

### *Carbon Monoxide Hot Spot Analysis*

Development on the Project Site would result in emissions of CO. Because CO disperses rapidly with increased distance from the source, emissions of CO are considered localized pollutants of concern rather than regional pollutants and can be evaluated by Hot Spot Analysis. Most CO generated from the Proposed Action is associated with mobile emissions. To address the potential for increased traffic associated with the Proposed Action to significantly increase CO emissions, CO concentrations at one representative intersection were modeled using AERSCREEN, the screening version of AERMOD, a dispersion modeling program. Mobile emissions rates were sourced from CARB's EMFAC project-level web tool (CARB, 2022b). Fleet mix estimates were sourced from CalEEMod. Intersection level of service (LOS), peak-hour vehicle volumes and queuing lengths were sourced from the Traffic Impact Study (TIS) prepared by TJKM (**Appendix I**). The intersection of Shiloh Road and the US 101 north-bound off-ramp was chosen to provide a conservative estimate of potential CO concentrations. Of the intersections analyzed in the TIS, this intersection has relatively high traffic volumes, low LOS, and long queue lengths. This intersection is also near US 101, a source of CO emissions. CO emissions from US 101 were also modeled to provide a conservative estimate of potential maximum CO emissions. An estimate of background CO levels in the area is based on monitoring data from Sebastopol and provided through USEPA's AirData Air Quality Monitors website (USEPA, 2022b). The representative background level selected is 1.2 ppm (1 hour average) from January 2019. This data point was selected as it represents peak CO emissions during winter when mobile CO emissions are higher. Higher CO emissions have been recorded in summer and fall months but are influenced by wildfires. The 2019 data also captures higher pre-COVID19 pandemic traffic volumes than other more recent data. A persistence factor of 0.7 is used to convert 1-hour concentrations to 8-hour concentrations, consistent with USEPA guidelines (USEPA, 1992).

### *Climate Change*

This EIS considers whether project emissions have individual or cumulative effects on climate change. Given the global nature of climate change impacts, individual project impacts are most appropriately addressed in terms of the incremental contribution to a global cumulative impact; therefore, refer to the discussion of cumulative air quality effects in **Section 3.14.3** for the analysis of impacts related to climate change. GHG emissions were calculated using CalEEMod. The social cost of GHG emissions was estimated using cost estimates provided by the Interagency Working Group on Social Cost of Greenhouse Gases (IWG, 2021), consistent with CEQ Guidance on Consideration of Greenhouse Gas Emissions and Climate Change (2023).

### *Federal Class I Areas*

If a project alternative emits greater than the prevention of significant deterioration (PSD) threshold of 250 tons per year (tpy) of any one CAP from stationary sources during construction or operation, then a best available control technology analysis would be conducted. Point Reyes National Seashore is within the preconstruction review distance of the Project Site and analysis would be required.

### *Tribal New Source Review*

New Source Review (NSR) is a preconstruction permitting program for stationary sources under the Clean Air Act. The Tribe would be required to apply for coverage under the NSR program for the operation of the proposed diesel backup generators.



### 3.4.3.3 Alternative A – Proposed Project

#### *Construction Emissions*

Construction of Alternative A would result in emissions of PM<sub>10</sub>, NO<sub>x</sub>, SO<sub>x</sub>, CO, VOCs, GHGs, and HAPs (primarily in the form of DPM) from the use of construction equipment, vineyard removal and hauling, grading activities, and fill soil importation. Construction is anticipated to begin in 2026 and last approximately 18 months. Construction is assumed to occur for eight hours a day, five days a week. Neighboring areas could be impacted by dust generated during construction and potentially other construction-related emissions if not properly managed. Effects on air quality during construction were evaluated by estimating the quantity of CAPs that would be emitted over the duration of the construction period for each year. The construction emission totals for Alternative A are shown in **Table 3.4-3** (see **Appendix F-1** model input and output files).

**Table 3.4-3: Construction Emissions of Criteria Pollutants (tons per year) – Alternative A**

Construction Year	NOx	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2026	2.14	0.27	2.41	0.01	0.78	0.31
2027	4.51	4.96	6.51	0.02	1.56	0.50
<b>Maximum Year Emissions</b>	<b>4.51</b>	<b>4.96</b>	<b>6.51</b>	<b>0.02</b>	<b>1.56</b>	<b>0.5</b>
<i>De minimis Level</i>	100	100	100	N/A	N/A	N/A
Exceed Level?	No	No	No	No	No	No

Source: **Appendix F-1**

Notes: N/A = Not Applicable. *De minimis* levels are not applicable for projects in attainment areas (refer to **Appendix E**)

Emissions estimates assume the implementation of construction BMPs described in **Table 2.1-3**. Implementation of construction BMPs is expected to control the production of fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) and to reduce emissions of criteria pollutants and DPM. This would reduce the overall quantity of these emissions and dust that could disperse off-site and negatively affect neighboring areas. As shown in **Table 3.4-3**, emissions of individual criteria pollutants from the construction of Alternative A would not exceed applicable de minimis levels; therefore, a conformity determination is not required for these pollutants during construction. Construction of Alternative A would not result in significant adverse effects associated with the regional air quality environment.

#### *Operation Emissions*

Buildout and operation of Alternative A would result in the generation of mobile emissions from patron, employee, and delivery vehicles. Alternative A assumes the use of electric boilers and appliances to the greatest extent practicable as described in **Table 2.1-3**; however, to provide a conservative analysis in the event that natural gas is utilized, modeling assumes the generation of stationary-source emissions from combustion of natural gas in stoves, heating units, emergency diesel generators, and other equipment. Estimated mobile-source and stationary-source emissions from operation of Alternative A are provided in **Table 3.4-4**. Emissions estimates assumed the implementation of the BMPs described in **Table 2.1-3**, including the use of energy efficient lighting, recycled water, and clean fuel vehicles. Detailed calculations of vehicle and area emissions are included in **Appendix F-1**.

**Table 3.4-4: Operation Emissions of Criteria Pollutants (tons per year) – Alternative A**

Source	NOx	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Stationary	3.66	0.82	4.49	0.02	0.31	0.31
<i>Total Exempt Emissions</i>	<i>3.66</i>	<i>0.82</i>	<i>4.49</i>	<i>0.02</i>	<i>0.31</i>	<i>0.31</i>
Energy	4.71	0.52	3.96	0.03	0.36	0.36
Area	0.0	3.44	0.02	0.00	0.00	0.00
Mobile	37.46	20.16	255.16	0.63	73.66	20.08
<b>Total Non-Exempt Emissions</b>	<b>42.17</b>	<b>24.12</b>	<b>259.14</b>	<b>0.66</b>	<b>74.02</b>	<b>20.44</b>
<i>De minimis Levels</i>	100	100	100	N/A	N/A	N/A
Exceed Level?	No	No	Yes	No	No	No

Source: **Appendix F-1**

Notes: N/A = Not Applicable. *De minimis* levels are not applicable for projects in attainment areas (refer to **Appendix E**).

The Tribe would be required to apply for coverage under the NSR program for the operation of stationary sources, including the proposed diesel backup generators. Compliance with the NSR program would require emission limitations and monitoring and reporting requirements. As noted above, because stationary source emissions are subject to the NSR permitting program, they are exempt from the conformity determination. The area, energy use, and mobile are not exempt from a conformity determination and are thereby considered the total annual emissions that must be compared to the de minimis thresholds.

As shown in **Table 3.4-4**, emissions of all criteria pollutants except CO are below de minimis levels and therefore are considered to be less than significant. Because CO emissions would exceed the de minimis levels, a Draft General Conformity Determination was prepared (**Appendix F-2**). CO concentrations were modeled to determine whether increased traffic associated with Alternative A would result in CO emissions that could exceed the NAAQS for CO. **Table 3.4-5** summarizes the results of the AERSCREEN dispersion modeling conducted for Alternative A. As shown in **Table 3.4-5**, Alternative A would not cause or contribute to new violations of the standards or increase the frequency or severity of any existing violations of the standards. The Draft General Conformity Determination concludes that approval of the Proposed Action would conform to the SIP and CO Maintenance Plan implemented pursuant to the CAA. Impacts to the regional air quality environment resulting from Alternative A would be less than significant.

**Table 3.4-5: Estimated Maximum Carbon Monoxide Concentrations – Alternative A**

Averaging Time (hours)	Concentrations (ppm)						
	Shiloh Road/US 101 NB Off-Ramp No Action	Shiloh Road/US 101 NB Off-Ramp with Alternative A	Project Contribution	Background	US 101 Contribution	Maximum Concentration	NAAQS
1	0.6	0.8	0.2	1.2	3.9	5.9	35
8	0.4	0.6	0.2	0.9	2.7	4.2	9

Source: Draft General Conformity Determination (**Appendix F-2**)

Notes: Modeled location is the intersection of Shiloh Road and northbound US 101 off-ramp based on 2040 traffic volumes and 2028 EMFAC emission factors. Highest concentrations for intersection and US 101 are combined to provide maximum concentrations.

### *Hazardous Air Pollutants*

Construction activities would result in short-term emissions of diesel particulate matter (DPM) from off-road heavy-duty diesel equipment exhaust and diesel-fueled haul trucks. Health risks associated with exposure of sensitive receptors to HAP emissions are typically based on the concentration of a substance or substances in the environment (dose) and the duration of exposure to the substance(s). Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual.

Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer period of time. According to the California Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to DPM emissions, should be based on a 70-year exposure period. Project construction, however, would occur over a much shorter period of time, approximately 18 months, with most emissions occurring during grading, which is estimated to occur over 40 work-days. During this period, the use of off-road heavy-duty diesel equipment would be limited to a typical 8-hour workday, and DPM emissions would disperse rapidly with distance from the source.

The highest daily emissions of diesel exhaust PM<sub>2.5</sub> during construction would be approximately 12.30 lb./day during the grading phase for Alternative A (**Appendix F-1**). Emissions of PM<sub>2.5</sub> (which includes equipment emissions of DPM) would be well below the 54 lbs./day significance level threshold set by the BAAQMD (BAAQMD, 2017b). These significance level thresholds were developed with the purpose of attaining the national and State standards, which identify concentrations of pollutants in the ambient air below which no adverse effects on the public health and welfare are anticipated. Accordingly, considering the relatively low level of diesel PM<sub>2.5</sub> emissions that would be generated by construction, the short duration of heavy-duty diesel equipment uses, and the highly dispersive properties of diesel exhaust, project-related HAP emission impacts during construction would be less than significant.

### Operational Phase

Operation of Alternative A would generate emissions of PM<sub>2.5</sub> and diesel exhaust from mobile and stationary sources. Mobile sources include diesel-powered buses, delivery trucks and other vehicles accessing the Project Site. Stationary sources include the periodic testing and use of emergency generators.

The analysis of operational PM<sub>2.5</sub> and DPM is based on the BAAQMD's Recommended Methods for Screening and Modeling Local Risks and Hazards (BAAQMD, 2022d). To assess the potential for health impacts from roadway-generated PM<sub>2.5</sub> and DPM, the BAAQMD modeled emissions and created roadway screening maps estimating cancer risk, chronic hazard index and PM<sub>2.5</sub> concentrations from roadways (BAAQMD, 2022e). The maps for the project area are provided in **Appendix F-1**, Figures F-1.1, F1.2, and 1.3. As shown in Figure F-1.1, the estimated cancer risk in the project area from background sources is generally well below BAAQMD's cumulative threshold, which is an increased cancer risk of greater than 100 cases in a million (from all sources). The only area with elevated cancer risk (over 80 cases in a million) is along Highway 101 between Shiloh Road and Airport Boulevard. This portion of Highway 101 has approximately 94,500 average daily trips (2017 data, Caltrans 2024). Estimated daily trips from Alternative A range from 11,213 on weekdays to 15,779 on Saturdays (**Appendix I**). Based on Saturday daily trip generation and estimated trip distribution, Alternative A would contribute to up to 7,100 daily trips to this highway segment. This would represent an approximate increase of 7.5% over 2017 traffic volumes. The small increase in daily trips along this highway segment would not significantly increase the estimated

cancer risk along this segment. Additionally, there are no sensitive receptors residing on the highway. The nearest homes are set back at least 80 feet from the highway, and have lower estimated cancer risk. Project traffic would increase emissions along Shiloh Road, Old Redwood Highway and other local roads, but the existing estimated cancer risk is well below BAAQMD's cumulative threshold and is expected to remain well below the threshold based on the amount of increased traffic. Existing daily trips on Shiloh Road and Old Redwood Highway at the project site are approximately 9,900 and 10,710 respectively (**Appendix I**). Alternative A would increase traffic on Shiloh Road west of Old Redwood Highway more than Old Redwood Highway or other local roads due to the expected use of Shiloh Road to access the project site from Highway 101. Daily trips on Shiloh Road are estimated to increase by approximately 8,410 on weekdays and 11,834 on Saturdays. While daily trips along this segment would approximately double, because the existing estimated cancer risk is well below BAAQMD's cumulative threshold, the addition of traffic from Alternative A is not expected to increase the overall cancer risk enough to exceed the BAAQMD threshold or result in a significant impact.

As shown in Figure F-1.2 of **Appendix F-1**, the estimated chronic hazard index in the project area is well below the BAAQMD's cumulative threshold, which is an increased noncancer risk of greater than 10.0 Hazard Index (from all sources). The estimated traffic from Alternative A does not have the potential to significantly increase the chronic hazard index within the project area.

As shown in Figure F-1.3 of **Appendix F-1**, the estimated average concentrations of PM<sub>2.5</sub> are well below the BAAQMD's cumulative threshold, which is an increased concentration of PM<sub>2.5</sub> above 0.8 ug/m<sup>3</sup> (from all local sources), except for along Highway 101 where existing concentrations exceed the threshold. Alternative A would increase traffic along Highway 101 by as much as 7.5% over estimated 2017 traffic volumes. However, there are no sensitive receptors residing on the highway. The nearest homes are set back at least 80 feet from the highway, and have lower estimated PM<sub>2.5</sub> concentrations, which are below BAAQMD's thresholds. As a result, the additional traffic generated by Alternative A is not expected to significantly increase PM<sub>2.5</sub> concentrations at sensitive receptors. **Table 2.1-3** has BMPs to further limit PM<sub>2.5</sub> and DPM emissions by reducing idling of trucks, buses, and passenger vehicles.

CARB has provided stationary diesel engine screening risk assessment tables to estimate health risks from generators and other diesel engines (CARB, 2022a). USEPA regulations for standby/emergency generators require Tier 2 diesel engines or higher. Tier 2 standards include limitations on PM emissions, which necessitate emission control devices. The proposed emergency generators consist of four<sup>3</sup> Caterpillar 3516C generator units, providing 1650 kilowatts/2,447 horsepower (HP) each. Tier 2 3516C generator units emit up to 0.05 grams per HP/hour (g/hp-hr). The generators would be located near the loading dock of the facility. Based on an annual non-emergency use of 12 hours and combined emissions of 0.2 g/hp-hr, and a setback distance of approximately 650 feet, the potential cancer risk in a million would not approach the significance threshold of 10 in a million increased cancer risk (**Appendix F-1**).

Based on a review of BAAQMD's Stationary Source Screening Map (BAAQMD, 2022a), there are no significant industrial or other stationary sources in the vicinity of the Project Site that could significantly combine with on-site and mobile emissions. Project-related HAP emission impacts during operation would be less than significant.

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<sup>3</sup> Five generators are proposed, but only four would operate on an emergency basis. The fifth would serve as a backup.

### *Odors*

Odor related impacts from Alternative A during construction would primarily originate from the SO<sub>2</sub> generated from heavy construction equipment. SO<sub>2</sub> would be localized onsite when heavy equipment is operated. Odors would disperse rapidly with distance from the source and are not expected to be noticeable off-site. Therefore, odor related effects during construction are considered less-than-significant.

Alternative A would not generate significant odors during operation of the proposed facilities with the exception of the on-site WWTP (further discussed below) and continued operation of vineyards around the perimeter of the Project Site, which would require the occasional application of maintenance chemicals that may result in infrequent and minor odors that would be less than any odors that may be currently occurring from maintenance of the existing vineyards. Common types of facilities known to produce odors, such as landfills, chemical manufacturing, auto body shops and coffee roasters, would not be developed at part of Alternative A. Under Alternative A, the proposed hotel and event center would include kitchens that would occasionally generate odors from cooking and baking. Impacts would be less than significant.

All wastewater generated by Alternative A would be treated at an on-site wastewater treatment plant (WWTP) that would be located in the southeastern corner of the Project Site. Anaerobic decomposition of organic matter containing sulfur and nitrogen accounts for the majority of odor-producing substances found in domestic wastewater. Furthermore, decomposition of domestic wastewater can produce inorganic gases, which commonly include hydrogen sulfide, ammonia, CO<sub>2</sub> and CH<sub>4</sub> (Jeon et al, 2009). These odors would not be detrimental to health, but could cause annoyances or mild symptoms (e.g., headache) if the exposure duration was long and the concentrations high enough. However, the WWTP would be entirely enclosed in buildings and would include odor-reducing equipment to reduce the potential for nuisance odors. With proper operating procedures and maintenance, the WWTP would be generally odor free. While the WWTP has been sited to occur within the southeast corner of the site, which is the furthest away from the proposed residential neighborhoods to the north and west, the nearest sensitive odor receptor to the WWTP includes a single rural residential home located directly adjacent to the southern boundary of the Project Site, across from the proposed general location of the WWTP. As noted in **Table 2.1-3**, the WWTP facilities themselves would be sited within this area to be located as far from sensitive receptors as possible. The on-site WWTP would not cause significant adverse odor impacts given the proposed enclosed design, and relatively low volume of wastewater to be treated. Odor impacts would be less than significant.

### *Indoor Air Quality*

As discussed in **Section 2.1**, the resort facility under Alternative A would be constructed consistent with the CBC and would be entirely smoke-free; there would be no other factors that could adversely impact indoor air quality. Subsequently, patrons and employees would not be exposed to low indoor air quality. This impact is less than significant.

### **3.4.3.4 Alternative B – Reduced Intensity Alternative**

#### *Construction Emissions*

The construction activities under Alternative B would be similar to those under Alternative A with a similar timeframe and schedule. Thus, the emission sources and the impacts of Alternative B would be similar to Alternative A, but less due to the reduced amount of development. Effects on air quality during

construction were evaluated by estimating the quantity of CAPs that would be emitted over the duration of the construction period for each year. The construction emission totals for Alternative B are shown in **Table 3.4-6** (see **Appendix F-1** model input and output files).

**Table 3.4-6: Construction Emissions of Criteria Pollutants (ton per year) – Alternative B**

Construction Year	NOx	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2026	2.02	0.25	2.26	0.01	0.71	0.30
2027	4.14	3.80	5.94	0.02	1.33	0.43
<b>Maximum Year Emissions</b>	<b>4.14</b>	<b>3.80</b>	<b>5.94</b>	<b>0.02</b>	<b>1.33</b>	<b>0.43</b>
<i>De minimis Level</i>	100	100	100	N/A	N/A	N/A
Exceed Level?	No	No	No	No	No	No

Source: **Appendix F-1**

Notes: N/A = Not Applicable. *De minimis* levels are not applicable for projects in attainment areas (refer to **Appendix E**).

Emissions estimates of Alternative B assume the implementation of construction BMPs described in **Table 2.1-3** that would reduce fugitive dust and emissions of criteria pollutants and DPM. This would thus reduce impacts to nearby sensitive receptors. As shown in **Table 3.4-6**, emissions of individual criteria pollutants from the construction of Alternative B would be less than Alternative A. Therefore, construction of Alternative B would not result in significant adverse effects associated with the regional air quality environment.

### Operation Emissions

Estimated mobile-source and stationary-source emissions from operation of Alternative B are shown in **Table 3.4-7**, and assume the implementation of the BMPs described in **Table 2.1-3** similar to Alternative A. Detailed calculations of vehicle and area emissions are included in **Appendix F-1**. As shown, the estimated emissions of individual criteria pollutants from actual predicted operations of stationary sources would not exceed the Tribal NSR threshold of 2 tpy for VOC and 5 tpy for NOx. While this EIS estimates the actual emissions from stationary sources, including emergency diesel generators, the Tribe will be required by the Clean Air Act to consult with the USEPA to determine whether NSR permits may be needed based on regulatory procedures for hypothetical usage and associated emissions.

**Table 3.4-7: Operation Emissions of Criteria Pollutants (tons per year) – Alternative B**

Source	NOx	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Stationary	2.63	0.59	2.86	0.01	0.20	0.20
<i>Total Exempt Emissions</i>	<i>2.63</i>	<i>0.59</i>	<i>2.86</i>	<i>0.01</i>	<i>0.20</i>	<i>0.20</i>
Energy	3.78	0.42	3.17	0.02	0.29	0.29
Area	0.00	2.58	0.04	0.00	0.00	0.00
Mobile	30.42	16.36	207.20	0.51	59.84	16.31
<b>Total Non-Exempt Emissions</b>	<b>34.20</b>	<b>19.36</b>	<b>210.41</b>	<b>0.53</b>	<b>60.13</b>	<b>16.60</b>
<i>De minimis Levels</i>	100	100	100	N/A	N/A	N/A
Exceed Level?	No	No	Yes	No	No	No

Source: **Appendix F-1**

Notes: N/A = Not Applicable. *De minimis* levels are not applicable for projects in attainment areas (refer to **Appendix E**).

As shown in **Table 3.4-7**, emissions of all criteria pollutants for Alternative B, except CO, are below de minimis levels and therefore are considered to be less than significant. The CO emissions from Alternative B are estimated to exceed the de minimis level. Because CO emissions from Alternative B are estimated to exceed the de minimis level, a Draft General Conformity Determination was prepared (**Appendix F-2**). CO concentrations were modeled to determine whether increased traffic associated with Alternative A would result in CO emissions that could exceed the NAAQS for CO. As shown in **Table 3.4-5**, Alternative A would not cause or contribute to new violations of the standards or increase the frequency or severity of any existing violations of the standards. Under Alternative B, CO emissions would be less than those generated under Alternative A due to the reduced amount of proposed development; therefore, maximum concentrations of CO under Alternative B would not exceed the 1-hour and 8-hour NAAQS. Based on the analysis in the Draft General Conformity Determination prepared for Alternative A, approval of Alternative B would likewise conform to the SIP and CO Maintenance Plan implemented pursuant to the CAA. Consequently, impacts to the regional air quality environment resulting from Alternative B would be less than significant.

### ***Hazardous Air Pollutants***

#### Construction Phase

HAPs generated under Alternative B would be of a similar nature as Alternative A since the similar construction equipment would be utilized over the same timeframe and schedule, but in reduced quantities with the highest emissions of PM<sub>2.5</sub> being 12.26 lb./day (**Appendix F-1**). Thus, the potential adverse effects would be less and below the 54 lbs./day significance level threshold set by the BAAQMD (BAAQMD, 2017b). Similar to Alternative A, project-related HAP emissions impacts under Alternative B during construction would be less than significant.

#### Operational Phase

Operation of Alternative B will generate emissions of diesel exhaust from mobile and stationary sources similar to Alternative A, such as from mobile sources and the use of emergency generators, and similar assessment methodology was utilized to assess the health effects. Alternative B, because of its smaller development size, will emit less PM<sub>2.5</sub> and diesel exhaust than Alternative A. Therefore, Alternative B will have reduced adverse health implications from PM<sub>2.5</sub> and DPM concentrations on roadways and from emergency generators. Furthermore, as mentioned for Alternative A, there are no significant industrial or other stationary sources in the vicinity of the Project Site that could significantly combine with on-site and mobile emissions. Project-related HAP emission impacts during operation would be less than significant.

### ***Odors***

Odor related impacts from the construction and operation of Alternative B would be similar to, but less than, Alternative A due to the smaller development size and reduced wastewater flows. Therefore, odor-related effects during construction and operation are considered a less-than-significant impact.

### ***Indoor Air Quality***

As discussed in **Section 2.2**, the resort facility under Alternative B would be constructed consistent with the CBC and would be entirely smoke-free; there would be no other factors that could adversely impact indoor air quality. Subsequently, patrons and employees would not be exposed to low indoor air quality. This impact is less than significant.

### 3.4.3.5 Alternative C – Non-Gaming Alternative

#### Construction Emissions

The construction emission totals for Alternative C are shown in **Table 3.4-8** (see **Appendix F-1** model input and output files). Similar to Alternatives A and B, emissions estimates assume the implementation of construction BMPs described in **Table 2.1-3** that would reduce fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) and emissions of criteria pollutants and DPM, and thus reduce the overall quantity of these that could disperse off-site and negatively affect neighboring areas. As shown in **Table 3.4-8**, similar to Alternatives A and B, emissions of individual criteria pollutants from the construction of Alternative C would not exceed applicable de minimis levels and not require a conformity determination. Therefore, construction of Alternatives C would not result in significant adverse effects associated with the regional air quality environment.

**Table 3.4-8: Construction Emissions of Criteria Pollutants (tons per year) – Alternatives C**

Construction Year	NOx	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2026	1.50	0.16	1.55	0.00	0.25	0.14
2027	2.44	1.30	3.43	0.01	0.30	0.15
<b>Total Emissions</b>	<b>3.94</b>	<b>1.46</b>	<b>4.98</b>	<b>0.01</b>	<b>0.55</b>	<b>0.29</b>
<i>De minimis Level</i>	100	100	100	N/A	N/A	N/A
Exceed Level?	No	No	No	No	No	No

Source: **Appendix F-1**

Notes: N/A = Not Applicable. *De minimis* levels are not applicable for projects in attainment areas (refer to **Appendix E**).

#### Operation Emissions

Buildout and operation of Alternative C will have similar mobile and stationary emissions as Alternatives A and B. Estimated mobile-source and stationary-source emissions from operation of Alternative C are provided in **Table 3.4-9**. Emission estimates assumed the implementation of the BMPs described in **Table 2.1-3**, including the use of energy efficient lighting, recycled water, and clean fuel vehicles. Detailed calculations of vehicle and area emissions are included in **Appendix F-1**.

**Table 3.4-9: Operation Emissions of Criteria Pollutants – Alternative C**

Source	NOx	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Stationary	1.69	0.38	1.56	0.01	0.10	0.10
<i>Total Exempt Emissions</i>	<i>1.69</i>	<i>0.38</i>	<i>1.56</i>	<i>0.01</i>	<i>0.10</i>	<i>0.10</i>
Energy	0.42	0.05	0.36	0.00	0.03	0.03
Area	0.00	0.83	0.01	0.00	0.00	0.00
Mobile	3.62	2.12	24.83	0.06	6.90	1.88
<b>Total Non-Exempt Emissions</b>	<b>4.04</b>	<b>3.00</b>	<b>25.20</b>	<b>0.06</b>	<b>6.93</b>	<b>1.91</b>
<i>De minimis Levels</i>	100	100	100	N/A	N/A	N/A
Exceed Level?	No	No	No	No	No	No

Source: **Appendix F-1**

Notes: N/A = Not Applicable. *De minimis* levels are not applicable for projects in attainment areas (refer to **Appendix E**).



Similar to Alternatives A and B, as shown in **Table 3.4-9**, the estimated emissions of individual criteria pollutants from actual predicted operations of stationary sources would not exceed the Tribal NSR threshold of 2 tpy for VOC and 5 tpy for NO<sub>x</sub>. While this EIS estimates the actual emissions from stationary sources, including emergency diesel generators, the Tribe will be required by the Clean Air Act to consult with the USEPA to determine whether NSR permits may be needed based on regulatory procedures for hypothetical usage and associated emissions.

Unlike Alternatives A and B, emissions of CO from the operation of Alternative C would not exceed *the de minimis* level. Therefore, no conformity determination is required and the impact to the regional air quality environment is considered less than significant.

### ***Hazardous Air Pollutants***

#### Construction Phase

HAPs generated under Alternative C would be of a similar nature as Alternatives A and B, but at a reduced scale due to the smaller development size. The highest emissions of PM<sub>2.5</sub> during construction would be 12.10 lb./day (**Appendix F-1**). Thus, PM<sub>2.5</sub> emissions would be below the 54 lbs./day significance level threshold set by the BAAQMD like Alternatives A and B (BAAQMD, 2017b). Similar to Alternatives A and B, project-related HAP emissions impacts under Alternative C during construction would be less than significant.

#### Operation Phase

Operation of Alternative C would generate emissions of diesel exhaust from mobile and stationary sources similar to Alternatives A and B, for which similar assessment methodology was utilized to assess the health effects. Alternative C would emit less PM<sub>2.5</sub> and diesel exhaust in total than Alternatives A or B due to being smaller in scale. Therefore, Alternative C will have reduced adverse health implications from PM<sub>2.5</sub> and DPM concentrations on roadways and from emergency generators. Furthermore, as mentioned for Alternatives A and B, there are no significant industrial or other stationary sources in the vicinity of the Project Site that could significantly combine with on-site and mobile emissions. Project-related HAP emission impacts during operation would be less than significant.

### ***Odor***

The odor impacts from the operation of Alternative C would be similar as Alternatives A and B during construction and operation, but on a smaller scale due to the smaller development size. Similar to Alternatives A and B, Alternative C will incorporate BMPs from **Table 2.1-3** to reduce the potential odor impacts from the on-site WWTP. However, Alternative C includes an additional component that could produce odors that is not present in Alternatives A and B: the wine production activities at the on-site winery. Wine production at the winery would rarely produce odors in sufficient enough quantities or frequently enough to be noticeable by on-site patrons or employees or disperse to the surrounding area. Activities that could produce odors are improperly managed pomace that has developed odor-producing mold (e.g., *Candida mycoderma*) (Ageyeva et al., 2021), and the fermentation of wine can sometimes produce small quantities of hydrogen sulfide that would only be noticeable to those in the immediate vicinity of the wine barrels/containers while uncovered. The pomace would be managed properly as to not develop mold as a component of the specific waste management plan development for Alternative C. The BMP specifying the creation of this waste management plan can be seen in **Table 2.1-3**. Therefore, the impacts related to odor from the WWTP and winery would be less than significant.

*Indoor Air Quality*

As discussed in **Section 2.3**, Alternative C would be constructed consistent with the CBC and would be entirely smoke-free; there would be no other factors that could adversely impact indoor air quality. Subsequently, patrons and employees would not be exposed to low indoor air quality. This impact is less than significant.

**3.4.3.6 Alternative D – No Action Alternative**

Under the No Action Alternative, the Project Site would remain undeveloped and none of the construction or operational air quality impacts identified for the development alternatives would occur.

**3.5 BIOLOGICAL RESOURCES**

**3.5.1 Regulatory Setting**

The regulatory setting concerning biological resources is summarized in **Table 3.5-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.5-1: Regulatory Policies and Plans Related to Biological Resources**

Regulation	Description
<b>Federal</b>	
Federal Endangered Species Act (FESA)	<ul style="list-style-type: none"> <li>▪ Protects federally listed wildlife and their habitat from take (as defined by the FESA “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct”).</li> <li>▪ Requires consultation under Section 7 of the FESA for federal agencies and tribes if take of a listed species is necessary to complete an otherwise lawful activity.</li> <li>▪ Considers habitat loss an impact to the species.</li> <li>▪ Defines critical habitat as specific geographic areas within a listed species range that contain features considered essential for the conservation of the listed species.</li> </ul>
Magnuson Stevens Act and Sustainable Fisheries Act	<ul style="list-style-type: none"> <li>▪ Governs marine fisheries management in U.S. federal waters.</li> <li>▪ Establishes requirements for fishery management councils to identify and describe Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern to protect, conserve, and enhance habitat for the benefit of fisheries.</li> <li>▪ Defines EFH as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.</li> <li>▪ Establishes a federal EFH consultation process that advises federal agencies to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH.</li> </ul>
Migratory Bird Treaty Act (MBTA)	<ul style="list-style-type: none"> <li>▪ Protects migratory birds and requires project-related disturbances to be reduced or eliminated during the nesting season (generally February 1 through August 30).</li> </ul>

Regulation	Description
	<ul style="list-style-type: none"> <li>▪ U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern includes species protected under MBTA that without additional conservation action are likely to become candidates for listing under FESA.</li> </ul>
Bald and Golden Eagle Protection Act	<ul style="list-style-type: none"> <li>▪ Prohibits take, possession, and commerce of bald and golden eagles and associated parts, feathers, nests, or eggs with limited exceptions.</li> </ul>
Clean Water Act (Sections 404 and 401)	<ul style="list-style-type: none"> <li>▪ Defines Wetlands and Waters of the United States subject to jurisdiction of the U.S. Army Corps of Engineers (USACE) and/or the State.</li> <li>▪ Guides the permitting and mitigation of filling or dredging of Waters of the U.S. under the authority of Section 404 of the CWA by USACE or the USEPA.</li> </ul>
<b>State</b>	
California Endangered Species Act (CESA)	<ul style="list-style-type: none"> <li>▪ Provisions protect species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species and their habitat from take.</li> </ul>
California Fish and Game Code	<ul style="list-style-type: none"> <li>▪ Prohibits take of a species listed under the CESA or otherwise special status.</li> <li>▪ Allows the California Department of Fish and Wildlife (CDFW) to issue an incidental take permit for a State-listed species if specific criteria outlined in Title 14 California Code of Regulations (CCR) § 783.4(a), (b) and CDFW Code Section 2081(b) are met.</li> </ul>
Native Plant Protection Act of 1977	<ul style="list-style-type: none"> <li>▪ Administered by the CDFW.</li> <li>▪ Designates special-status plant species and provides protection measures for identified populations.</li> </ul>
<b>Local</b>	
Sonoma County General Plan	<ul style="list-style-type: none"> <li>▪ Identifies objectives and policies regarding biotic resources, including biotic habitat areas (e.g., special status species habitat, marshes and wetlands, and sensitive natural communities), riparian corridors, and marine fishery and harbor resources.</li> </ul>
Sonoma County Zoning Ordinance	<ul style="list-style-type: none"> <li>▪ Identifies protections and designations for agricultural and resource zones, including protections for lands needed for watershed, fish and wildlife habitat, and biotic resources.</li> </ul>

### 3.5.2 Environmental Setting

This section summarizes findings from the following technical studies which are included in **Appendix G**:

- A Biological Assessment (BA) prepared to facilitate consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to the Section 7 of the federal Endangered Species Act (FESA) (**Appendix G-1**).
- A Biological Assessment (BA) and Essential Fish Habitat (EFH) Assessment for the National Oceanic and Atmospheric Administration, Fisheries Service (NOAA Fisheries) addressing federally listed

anadromous fish, Critical Habitat designated by NOAA Fisheries, and EFH protected by the Magnuson-Stevens Fisheries Conservation Act (**Appendix G-2**).

- A Technical Memorandum addressing the potential for species protected under California State law to be present on the Project Site (**Appendix G-3**).
- An Aquatic Resource Delineation (ARD) Report which presents the results of the delineation of potential jurisdictional wetlands and waters of the United States (**Appendix G-4**). The ARD was submitted to USACE in April 2022 as part of a request for USACE preliminary Jurisdictional Determination.
- A Jurisdictional Determination Technical Memorandum (**Appendix G-6**) was prepared following a USACE field verification site visit in October 27, 2023. The memorandum includes a revised ARD map, which will be used for permitting purposes at a future date.

## Methodology

### *Preliminary Research and Data Gathering*

The following information was utilized in determining the environmental setting of the Project Site:

- USFWS Information for Planning and Conservation database and National Wetlands Inventory (NWI)
- Calfish website
- NOAA Fisheries website
- CDFW California Natural Diversity Database (CNDDDB) and RareFind 5
- California Native Plant Society's (CNPS) database
- USGS topographic maps, geologic data, and National Hydrography Dataset (NHD)
- NRCS Web Soil Survey and hydric soils lists

### *Site Assessment*

Surveys of the Project Site for the BA, BA/EFH Assessment, CESA Technical Memo, and ARD were conducted by Sequoia Ecological Consulting (Sequoia) biologists on February 23 and 24, 2022. The surveys involved searching all habitats on the site and recording all plant and wildlife species observed. Sequoia cross-referenced the habitats occurring on the Project Site with the habitat requirements of regional special-status species to determine if the proposed development could directly or indirectly impact these species. Any special-status species or suitable habitat was documented. (**Appendix G-1**). The BA/EFH Assessment survey involved assessing habitat within Pruitt Creek on the Project Site and a visual survey for federally listed fish species. The habitat assessment was guided by the habitat requirements defined by the EFH and the habitat features known to be used by the listed Pacific salmonids expected to occur on the Project Site (**Appendix G-2**). The survey for State-listed species involved searching all habitats on the site and recording all plant and animal species observed (**Appendix G-3**). The ARD survey was conducted according to the USACE Wetlands Delineation Manual (USACE, 1987) in conjunction with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE, 2008) and the State Water Resources Control Board's State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (2019). The Project Site was field checked for indicators of hydrophytic vegetation, wetland hydrology, and hydric soils. During the aquatic resource delineation, six sample points (three pairs) were taken on the Project Site and recorded on USACE data forms (**Appendix G-4**). The ARD was submitted to USACE and a field verification was conducted with Sequoia, Acorn, and USACE on October 27, 2023 (**Appendix G-6**).

## Terrestrial Habitat Types

Terrestrial habitat types identified during the field surveys are described in Section 5.2 of **Appendix G-1**, Section 3.2 of **Appendix G-3**, and Section 3.3 of **Appendix G-4** and summarized below. Figure 3 of **Appendix G-1** shows the land cover types within the Project Site. Figure 7 of **Appendix G-3** shows the habitat types within the Project Site. A list of plant species observed on the Project Site is provided in Table 3 of **Appendix G-3**.

### *Vineyards*

The Project Site is predominately an active vineyard with ruderal (weedy) vegetation growing in between the grape rows. Vineyard infrastructure is also present including dirt roads, piping, propane tanks, a wash station, and electrical power poles. While the grape rows themselves are weeded and maintained, ruderal and annual vegetation grows between rows and around the vineyard perimeter; ruderal species are adapted to endure intense and/or long-term disturbance. Ruderal species observed within the Project Site include non-native annual grasses such as slender wild oat (*Avena barbata*), rigput brome (*Bromus diandrus*), and soft chess (*Bromus hordeaceus*), as well as stinking chamomile (*Anthemis cotula*), English plantain (*Plantago lanceolata*), California burclover (*Medicago polymorpha*), common vetch (*Vicia sativa*), and filaree species (*Erodium botrys*, *E. cicutarium*). This habitat type occupies approximately 59.3 acres of the Project Site.

### *Ornamental Landscaping*

Landscaped vegetation consisting of ornamental trees and shrubs surround the private residence and other structures on the Project Site. There are olive trees and a variety of fruit trees on the north side of the private residence. Ruderal species occur between the landscape and orchard plantings. Large trees (primarily valley oaks [*Quercus lobata*]) line the property boundary. This habitat type occupies approximately 6.9 acres of the Project Site.

### *Riparian Corridor*

The extent of the riparian corridor along Pruitt Creek is shown on **Figure 3.3-2** (see “Riparian Dripline”). Valley oaks dominate the riparian corridor with some smaller eucalyptus (*Eucalyptus* sp.) trees also present. Understory vegetation is composed of both native and non-native species of grasses and shrubs. The understory communities observed had distinct segments heavily dominated by native species alternating with areas dominated by non-native species. Some native species observed include California buckeye (*Aesculus californica*), California bay laurel (*Umbellularia californica*), willow (*Salix* sp.), poison oak (*Toxicodendron diversilobum*), valley oak, and coast live oak (*Quercus agrifolia*). Non-native species observed include Himalayan blackberry (*Rubus armeniacus*), eucalyptus, and black mustard (*Brassica nigra*), among others. There is a narrow buffer of non-native annual grassland between the riparian corridor and the vineyards. This Riparian Corridor has the potential to serve as a wildlife corridor to species in the area. This habitat type occupies approximately 5.2 acres of the Project Site.

## Aquatic Resources

The following is a summary of the three types of aquatic resources that were identified in the ARD Report (**Appendix G-4**) and supplemental memorandum (**Appendix G-6**), as well as the potential for these resources to be found jurisdictional by USACE. The final determination about the location and extent of wetlands and other waters on the Project Site and their regulatory jurisdiction would ultimately be determined by USACE. A map showing the location of the aquatic resources is provided as **Figure 3.3-2**.

Photographs of representative aquatic resources and delineation sample points are included in Appendix C of **Appendix G-4**. A list of plant species observed on the Project Site, and their wetland indicator status, is included in Appendix D of **Appendix G-4**.

### ***Intermittent Drainage (Pruitt Creek)***

Pruitt Creek enters the Project Site from the north via a box culvert underneath East Shiloh Road and flows approximately 1,790 feet to the southwest through the center of the Project Site, where it is bisected by a dirt low flow crossing (**Figure 3.3-2**). The creek encompasses approximately 0.644 acres of the Project Site. Pruitt Creek continues to the southwestern corner of the Project Site where it flows offsite through an adjacent property to the south and into a box culvert below Old Redwood Highway. Once offsite, Pruitt Creek eventually drains into Pool Creek, which flows into Windsor Creek, then into Mark West Creek, and finally into the Russian River. Pruitt Creek is mapped as “Riverine, Intermittent, Streambed, Seasonally Flooded (R4SBC)” and “Palustrine, Forested, Emergent, Persistent, Seasonally Flooded (PFO/EM1C) Freshwater Forested/Shrub Wetland” in the NWI. A detailed description of Pruitt Creek is provided in Section 4.2 of **Appendix G-4**.

Intermittent drainages are natural tributaries to downstream traditional navigable water (either through direct discharge or culvert/storm drain networks) and support a bed, bank, and ordinary high-water mark (OHWM) but lack one or more wetland parameters. The ARD delineated Pruitt Creek as an intermittent drainage because: (1) the channel had pooled and flowing water that appeared to be the result of seasonal and recent rains and not perennial hydrology; (2) the channel had significant OHWM indicators such as natural line impressed on the bank, shelving, changes in soil character, presence of litter and debris, and matted and bent vegetation to indicate seasonal flow; and/or (3) background sources (the NWI, NHD, USGS topographic maps, and other sources) indicated seasonal flow.

Based on current guidance, Pruitt Creek would presumably qualify as “non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (typically three months)” and therefore fall under USACE jurisdiction.

### ***Roadside Drainage Ditches***

Roadside drainage ditches are man-made features that catch sheet flow or convey stormwater flows. Two Roadside drainage ditches were delineated on the western edge of the Project Site, along Old Redwood Highway (**Figure 3.3-2**). The northern roadside drainage ditch (RD-01) is approximately 1,305 feet long and the southern roadside drainage ditch (RD-02) is approximately 444 feet long. These ditches appeared to be excavated in uplands (rather than wetlands) and are not replacing any natural drainages or wetlands, nor did they appear to be fed by seeps or hydrologic sources other than direct precipitation and runoff from the roadside and seasonal wetlands. A detailed description of RD-01 and RD-02 is provided in Section 4.3 of **Appendix G-4**. Based on conditions observed in the field and a review of the NWI, NHD, USGS topographic maps, and other sources, the ditches are not natural tributaries to downstream traditionally navigable waters. The roadside drainage ditches were dry during the delineation and support a marginal bed and bank in some areas but are generally swale-like, as well as OHWM, including presence of leaf litter, matted or absent vegetation, and scour. Vegetation found in the ditches were characterized by a mix of hydrophytic species and ruderal and non-native annual species consistent with the adjacent uplands. These features are unlikely to be considered waters of the U.S. as they appear to fall within the category of “Ditches (including roadside ditches) excavated wholly in and draining only uplands and that

do not carry a relatively permanent flow of water,” which are specifically excluded from USACE jurisdiction under current guidance.

**Seasonal Wetlands**

Seasonal wetlands are habitats that dry down in the summer and fall months, but generally in the rainy, winter months become saturated and inundated for several weeks to months. These areas often become dominated by hydrophytic plant species that are reliant and/or dependent on regular saturation or inundation. Four seasonal wetlands were delineated on the western edge of the Project Site, between the perimeter fencing along Old Redwood Highway and the grape arbors (Figure 3.3-2). The acreage of each seasonal wetland is provided in Table 3.5-2 along with an anticipated level of jurisdiction based on in-field verification with USACE (Appendix G-6). While cover within these seasonal wetlands was dominated by bare ground and algal matting, the vegetation present consisted almost exclusively of hydrophytic species. Topographical trends and patterns in the land cover/vegetation indicate the seasonal wetlands are hydrologically connected to, if not a direct water source for the RD-02 that flows along Old Redwood Highway into Pruitt Creek. Additionally, evaluation of upland soils indicates that the hydrology of the seasonal wetlands is at least partially influenced by irrigation associated with agricultural activities.

**Plants and Wildlife**

Plant and wildlife species observed on the Project Site during are listed in Tables 3 and 4 of Appendix G-3, respectively. No special-status species were observed on the Project Site.

**Table 3.5-2: Seasonal Wetlands**

Feature Name	Area (Acres)	Anticipated Status
SW-01	0.002	Jurisdictional
SW-02	0.004	Non-Jurisdictional
SW-03	0.004	Non-Jurisdictional
SW-04	0.009	Non-Jurisdictional
SW-05	0.013	Jurisdictional
SW-06	0.003	Jurisdictional
SW-07	0.003	Jurisdictional
SW-08	0.015	Jurisdictional
SW-09	0.041	Non-Jurisdictional

Source: Appendix G-6

**Federally Listed Special Status Species**

For the purposes of this assessment, “federally listed species” has been defined to include those species that are listed as Endangered or Threatened under FESA or formally proposed candidates for listing. A BA was prepared to assess the potential for federally listed species to be present on the Project Site (Appendix G-1). Based on the analysis therein (see Table 1 and Table 2 of Appendix G-1), and the subsequent proposal for listing of northwestern pond turtle, the following federally listed species have the potential to occur within the Project Site:

- Fish
  - Chinook salmon (*Oncorhynchus tshawytscha*), California Coastal Evolutionary Significant Unit (CC ESU), Federally Threatened
  - Coho salmon (*Oncorhynchus kisutch*), Central California Coast Evolutionary Significant Unit (CCC ESU), Federally Endangered
  - Steelhead (*Oncorhynchus mykiss irideus*), Central California Coastal Distinct Population Segment (CCC DPS), Federally Threatened
- Amphibians
  - California red-legged frog (CRLF; *Rana daytonii*), Federally Threatened
- Reptiles
  - Northwestern pond turtle (NWPT; *Actinemys marmorata*), Proposed Federally Threatened

See Section 5.0 of **Appendix G-2** for a detailed discussion of the status of federally listed fish species with the potential to occur on the Project Site. See Section 6.2.1 of **Appendix G-1** for a discussion of habitat requirements for CRLF.

NWPT, as subspecies of the western pond turtle, is currently federally proposed for listing as threatened and is found from sea level up to 4,700 feet amsl. The species has been on a decline largely due to habitat destruction and competition with invasive species such as red-eared slider (*Trachemys scripta elegans*), painted turtle (*Chrysemys picta*), and predation by American bullfrog (*Rana catesbeiana*). NWPT inhabits a variety of aquatic habitats provided there is permanent, year-round water, aquatic vegetation, adequate basking sites consisting of rocks, vegetation mats, logs, debris, or mud banks, and suitable upland habitat for egg laying with high sun exposure, abundant vegetation, and either rocky or muddy bottoms in woodlands and grasslands. NWPT breeds in early spring and predominantly nests in moist soil. Females in the Bay Area were found to prefer to lay their eggs in sunny areas with grass about a foot and a half high covering about 85% of the ground (California Herps, 2024). In cases of colder temperatures, NWPT hibernate in underwater mud. NWPT are primarily active during the day, although twilight and nighttime activity have been rarely observed. The home range size for males averages 2.5 acres, with female and juvenile home ranges being much smaller (Natomas Basin Conservancy, 2024). Females may travel up to 330 feet in the spring to find nest sites. The drying out of aquatic habitat may also result in overland movement.

### State-Listed Special Status Species

For the purposes of this assessment, “State-listed species” has been defined to include: 1) fish and wildlife species listed as Threatened or Endangered under CESA or formerly proposed candidates for listing; 2) Fully Protected species, as designated by the CDFW; 3) plant species listed as Threatened or Endangered under CESA or formerly proposed candidates for listing; and 4) plant species meeting the definition of ‘Rare’ or ‘Endangered’ under California Environmental Quality Act Guidelines 14 CCR § 15125 (c) and/or 14 CCR § 15380, including plants listed on CNPS Lists 1A (presumed extinct in California), 1B (rare, threatened, or endangered in California and elsewhere), 2A (presumed extirpated in California, but more common elsewhere), and 2B (rare, threatened, or endangered in California, but more common elsewhere). A Technical Memorandum was prepared to assess the potential for State-listed species to be present on the Project Site (**Appendix G-3**). Based on the analysis therein (see Tables 1 and 2 of **Appendix G-3**), the only State-listed species that has the potential to occur within the Project Site is Coho salmon (*Oncorhynchus kisutch*) CCC ESU which is listed by the State as Endangered. As described above, this species is also listed as federally endangered.



## Critical Habitat and Essential Fish Habitat

Critical Habitat in the vicinity of the Project Site is shown on Figure 4 of **Appendix G-2**. The Project Site falls within Critical Habitat for Steelhead CCC DPS. Critical Habitat for coho salmon CCC ESU and Chinook salmon CC ESU is located near the Project Site within the Russian River Basin. Critical Habitat for coho salmon CCC ESU is approximately 0.85 miles northwest of the Project Site. Critical Habitat for Chinook salmon CC ESU is approximately 4.35 miles west of the Project Site.

The Project Site falls within EFH for Pacific salmon, specifically for Chinook and coho salmon within the Russian River watershed (**Appendix G-2**).

## Migratory Birds and other Birds of Prey

Migratory birds and other birds of prey, protected under 50 CFR Part 10 of the MBTA, have the potential to nest on and near the Project Site. The nesting season for raptors and other migratory birds occurs generally between February 1 and August 30. The riparian corridor provides high value nesting and foraging habitat for numerous bird species. No active bird nests were noted in the Project Site, but numerous bird activity was observed. **Appendix G-1** identifies the following species listed as USFWS Bird of Conservation Concern, which includes species protected under MBTA that without additional conservation action are likely to become candidates for listing under FESA, as having a potential to occur on the Project Site: Burrowing Owl (*Athene cunicularia*), Oak titmouse (*Baeolophus inornatus*), Lawrence's goldfinch (*Carduelis [+Spinus] lawrencei*), Wrentit (*Chamaea fasciata*), Lewis's woodpecker (*Melanerpes lewis*), Song sparrow (*Melospiza melodia*), Nuttall's woodpecker (*Picoides nuttallii*), Rufous hummingbird (*Selasphorus rufus*), and Allen's hummingbird (*Selasphorus sasin*). Bald eagles and golden eagles do not have the potential to occur on the Project Site (see Table 2 of **Appendix G-3**).

### 3.5.3 Impacts

#### 3.5.3.1 Assessment Criteria

Each alternative is analyzed to determine if construction or operation would result in direct significant impacts to biological resources. A project would have a significant adverse impact if the development or operation would result in the loss of sensitive or critical habitat; have a substantial adverse effect on species with special status under the FESA; have a substantial adverse effect on habitat necessary for the future survival of such species, including areas designated as critical habitat by the USFWS and areas designated as EFH by NOAA Fisheries; result in a take of migratory bird species as defined by the MBTA; and/or have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means. Consideration is also given to State-listed special-status species, wildlife corridors, and nursery sites.

#### 3.5.3.2 Methodology

The analysis of potential impacts is based on the existing biological setting, which is discussed in **Section 3.5.2**. The evaluation of adverse effects to biological resources is based on a comprehensive examination of the existing Project Site and the anticipated extent of habitats, wetland features, and the presence, absence, or potential occurrence of special status species that would be impacted by the project alternatives. There are no approved habitat conservation plans or natural community conservation plans applicable to the Project Site and thus this issue is not discussed further.

### 3.5.3.3 Alternative A – Proposed Project

#### *Potential Effects to Terrestrial Habitats and Aquatic Features*

##### Vineyards and Ornamental Landscaping

Development of Alternative A would impact between approximately 42 and 47 acres of vineyards and ornamental landscaping depending on the size and type of seasonal storage selected for treated effluent (see **Section 2.1.4**). Vineyards and ornamental landscaping are not considered critical or sensitive habitats; therefore, no significant impacts would occur to biological resources as a result of a reduction in vineyards and ornamental landscaping. Ornamental trees around the perimeter of the Project Site would be left in place, except for where the new accesses on Old Redwood Highway and Shiloh Road would be installed.

##### Intermittent Drainage (Pruitt Creek) and Riparian Corridor

As shown in **Figure 2.1-1**, the majority of the development would occur outside of the riparian corridor, with the exception of the enclosed clear-span pedestrian bridge connecting the parking garage with the casino approximately 12 feet above Pruitt Creek and a clear-span vehicle bridge on the southern portion of the Project Site. The two bridges would be constructed outside of the OHWM of Pruitt Creek and, therefore, would have no direct impacts to the intermittent drainage. The pedestrian bridge would not impact the riparian corridor at ground level but may involve cutting tree branches in the canopy. Depending on the final alignment, the clear-span vehicle bridge may require some tree removal and ground clearing within the riparian corridor. Additionally, the pipelines and outfall structures for treated effluent discharge and stormwater drainage (see **Sections 2.1.4** and **2.1.5**) would be developed within approximately 600 square feet of the riparian corridor and bed, bank, and channel of Pruitt Creek. The gravity sewer main from the resort facility to the proposed lift station and WWTP would be installed either beneath Pruitt Creek by horizontal directional drilling or other trenchless construction methods or over Pruitt Creek by attaching it to either the proposed pedestrian or vehicle bridge to avoid impacts to the creek and riparian corridor. As described in **Table 2.1-3**, if directional drilling is used, pipelines would be installed a minimum of 10 feet below the bottom of creek and during the dry season, to prevent hydrofracture (e.g., frac-out).

The removal or alteration of riparian vegetation may lead to a loss of instream cover, loss of temperature regulation capacity, and a reduction of bank stabilization. A loss or reduction of instream cover could result in an increase in predation of salmonids. Removing shade along the riparian corridor may increase the temperature of the water. However, salmonids are anticipated to only occur in Pruitt Creek during the late fall, winter, and early spring when temperature stress is low and canopy cover has less effect on the temperature of the creek, during appropriate flow conditions. Once constructed, the clear-span bridges would provide additional shade to the creek and cover from predation. In addition to providing shade and protection from predation, vegetation plays an important role in stabilizing the banks of a creek, and alteration to this vegetation could increase erosion and change the course of a stream. These effects have the potential to affect individual listed Pacific salmonids by degrading water quality and reducing the habitat suitability of Pruitt Creek. Wildlife movement would not be restricted, as the riparian corridor would remain unimpeded under the bridges and around the outfalls.

As described in **Sections 2.1.4** and **2.1.5**, the outfall structures would be designed to prevent erosion of the natural creek banks and erosion downstream. The outfall pipe outlet would include a duckbill check valve or similar component to protect against settlement/silting inside the pipe or nesting of small animals or rodents. The area around the outfall pipe would be covered with riprap or similar material to prevent

natural erosion around the pipe from occurring and to protect the banks during periods of discharge. The pipe material would be suitable for permanent exposure to sunlight and creek water quality conditions. Effects to water quality and fish habitat are further addressed under the heading of Special-Status Fish Species below.

As described in **Table 2.1-3**, the Tribe would comply with the NPDES General Construction Permit from the USEPA, for construction site runoff during the construction phase in compliance with the CWA. Mitigation measures included in **Section 4** would minimize construction impacts to Pruitt Creek by limiting ground disturbing activities, such as grading, clearing, and excavation to between June 15 and October 15 when Pruitt Creek has little to no water flow, as well as requiring consultation with the USACE and USEPA regarding the need to obtain permits under Sections 404 and 401 of the CWA. Further, mitigation measures included in **Section 4** would minimize potential impacts to the riparian corridor through minimizing the project footprint in those areas, installation of high-visibility fence to prevent incursion in the riparian corridor, and replanting of native trees and shrubs in any temporarily disturbed riparian areas. With adherence to the conditions of applicable permits and implementation of BMPs in **Table 2.1-3** and mitigation measures in **Section 4**, Alternative A would have a less-than-significant effect on Pruitt Creek and the riparian corridor.

#### Roadside Drainage Ditches and Seasonal Wetlands

Alternative A avoids development in the vicinity of the roadside drainage ditches and seasonal wetlands, with the exception of the proposed access driveway on Old Redwood Highway, which would cross over RD-01 via a culvert. Based on the field verification with USACE, it is not anticipated that the roadside drainage ditch or seasonal wetlands affected by the proposed access driveway would be jurisdictional; however, a final determination must be made via an Approved Jurisdictional Determination. Potential impacts to wetlands and Waters of the U.S. would be reduced to less-than-significant levels with implementation of the mitigation measures in **Section 4**, which include consultation with the USACE and USEPA regarding the need to obtain permits under Section 404 and 401 of the CWA, implementation of a SWPPP, silt fencing, and avoidance buffers. These measures would ensure that aquatic features proposed for avoidance are protected by fencing and that work in or near Pruitt Creek occurs during the dry season to avoid erosion and impacts to special-status species.

### ***Federally Listed or Protected Special-Status Species***

#### Special-Status Fish Species

As described in Section 6.0 of **Appendix G-2**, effects of Alternative A are anticipated to be similar for the three federally listed Pacific salmonids and would come from potential changes in water quality and associated changes in downstream habitat suitability, as the reach of Pruitt Creek is generally poor-quality habitat for all salmonids due to hydrological period and water quality parameters. Salmonids are sensitive to changes in water quality and temperature. They prefer a range from 7.2 to 14.4°C with adequate dissolved oxygen levels and low turbidity. Water quality can adversely affect salmonid growth and survival at all stages of their lifecycle. Water quality along with the hydroperiod can determine migration timing and spawning location, and the success of incubation, rearing and out-migration. Their resilience is highly limited by the quality and availability of their habitat.

The potential for Pacific salmonids to occur and use habitat in this far east portion of the Russian River Basin is temporally and physically limited. There is a low potential that CC ESU Chinook salmon would occur in Pruitt Creek based on their current distribution and their patterns of migration. There is a moderate potential for CCC coho salmon and steelhead to occur in Pruitt Creek; however, large consistent

normal annual rainfall events and associated increases in water flow and decreases in water temperature need to align with their migration event, particularly for steelhead which have a historical presence. Historic records exist (2001-2016) of anadromous adult steelhead occurring regularly within Pruitt Creek upstream of the Project site in years with adequate rainfall, and not during an extensive drought period; however, no evidence of breeding has been observed. Additionally, all higher-order tributaries to the Russian River connected to Pruitt Creek would need to have sufficient flow and provide uninhibited access to Pruitt Creek particularly to the upstream perennial reach adjacent to Faught Road.

As described above, direct impacts to Pruitt Creek and associated riparian corridor from construction of the proposed clear-span bridges and outfalls would be reduced to less than significant with adherence to the conditions of applicable permits and implementation of BMPs in **Table 2.1-3** and mitigation measures in **Section 4**. Impacts to surface water quality from stormwater and treated effluent discharge is discussed in more detail in **Section 3.3**. As stated therein, Alternative A would adhere to the NPDES General Construction Permit during construction and NPDES discharge permit for seasonal discharge of tertiary treated effluent to Pruitt Creek during operation. The limitations in the NPDES discharge permits would be developed to be protective of the beneficial uses of Pruitt Creek and the Russian River in accordance with Basin Plan objectives, including requirements for water quality for a designated cold freshwater habitat and spawning, reproduction, and/or early development.

Given the conditions discussed above, with implementation of mitigation measures in **Section 4**, including the requirement to consult with NOAA Fisheries, Alternative A would have a less-than-significant effect on special-status fish species.

#### California Red-Legged Frog

The reach of Pruitt Creek within the Project Site does not provide suitable breeding habitat for federally listed CRLF because the creek goes dry in the summer and is not expected to support egg maturation, larval development, and metamorphosis before the stream dries. Pruitt Creek may provide dispersal habitat for CRLF during periods of wet weather. Given the surrounding urban habitat and vineyards, CRLF upland dispersal is unlikely. The Project Site is not within designated critical habitat for this species and there are no recorded CNDDDB occurrences of CRLF within 3 miles of the Project Site (**Appendix G-1**).

Although unlikely, if CRLF were to be present at the time of construction of Alternative A, construction-related activities have the potential to cause CRLF mortality, which would be a potentially significant adverse effect. Potential adverse effects to CRLF would be avoided or minimized to less-than-significant levels with implementation of BMPs in **Table 2.1-3** and mitigation measures identified in **Section 4**, which include a preconstruction survey, silt fencing, and worker awareness training. Worker awareness training would ensure that construction workers are aware of the potential for impacts and that workers know proper notification and avoidance procedures. Pre-construction surveys would ensure that any CRLF onsite are identified and, if present, further measures are taken in cooperation with resource agencies to avoid take.

#### Northwestern Pond Turtle

The reach of Pruitt Creek within the Project Site has a very low potential to support NWPT as the creek goes dry in the summer, is surrounded by vineyard disturbance, and generally lacks ideal basking sites (rocks, vegetation mats, logs, debris, or mud banks). The Project Site does not contain suitable breeding/upland habitat for NWPT as it consists of vineyard and lacks woodlands and grasslands, with the exception that muddy banks along Pruitt Creek may allow for limited hibernation.

Although NWPT are unlikely to occur, if northwestern pond turtle were to be present at the time of construction of Alternative A, construction related activities have the potential to cause northwestern pond turtle mortality, which would be a potentially significant adverse effect. BMPs listed in **Table 2.1-3** include educating on-site workers about potentially occurring special-species, including NWPT, through an environmental awareness program so that proper avoidance of the species can occur in the unlikely event it is observed. Mitigation measures are included in **Section 4** to reduce potential impacts to NWPT through a pre-construction survey along Pruitt Creek, conducting activities within 50 feet of Pruitt Creek during the dry season, and the installation of protective fencing to avoid potential disturbance to the species if identified on-site. Potential adverse effects to NWPT would be avoided or minimized to less-than-significant levels with implementation of the mitigation measures identified in **Section 4**.

### ***Critical Habitat and Essential Fish Habitat***

Development and operation of Alternative A may have short term and localized effects on designated Steelhead CCC DPS, Critical Habitat for coho salmon CCC ESU and Chinook Salmon CC ESU downstream of the Project Site, and EFH for Pacific Salmon. As described above, direct impacts to Pruitt Creek and associated riparian corridor from construction of the proposed clear-span bridges and outfalls would be reduced to less-than-significant with adherence to the conditions of applicable permits and implementation of BMPs in **Table 2.1-3** and mitigation measures in **Section 4**. Additionally, water quality in Pruitt Creek has the potential to be impacted by erosion and sedimentation from construction activities, as well as discharge of treated effluent from the on-site WWTP during wet months. This is a potentially significant impact. Impacts to surface water quality from stormwater and treated effluent discharge is discussed in more detail in **Section 3.3**. As stated therein, Alternative A would adhere to the NPDES General Construction Permit during construction and an NPDES discharge permit for seasonal discharge of tertiary treated effluent to Pruitt Creek during operation. The limitations in these discharge permits would be developed to be protective of the beneficial uses of Pruitt Creek and the Russian River in accordance with Basin Plan objectives, including requirements for water quality for a designated cold freshwater habitat and spawning, reproduction, and/or early development. Therefore, with adherence to the conditions of applicable permits and implementation of BMPs in **Table 2.1-3** and mitigation measures in **Section 4**, impacts to designated Critical Habitat and EFH would be reduced to less-than-significant levels. As stated in **Appendix G-2**, the direct and indirect effects of Alternative A would not significantly reduce the available breeding and rearing habitat for Pacific salmonids and would not significantly reduce their likelihood of survival in the wild by reducing their population size, distribution, or reproduction.

### ***Migratory Birds and Other Birds of Prey***

The Project Site and vicinity provides potential nesting habitat for migratory birds and other birds of prey. If active nests are present in these areas, tree removal and other construction activities associated with development of Alternative A could adversely affect these species. During construction of Alternative A, actions that cause direct injury or death of a migratory bird, removal of an active nest with eggs or nestling during the breeding season, or any disturbance that results in nest abandonment or forced fledging of nestlings is considered take under the MBTA. BMPs in **Table 2.1-3** include worker awareness training for protected species, including nesting migratory birds, to ensure that construction workers are aware of the potential for impacts and that workers know the proper notification and avoidance procedures. Upon implementation of the mitigation measures identified in **Section 4**, which includes pre-construction surveys, potential adverse effects to nesting birds during construction would be reduced to a less-than-significant level. Pre-construction surveys would ensure that any nesting migratory birds are identified and, if present, buffers are established in cooperation with resource agencies to prevent nest abandonment.

Increased lighting could increase bird collisions with structures and could also cause disorientation effects for avian species. Thus, nighttime lighting from the operation of Alternative A could have a potentially significant effect on both migrating and local bird populations. With the incorporation of design features in **Table 2.1-3**, including orientating exterior lighting so as not to cast significant light or glare into natural areas, potential adverse effects to migratory birds and other birds of prey would be less than significant.

#### *State-Listed Special-Status Species*

Potential impacts to CC ESU coho salmon are discussed above under Federally Listed Special-Status Fish Species.

#### **3.5.3.4 Alternative B – Reduced Intensity Alternative**

Development of Alternative B would result in similar impacts to Biological Resources as described for Alternative A above; however, the conversion of vineyard and ornamental landscaping would be reduced compared to Alternative A due to the reduced building footprint of Alternative B. As with Alternative A, with adherence to the conditions of applicable permits and implementation of BMPs in **Table 2.1-3** and mitigation measures in **Section 4**, impacts to biological resources under Alternative B would be reduced to less-than-significant levels.

#### **3.5.3.5 Alternative C – Non-Gaming Alternative**

Development of Alternative C would result in similar impacts to Biological Resources as described for Alternatives A and B; however, the conversion of vineyard and ornamental landscaping would be reduced compared to Alternatives A and B due to the reduced building footprint of Alternative C and impacts to the riparian corridor would be reduced compared to Alternatives A and B due to the elimination of the clear-span pedestrian and vehicle bridges under Alternative C. As with Alternatives A and B, with adherence to the conditions of applicable permits and implementation of BMPs in **Table 2.1-3** and mitigation measures in **Section 4**, impacts to biological resources under Alternative C would be reduced to less-than-significant levels.

#### **3.5.3.6 Alternative D – No-Action Alternative**

Alternative D would not result in any construction on the Project Site and would, therefore, not result in any significant adverse effects to biological resources.

## **3.6 CULTURAL AND PALEONTOLOGICAL RESOURCES**

### **3.6.1 Regulatory Setting**

The cultural resources regulatory setting information is summarized in **Table 3.6-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.6-1: Regulatory Policies and Plans Related to Cultural and Paleontological Resources**

Regulation	Description
<b>Federal</b>	
Section 106 of the National Historic Preservation Act (NHPA)	<ul style="list-style-type: none"> <li>▪ Federal agencies must identify cultural resources that may be affected by actions involving federal lands, funds, or permitting actions.</li> <li>▪ Significance of the resources must be evaluated for National Register of Historic Places (NRHP) eligibility.</li> <li>▪ If an NRHP-eligible resource would be adversely affected, measures to avoid or reduce adverse effects must be taken.</li> </ul>
Native American Graves Protection and Repatriation Act	<ul style="list-style-type: none"> <li>▪ Includes provisions governing the repatriation of Native American remains and cultural items under the control of federal agencies and institutions that receive federal funding ("museums"), as well as the ownership or control of cultural items and human remains discovered on federal or tribal lands.</li> </ul>
Archaeological Resources Protection Act	<ul style="list-style-type: none"> <li>▪ Archaeological resources and sites on public and Indian lands are protected resources.</li> </ul>
Paleontological Resources Preservation Act	<ul style="list-style-type: none"> <li>▪ Paleontological resources on federal lands are protected resources.</li> </ul>

### 3.6.2 Environmental Setting

This section summarizes findings from the following technical studies which are included in confidential **Appendix H**:

- Historic Property Survey Report of the Project Site (**Appendix H-1**).
- Cultural Resources Study of the Project Site (**Appendix H-2**).
- Archaeological Monitoring of Soil Test Trenches (**Appendix H-3**).
- Obsidian Hydration Results (**Appendix H-4**).
- Canine Field Survey (**Appendix H-5**)
- Archaeological Testing of Forensic Dog Locations (**Appendix H-6**)

#### Prehistoric Overview

Human occupation of the region began long before the end of the Ice Age between 11,000 and 8,000 years ago. Early occupants appear to have had an economy based largely on hunting, with limited exchange, and social structures based on the extended family unit. Later, circa 6,000 years ago, milling technology and an inferred acorn economy were introduced, as evidenced by the presence of mortar and pestles in archaeological sites. This diversification of economy appears to be coeval with the development of sedentism and population growth and expansion. Sociopolitical complexity and status distinctions based on wealth are also observable in the archaeological record, as evidenced by an increased range and distribution of trade goods (e.g., shell beads, obsidian tool stone), which are possible indicators of both status and increasingly complex exchange systems. The locations of major settlements in the area do not

change from 6,000 years before the present (BP) to the time of European arrival. This suggests that a system of permanent territorial boundaries had been established. (**Appendices H-1 and H-2**)

Around 3,500 BP, rapid population growth in the Clear Lake Basin to the northeast along with environmental factors, force many Clear Lake Pomo to move west into the less populated Russian River drainage. Clear Lake people married into the existing Yukian speaking tribes in this area and took with them their language, culture, and technology. Eventually the Clear Lake Pomo culture spread throughout Sonoma and Mendocino Counties. (**Appendix H-1**)

## **Ethnographic Overview**

At the time of Euro-American settlement, people inhabiting this area spoke Southern Pomo, one of seven Pomoan languages belonging to the Hokan language stock. The Southern Pomo's aboriginal territory falls within present-day Sonoma County. To the north, it reaches the divide between Rock Pile Creek and the Gualala River, and to the south, it extends to near the Town of Cotati. The eastern boundary primarily runs along the western flanks of Sonoma Mountain until it reaches Healdsburg, where it crosses to the west side of the Russian River. Within the larger area that constitutes the Southern Pomo homeland, there were bands or tribelets that occupied distinct areas. Primary village sites of the Southern Pomo were occupied continually, while temporary sites were visited to procure resources that were especially abundant or available only during certain seasons. Sites often were situated near freshwater sources and in ecotones where plant life and animal life were diverse and abundant. (**Appendix H-2**)

European diseases spread through the area before the 1800's through tribal interaction with the first Europeans to arrive in the Americas. By the mid 1800's, Spanish missions brought another wave of disease and forced resettlement. When Mexico gained independence from Spain, the new Mexican landowners regularly raided Native American villages to secure slaves to work on their ranchos. Early California Statehood further impacted the tribal communities by issuing land patents to tribal territories and allowing population settlement that further cut off access to traditional resource areas. (**Appendix H-1**).

## **Historical Overview**

Historically, the study area is outside of the original Windsor town limits. Windsor began when in 1855 Hiram Lewis, mail carrier for Sonoma County, constructed a house at Windsor and named it such. Within five years, several businesses were established at Windsor, including multiple stores, hotels, and saloons, and a blacksmith. In the 1870s when the railroad was constructed, it was built west of Windsor. Windsor was part of unincorporated Sonoma County until 1992. (**Appendix H-2**)

In 1867, the project area was patented to German Buchanan who served as a Private in Colonel Markham's Company, Utah Militia during the Utah Indian Disturbance. Mr. Buchanan assigned the property to M.W. Barney. Mr. Barney is listed in the Russian River Township as having moved from Illinois to California in 1852. He moved to Sonoma County in 1860 and is listed as a farmer on 80 acres. There is no mention of Mr. Barney in the other published histories of Sonoma County. The 1920 map shows part of the project area fenced and what may be a house along the fence line fronting the old Redwood Highway. The 1940 map shows a single structure on the project area fronting the Old Redwood Highway. A 1993 satellite image shows a small portion of the project area in orchard as well as the house fronting the Old Redwood Highway. The 2004 satellite image shows the full vineyard development currently operating on the Project Site, the 1994 house and orchard are gone, and a new single-family residence has been built along the



eastern property boundary. Sometime before 2003, the 1994 house was demolished and the concrete foundations pushed to the bank of Pruitt Creek. (**Appendix H-1**)

## **Native American Consultation**

The California Native American Heritage Commission (NAHC) conducted a review of the Sacred Lands File and found that there are records of sacred lands on or in the vicinity of the Area of Potential Effects (APE). The NAHC also supplied a list of Native American individuals who may have information regarding the sacred lands or other cultural resources in the vicinity of the APE. Letters were sent requesting information regarding the presence of cultural resources on or in the immediate vicinity of the APE. To date, only the Federated Indians of Graton Rancheria have responded to the request for information. In its letter, the Federated Indians of Graton Rancheria indicated that the APE is within the ancestral territory of the Southern Pomo people, which today includes a number of federally recognized tribes, including Graton Rancheria. Additionally, its initial review indicates that Southern Pomo ancestors were likely on the Project Site and that religious and culturally significant tribal cultural resources are present. The Federated Indians of Graton Rancheria, Kashia Band of Pomo Indians of the Stewarts Point Rancheria, and Dry Creek Rancheria Band of Pomo Indians have requested to be formerly consulted by the BIA under Section 106 of the NHPA. Copies of relevant correspondence are provided in **Appendix H-7**.

## **Paleontological Resources**

Paleontological resources are the fossilized remains of plants and animals, including vertebrates, invertebrates, and fossils of microscopic plants and animals (microfossils). The age and abundance of fossils depends on the location, topographic setting, and particular geologic formation in which they are found. The central and southwestern portions of the Project Site are mapped as being underlain by Holocene to Latest Pleistocene aged basin deposits, which generally consist of poorly drained, clay-rich soils. The northern and eastern limits of the Project Site are mapped as being underlain by Holocene aged alluvial fan deposits, which generally consist of varying amounts of sand, gravel, silt, and clay, and are moderately- to poorly-sorted and bedded. Historical stream channel deposits are mapped along the on-site Pruitt Creek area and are described as “loose, unconsolidated, poorly- to well sorted sand, gravel, and cobbles, with minor silt and clay” (see Appendix D of **Appendix D-1**). The University of California Museum of Paleontology Database was accessed and reviewed for any paleontological resources within the same formation as the Project Site. According to the database, 554 paleontological resources have been identified within Sonoma County; however, only 26 of these resources date to the Holocene and Pleistocene epoch (UCMP, 2022).

### **3.6.3 Impact**

#### **3.6.3.1 Assessment Criteria**

A significant effect would occur if the implementation of a project alternative resulted in physical destruction, alteration, removal, neglect, or change in characteristics or reduction of integrity of historic features of a cultural resource. A significant effect to paleontological resources would occur if a project alternative resulted in damage or destruction of fossils that provide significant nonrenewable taphonomic, taxonomic, phylogenic, ecologic, or stratigraphic information.

### 3.6.3.2 Methodology

Background research and archaeological surveys of the Project Site were independently conducted by Archaeological Research and Tom Origer & Associates in February 2022 and May 2022, respectively, to identify and evaluate any prehistoric and historic-period resources within or adjacent to the Project Site that may be impacted by the project alternatives. Additionally, archaeological monitoring was done during excavation for percolation testing on the Project Site in April 2022. Reports documenting the results of these efforts are included in **Appendix H**.

#### *Area of Potential Effects*

Construction, staging, and material stockpiles would occur within the Project Site, and any access improvements would occur within previously disturbed soils. The footprint of these activities constitutes the APE.

#### *Records and Literature Search*

A review of all recorded historic resources and resource inventory reports was conducted at the Northwest Information Center of the California Historical Resources Inventory System, which found that no portions of the APE had been previously subjected to surveys and no cultural resources or historic properties were recorded on the Project Site (**Appendices H-1** and **H-2**). Cultural resource studies within one mile of the project APE had discovered 12 cultural sites outside the APE (**Appendix H-1**). The latest listings of the NRHP and California Registry of Historic Resources were also checked with negative results within or adjacent to the APE (**Appendix H-1**). There are no ethnographic villages or camp sites reported within one mile of the APE (**Appendix H-2**). A review of 19th and 20th-century maps and aerial photos shows a building/residence within the APE in 1933 but not in 1920 (**Appendix H-2**).

#### *Field Surveys*

February 17 – 20, 2022

The APE was surveyed by Archaeological Research between February 17 and 20, 2022. The field work consisted of a complete walking inspection of the entire APE. The inspection was conducted in transect sweeps across the area in intervals spaced 8 to 10 meters apart. Ground visibility within the vineyard areas were excellent due to the cleared ground beneath the vineyard rows; however, some dense grasses, shrubs, and trees obstructed the ground visibility in other portions of the APE. Whenever possible, rodent backdirt piles were carefully examined for evidence of surface and subsurface cultural material. All cut banks, drainage channels and tree root balls were examined for buried cultural material. All rock outcrops were examined for rock art and technological use. In some areas a trowel was used to clear to the mineral soil. The field inspection discovered a single historic cultural site consisting of a moderate scatter of recent and historic glass, metal, and ceramics. It is anticipated that this scatter of historic materials represents the remains of the residence seen on historic maps. The field inspection also discovered widely scattered isolated prehistoric materials including one broken bowl mortar, obsidian and chert flakes, one obsidian point fragment, and one chert core; as well as widely scattered isolated historic materials, including brick, metal, and glass. Archaeological Research recommended that neither the historic home site nor the isolated artifacts met the criteria for inclusion on the NRHP. (**Appendix H-1**).

April 11, 2022

On April 11, 2022, Archaeological Research conducted archaeological monitoring during the excavation of four test pits within the APE that were to be used for soil percolation testing and then subsequently refilled. Also present during the excavation was a Koi Tribal Monitor. During the trench excavation process, the Archaeological Research observed the ground and backdirt piles, as well as examined the trench sidewalls to detect evidence of buried soil surfaces and cultural materials. The monitoring discovered areas of buried stream gravels and clay layers that are likely attributable to over-bank flood deposits and meander channels created by Pruitt Creek. The only evidence of cultural use found during the excavation was a single horseshoe that was discovered approximately 20 centimeters bgs in one of the test pits. Archaeological Research recommended that the horseshoe does not meet the criteria for inclusion on the NRHP. (**Appendix H-3**)

May 3, 2022

The APE was surveyed by Tom Origer & Associates on May 3, 2022. Surface examination consisted of walking in approximately 12-meter transects (every 4 to 5 vineyard rows). Hoes were used to clear grasses and forbs as needed; however, every other vineyard row was disced so that ground visibility was excellent there; although around the existing buildings the ground surface was obscured by asphalt, gravel, landscaping, and the buildings. A four-inch diameter hand-auger was used at four locations along the creek, two on each side of the creek. Two bifacial tool fragments, one chert and one obsidian, were found during the survey, as well as approximately two dozen pieces of obsidian. The obsidian pieces consisted of both whole and broken (“modified”) pieces. It was determined to be possible that some of the “modified” obsidian pieces were the result agricultural activities (e.g., discing) while others may have been from actual knapping to create chipped-stone tools such as knives and projectile tips. Tom Origer & Associates recommended that the existing residence on the eastern portion of the APE does not meet the criteria for inclusion on the NRHP and that, although some obsidian pieces could date to prehistoric times, they were widely scattered and do not meet the criteria for classification as an archaeological site. (**Appendix H-2**)

January 23 – 24, 2024

In response to requests the BIA received during Native American Consultation conducted under Section 106 of the NHPA, the development area for the Proposed Project was surveyed by the Institute for Canine Forensics (ICF) on January 23 and 24, 2024. ICF specializes in training, certifying, and providing Historic Human Remains Detection (HHRD) dog teams. HHRD dogs have unique and specialized training in locating historic and prehistoric human remains and are specifically trained to give an “alert” when they detect the scent of human remains. The alert is at the strongest source of the scent they have located. Each alert is given an interpretation number, 1-3, which are described in **Table 3.6-2**. ICF identified five areas within the development area for the Proposed Project where there was interpretation number 3 alert. No alerts within the development area qualified as interpretation number 1 or 2. Based on this and other research, ICF believes the remains may be severely fragmented, grave soil, and/or located in a different area than the accessible scent; this may mean that finding visible identifiable remains may not be possible. Additionally, ICF reported scent areas and interpretation number 3 alerts outside of the development area, along Pruitt Creek and a segment of Old Redwood Highway. (**Appendix H-5**)

**Table 3.6-2: Canine Survey Alert Interpretations**

Alert	Description
1	<b>Possible Intact Burial:</b> To ICF’s knowledge the ground has been undisturbed. The dog is strongly committed to a single location. Based on this, ICF believes the burial is most likely intact and may be historic or shallow.
2	<b>Compromised Burial:</b> Some ground disturbance may have occurred to the area, either naturally or man-made. The dog is committed to the location, but it may not be as strong of an alert as an intact burial. Based on this and other research, ICF believe the remains may be an older burial, cremains, reinterred or partial burial, deep, and/or in dense soil.
3	<p><b>Scattered or Dissipated Remains:</b> This category contains several possible conditions:</p> <ul style="list-style-type: none"> <li>▪ The ground has been greatly disturbed, either naturally or man-made. Most common reasons for disturbed burials are construction or farming, especially plowing. Older burials can become so degraded that the remaining bones are small fragments or only grave soil remains. When a body has decomposed in the ground the “grave soil” contains the scent that the dogs recognize as human remains.</li> <li>▪ Included in this category is the conduit effect where scent travels along underground conduits. Items like pipes, cables, tree roots, utility boxes and poles and/or rodent holes passing through remains can act as a channel for scent, bringing it to the surface. An alert on this sort of item does not necessarily mean there are human remains at that location.</li> <li>▪ In some cases, the dog cannot access the exact location of the source. Or the level of scent available to the dog may be below their target threshold (scent strong enough to elicit an alert.) The handler observes the dog is clearly working an area of the target odor and is searching for stronger scent. The dog indicates there is scent, but their reaction to this category varies from having a hard time pinpointing an exact location, to giving several alerts in close proximity, or not alerting. Based on this and other research, the remains may be severely fragmented, grave soil, and/or located in a different area than the accessible scent. This may mean that finding visible identifiable remains may not be possible.</li> </ul>

Source: **Appendix H-5**

April 2, 2024

On April 2, 2024, archaeological testing was conducted at the five areas where ICF had identified an interpretation number 3 alert, as well as three additional areas where there was a potential for project-related ground disturbance near the riparian corridor within the Project Site. During the testing, the ground and backdirt piles were observed during each pass of the excavation bucket. The excavator was instructed to dig in 2-to-4-inch increments and used a flat plate bucket to avoid the bucket teeth disturbing the subsoil. In addition, careful examination of the trench sidewalls was conducted to detect evidence of buried soil surfaces and cultural materials. The Regional Archaeologist of the BIA monitored the testing, as well as tribal monitors from the Koi Nation of Northern California, Federated Indians of Graton Rancheria, and Dry Creek Band of Pomo Indians. No historic or prehistoric cultural materials, features, or human remains were encountered in 7 of the test trenches. The only cultural item discovered was a single piece of chipped obsidian. Although the single obsidian flake appeared to be the result of stone tool manufacture, this isolated item does not meet the criteria to be considered a "significant" historic resource as defined in the criteria for the NRHP (**Appendix H-6**).

### *Obsidian Hydration Analysis*

Obsidian hydration is the natural process of obsidian decomposition. Moisture from the air gradually seeps into the outer layers of the rock creating a water or hydration rind or rim that is visible under a petrographic microscope. The width of the hydration rim is a function of how long the obsidian surface has been exposed to the atmosphere. A newly chipped piece of obsidian will have no hydration rim. After **~1,000 years, the hydration rim will be ~1 micron ( $\mu\text{m}$ ) in thickness. The rate of hydration is affected by the chemical composition of the obsidian as well as heat and pressure over time.** The process of measuring hydration involves cutting a thin section out of the edge of the obsidian specimen. The thin-section is polished down to a thin piece and mounted on a slide which is placed under a microscope. A calibrated micrometer eye piece is used to measure the width of the hydration rim. **(Appendix H-4).**

An obsidian hydration analysis was performed on 17 samples that were collected on the Project Site on August 3, 2022. The hydration results indicated that 7 of the samples had hydration rims that were too **large to represent human interaction (28 to 124  $\mu\text{m}$ )**. These rim sizes suggest that the specimens dated to the original volcanic obsidian flow and/or the time period that they were transported downstream by Pruitt Creek. Three samples had hydration rims that were so poor that accurate measurement was not possible (one chunk and 2 possible flakes). Two samples had no measurable hydration (hydration so thin that they were likely chipped by recent agricultural activities). Five of the samples had measurable hydration that could indicate human tool manufacture. The hydration rims of these 5 samples indicated **at least 3 different periods of obsidian breakage. One time period was represented by 1.4 and 1.7  $\mu\text{m}$  rims, a second time period was represented by a single 4.9  $\mu\text{m}$  rim, and a third time period was represented by a 6.4  $\mu\text{m}$  rim.** The widely dispersed locations of samples that could indicate human tool manufacture and the fact that three completely different time periods of chipping were found support the conclusion that these were isolated pieces and do not represent an intact cultural feature or site. These items were most likely dropped during general resource procurement activities in the area over the millennia. **(Appendix H-4)**

### **3.6.3.3 Alternative A – Proposed Project**

#### *Archeological Resources*

As described above, the literature reviews, records searches, and pedestrian surveys conducted within the APE did not identify any resources that met the criteria for inclusion on the NRHP. Therefore, development of Alternative A would not result in direct adverse effects to known historic properties.

The presence of Pruitt Creek within the Project Site, presence of scattered obsidian, and results of the Canine Field Survey and Native American consultation conducted to date indicate there is a potential for subsurface cultural resources to be buried beneath the Project Site with no surface manifestation. As with any project, there is a possibility that unknown subsurface prehistoric or historic archaeological resources, including human remains, could be encountered and impacted during project related construction and excavation activities. This is a potentially significant impact.

Mitigation measures for the protection and treatment of unanticipated discoveries of archaeological resources and/or human remains are presented in **Section 4**, including monitoring of grading activities within 150 feet of Pruitt Creek or within 50 feet of areas identified by the Canine Field Survey as having an “alert” and compliance with Section 106 of the NHPA. Implementation of these mitigation measures would ensure that the inadvertent discovery of historic archaeological resources during construction-

related earth-moving activities is handled in compliance with federal regulations and would reduce potential impacts to cultural resources to a less-than-significant level.

### *Paleontological Resources*

As described above, indicators of paleontological resources within the Project Site are absent, however resources have been identified within similar geologic formations in Sonoma County. Therefore, the potential for such resources to be uncovered is considered to be moderate.

Mitigation measures are presented in **Section 4** for the protection and preservation of discoveries of paleontological resources. Implementation of these mitigation measures would ensure that the inadvertent discovery of prehistoric resources during construction-related earth-moving activities is handled in compliance with federal regulations and would reduce impacts to paleontological resources to a less-than-significant level.

#### **3.6.3.4 Alternative B – Reduced Intensity Alternative**

As with Alternative A, development of Alternative B would not result in direct adverse effects to known historic properties. However, Alternative B may adversely affect previously unknown subsurface prehistoric or historic archaeological resources, including human remains or paleontological resources. If archaeological features are discovered, this could be a potentially significant impact. Mitigation measures for the protection and treatment of unanticipated discoveries of archaeological resources, human remains, and/or paleontological resources are presented in **Section 4**, including monitoring of grading activities within 150 feet of Pruitt Creek or within 50 feet of areas identified by the Canine Field Survey as having an “alert” and compliance with Section 106 of the NHPA. Implementation of these mitigation measures would reduce potential impacts to cultural resources and paleontological resources to a less-than-significant level.

#### **3.6.3.5 Alternative C – Non-Gaming Alternative**

As with Alternatives A and B, development of Alternative C would not result in direct adverse effects to known historic properties. However, Alternative C may adversely affect previously unknown subsurface prehistoric or historic archaeological resources, including human remains or paleontological resources. If archaeological features are discovered, this could be a potentially significant impact. Mitigation measures for the protection and treatment of unanticipated discoveries of archaeological resources, human remains and/or paleontological resources are presented in **Section 4**, including monitoring of grading activities within 150 feet of Pruitt Creek or within 50 feet of areas identified by the Canine Field Survey as having an “alert” and compliance with Section 106 of the NHPA. Implementation of these mitigation measures would reduce potential impacts to cultural resources and paleontological resources to a less-than-significant level.

#### **3.6.3.6 Alternative D – No Action Alternative**

Under Alternative D, the Project Site would not be placed in trust for the benefit of the Tribe and no development would occur. Therefore, there would be no adverse impacts to any unknown archaeological or paleontological resources.

## 3.7 SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE

### 3.7.1 Regulatory Setting

The socioeconomic regulatory setting is summarized in **Table 3.7-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.7-1: Regulatory Policies and Plans Related to Socioeconomics**

Regulation	Description
<b>Federal</b>	
Executive Order 12898	<ul style="list-style-type: none"> <li>▪ Disproportionately high impacts to minority or low-income populations should be considered.</li> <li>▪ A minority population is defined as a census tract containing greater than 50% minorities, or a census tract with a meaningfully greater percentage of minorities than the surrounding tracts.<sup>1</sup></li> <li>▪ A low-income population is defined as a census tract with a median household income lower than the poverty threshold, which varies depending on the number of persons in a household, or where other indications are present that indicate a low-income community is present within the census tract (e.g. the presence of households whose income is less than or equal to 200% of the poverty level).</li> </ul>
Executive Order 14096	<ul style="list-style-type: none"> <li>▪ Provides a broader definition of potentially disadvantaged communities.</li> <li>▪ Explicitly expands definition of potentially disadvantaged communities to include persons with a Tribal affiliation and disabled persons.</li> <li>▪ Requires federal agencies to fulfill environmental justice reporting requirements and prepare strategic plans.</li> <li>▪ Describes additional reporting and notification requirements related to toxic spills.</li> </ul>

1. Although not specified in EO 12898, for purposes of the social justice analysis, minority races include American Indian or Alaskan Native, Asian or Pacific Islander, Black (not of Hispanic origin), and Hispanic. Populations of two or more races and populations classified as “Other” were also considered to be minority races.

### 3.7.2 Environmental Setting

#### Koi Nation of Northern California

The Koi Nation is a federally recognized tribe governed by its Constitution and a three-member Council headquartered in Santa Rosa, California. As of September 2021, the Tribe has 89 Tribal members. The Tribe operates programs under the Tribal Self-Governance Act of 1994, programs funded by the Indian Health Service, and the American Rescue Plan of 2021, among others, for its enrolled tribal members; approximately 52% of which live in Sonoma County and an additional 25% of which live in Lake County.

## Economy and Employment

The Project Site is located in unincorporated Sonoma County, California, immediately south of the Town of Windsor. The 2022 unemployment rate was 2.6% for the County and 3.9% Statewide in July Of 2022 (Employee Development Department, 2022; **Table 3.7-2**). The largest industries in the County are healthcare and social assistance (13.1%), retail (11.8%), and manufacturing (10%) (Statistical Atlas, 2022).

According to U.S. Census Bureau data, the annual mean household income in inflation-adjusted 2020 dollars was \$117,533 in the Town of Windsor and \$86,173 in the County compared to \$78,672 Statewide (U.S. Census Bureau, 2021; **Table 3.7-2**). The average household size in the Town of Windsor, Sonoma County, and Statewide for 2021 was 2.94 people, 2.58 people, and 2.94 people, respectively (Department of Finance, 2022; **Table 3.7-2**).

## Demographics

The U.S. Census Bureau estimates the 2020 population of the Town of Windsor, Sonoma County, and the State of California to be 26,344 people, 488,863 people, and 39,538,223 people, respectively. Between 2020 and 2021, the Town of Windsor, Sonoma County, and the State of California experienced population decreases of 1%, 0.6%, and 0.8%, respectively (U.S. Census Bureau, 2021; **Table 3.7-2**).

## Housing

In 2021, the State of California was estimated to have approximately 14,471,112 housing units, of which approximately 964,251 units (6.7%) were vacant (Department of Finance, 2022; **Table 3.7-2**). Sonoma County had approximately 205,236 housing units, of which approximately 17,163 (8.4%) were vacant, and the Town of Windsor had approximately 9,691 housing units, of which approximately 506 units (5.2%) were vacant (Department of Finance, 2022; **Table 3.7-2**).

## Property Taxes

A total of \$99,089.92 in property taxes and special assessments were due for the Project Site during Fiscal Year 2022 (Sonoma County, 2021). During Fiscal Year 2021, Sonoma County collected over \$1 billion in property taxes (Sonoma County, 2022). Consequently, the property taxes collected on the Project Site comprise less than 0.01% of annual Sonoma County property tax collections.

## Gaming Market

**Appendix B-1** describes existing gaming facilities with market areas that overlap with the potential market area of the Project Site. As described therein, four gaming operations are located within the primary market area of the Project Site: Graton Resort and Casino; Cache Creek Casino Resort; River Rock Casino; and San Pablo Lytton Casino.

Additionally, five gaming operations are located within the secondary market area of the Project Site: Twin Pine Casino and Hotel; Coyote Valley Casino and Hotel; Robinson Rancheria Resort and Casino; Konocti Vista Casino Resort; and Sherwood Valley Casino.



**Table 3.7-2: Socioeconomic Data**

Census Data	Town of Windsor	Sonoma County	State of California
<b>Population</b>			
Population April 1, 2010	26,801	438,878	37,253,956
Population April 1, 2020	26,344	488,863	39,538,223
Population, 1-year growth (April 2020 to July 2021)	-1.0%	-0.6%	-0.8%
<b>Employment</b>			
Civilian Labor Force, July 2022	-	249,500	-
Civilian Employment, July 2022	-	243,100	-
Civilian Unemployment, 2022	-	6,400	-
Unemployment Rate, July 2022	-	2.6%	3.9%
<b>Housing</b>			
Housing units, 2021	9,691	205,236	14,471,112
Vacant units, 2021	506	17,163	964,251
Vacancy rate, 2021	5.2%	8.4%	6.7%
Persons Per Household	2.94	2.58	2.94
<b>Income and Poverty</b>			
Median household income (2020 dollars), 2016-2020	\$117,533	\$86,173	\$78,672

Source: U.S. Census Bureau, 2021; Department of Finance, 2022; Employee Development Department, 2022; Office of the Assistant Secretary, 2020

## Environmental Justice

Census tracts are designed to be relatively homogeneous units with respect to population characteristics, economic status, and living conditions. Therefore, statistics of census tracts provide a more accurate representation of the racial and economic composition of a community than other geographic areas. Block groups are a further division of census tracts; however, at this scale less data is available, and data can have a very high margin of error (e.g., exceeding 50%). The census tracts that were analyzed include Census Tract 1527.01, which includes the Project Site, and all six adjacent tracts.

### *Minority Populations*

**Table 3.7-3** displays the population of each minority group by census tract. The State has a 65.3% minority population, the County has a 41.5% minority population, and the population in the census tract containing the Project Site has a 36.6% minority population. Of the adjacent census tracts, Census Tract 1538.08 has a minority population of 52.3%, which exceeds the 50% threshold for minority populations. Members of the Tribe are also considered a minority population.

**Table 3.7-3: Race and Ethnicity Data**

Geographic Boundary	Total Population	White*	Black or African American*	American Indian and Alaskan Native*	Asian*	Native Hawaiian and Other Pacific Islander*	Other Race*	Two or More Races*	Hispanic or Latino	Total Minority Population	Minority Percent (%)
<b>State</b>	39,538,223	13,714,587	2,119,286	156,085	5,978,795	138,167	223,929	1,627,722	15,579,652	25,823,636	65.3%
<b>Sonoma County</b>	488,863	285,792	7,125	3,053	22,239	1,708	2,909	24,599	141,438	203,071	41.5%
<b>Project Site</b>											
Census Tract 1527.01	5,122	3,247	48	41	142	24	22	283	1,315	1,875	36.6
<b>Surrounding</b>											
Census Tract 1524.02	3,418	2,431	47	19	257	4	16	204	440	987	28.9
Census Tract 1526.01	6,554	4,868	49	17	582	11	20	347	660	1,686	25.7
Census Tract 1527.02	5,007	2,919	68	41	235	22	33	248	1,441	2,088	41.7
Census Tract 1538.07	3,957	2,867	16	23	103	3	0	190	755	1,090	27.5
Census Tract 1538.08	4,313	2,056	48	29	87	0	18	211	1,864	2,257	52.3
Census Tract 1538.09	4,510	2,552	37	31	112	5	13	225	1,535	1,958	43.4

\* Not Hispanic or Latino  
Source: U.S. Census Bureau, 2020a

### *Low-Income Populations*

**Table 3.7-4** provides household median income and household mean income data for the State, County, and analyzed census tracts. All of the evaluated census tracts have a household median income above the State average of \$78,672 and all but two census tracts (1527.01 and 1538.08) have a household median income above the County average of \$86,173. Additionally, all of the evaluated census tracts have a household mean income above \$100,000. **Table 3.7-4** also provides a summary of the number of individuals living below 200% of the poverty level. Approximately 29.4% of individuals in the State and 21.3% of the County live below 200% of the poverty level. Within the evaluated census tracts, the percentage of individuals living below 200% of the poverty level is the same or less than that of the State and County. While these numbers suggest that the area does not contain low-income populations, a mobile home community is located across Old Redwood Highway from the Project Site and is conservatively assumed to have a low-income population.

### *EJ Screen Tools*

The EPA's Environmental Justice Screening and Mapping Tool (EJScreen, version 2.2) and the Climate and Economic Justice Screening Tool (Version 1.0) were used to identify disadvantaged communities and other demographics near the Project Site (**Appendix B-4**). According to Climate and Economic Justice Screening Tool and EJScreen Tool, the Project Site is well below the thresholds for disadvantaged consideration in all aspects of energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development except for agricultural loss rate under the climate change category. The Project Site is within a census tract designated 99<sup>th</sup> percentile for expected agricultural loss rate, above the significance thresholds of 90<sup>th</sup> percentile to be considered disadvantaged. However, the Project Site block-group was compared to the rest of the US and was found within the 36<sup>th</sup> percentile for low income and the 57<sup>th</sup> percentile for people of color demographics, both below the percentiles to be considered disadvantaged.

## **3.7.3 Impacts**

### **3.7.3.1 Assessment Criteria**

#### *Socioeconomic Impacts*

To determine the potential effects of the alternatives associated with socioeconomic conditions, the economic effects of temporary construction and ongoing operational activities of each alternative were evaluated. Because socioeconomic effects would be most pronounced in the vicinity of the Project Site, the scope of analysis focuses on impacts surrounding areas within Sonoma County. Impacts resulting from operation of an alternative would occur continuously after opening. An adverse economic, fiscal, or social impact would occur if the effect of the project were to negatively alter the ability of governments to perform at existing levels or alter the ability of people to obtain public health and safety services. Much of the analysis presented herein relies on data presented in **Appendix B-1**, Economic Impact Study for the Shiloh Resort & Casino prepared by Global Market Advisors (GMA).

#### *Environmental Justice Impacts*

An adverse environmental justice impact would result if any adverse impact to human health or the environment as identified within this document disproportionately affected an identified minority or low-income community or Native American tribe.

**Table 3.7-4: Income and Poverty Level Data**

Geographic Boundary	Household Median Income	Household Mean Income	Individuals Living Below 200% of the Poverty Level	Population For Whom Poverty Status Is Determined	Percentage of Individuals Living Below 200% of the Poverty Level
<b>State</b>	\$78,672	\$111,622	11,344,790	38,589,882	29.4%
<b>Sonoma County</b>	\$86,173	\$113,067	104,177	489,796	21.3%
<b>Project Site</b>					
Census Tract 1527.01	\$79,052	\$116,915	993	4,714	21.1%
<b>Surrounding</b>					
Census Tract 1524.02	\$118,355	\$128,918	230	2,981	7.7%
Census Tract 1526.01	\$123,654	\$172,327	820	6,833	12.0%
Census Tract 1527.02	\$89,572	\$106,151	956	4,493	21.3%
Census Tract 1538.07	\$133,036	\$143,403	174	3,941	4.4%
Census Tract 1538.08	\$82,826	\$101,769	889	4,351	20.4%
Census Tract 1538.09	\$116,019	\$118,180	764	4,758	16.1%

Source: U.S. Census Bureau, 2020b; U.S. Census Bureau, 2020c

### 3.7.3.2 Alternative A – Proposed Project

#### *Economy and Employment*

Alternative A would result in a variety of benefits to the regional economy, including residents of the Town of Windsor and Sonoma County. These effects include increases in overall economic output and employment opportunities.

Direct output measures the total spending by the gaming facility patrons, including labor income from gratuities, less expenditures that occur outside of the study area. As described in **Appendix B-1**, the net direct economic output from operation of Alternative A is estimated at \$185.6 million. The indirect output resulting from operation, which emanates from economic activities of suppliers and vendors and has a ripple effect in the regional economy, is estimated at \$57.5 million. The induced spending, reflecting increased consumption attributable to the direct and indirect earnings, is projected to result in \$48.9 million of output. Overall, it is projected that approximately \$292.0 million in economic output would be generated within the County on an annual basis once Alternative A is operational. This represents the majority of Proposed Project annual revenue of approximately \$575 million. A portion of these revenues translate into net profits and would facilitate the ability of the Tribe to satisfy its unmet needs by funding tribal governmental expenditures and providing important services to tribal members.

Construction and operation of Alternative A would generate temporary and ongoing employment opportunities and wages that would be primarily filled by the available labor force in the Town of Windsor and Sonoma County. During construction, this would include an estimated 1,098 direct full-time equivalent jobs, 135 indirect jobs, and 376 induced jobs, for a total of approximately 1,609 full-time equivalent jobs that would accrue to the residents of the region (**Appendix B-1**). Operation of the Proposed Project Alternative would generate a total of approximately 1,571 new full time equivalents positions, with an additional 364 indirect and 285 induced jobs also created, for a total of 2,220 jobs that would be created in the region. Total labor income is estimated to exceed \$96 million annually. Employment opportunities generated at the proposed casino would include entry-level, mid-level, and management positions. Average salaries offered are expected to be consistent with those of other tribal gaming facilities and competitive with other opportunities in the local labor market.

The anticipated increase in employment opportunities within the Town of Windsor and Sonoma County could result in employment and wages for persons previously unemployed, would increase the ability of the population to obtain health and safety services, and would contribute to the alleviation of poverty among lower income households. Overall, operation of Alternative A would result in the direct, indirect, and induced employment of 2,220 individuals, which comprises approximately 34.7% of the County's unemployed individuals (**Table 3.7-2**). However, substitution effects (see below) would reduce the overall positive effect on employment. Nonetheless, overall, Alternative A would result in beneficial impacts to local employment.

### *Fiscal Impacts*

There would be fiscal impacts resulting from the construction and operation of the gaming facility at the local, State, and federal levels from a variety of taxes. As detailed in **Appendix B-1**, the total federal tax contribution during the construction phase is projected at \$51.4 million, primarily consisting of social insurance and personal income taxes. The State and local taxes during the construction phase are projected at \$18.1 million, the majority of which would be taxes on construction materials and property taxes. These effects would be one-time in nature.

During the operations phase, tax revenues would be generated for local, State, and federal governments from activities including secondary economic activity generated by tribal gaming (i.e., the indirect and induced effects of the economic impact analysis). The taxes on secondary economic activity include corporate profits tax, income tax, sales tax, excise tax, property tax, and personal non-taxes, such as motor vehicle licensing fees, fishing/hunting license fees, other fees, and fines. Operation of the Project is expected to generate \$21.8 million in federal taxes, \$10.7 million in State taxes, and \$2.5 million in local taxes annually.

The Tribe would no longer pay approximately \$99,089 in property taxes for the Project Site once it goes into federal trust. However, this constitutes less than 0.01% of the total property taxes anticipated to be collected by the County. Additionally, Alternative A would result in \$2.5 million in County taxes annually, which fully offsets the removal of property taxes for the Project Site. Therefore, the loss of property taxes would be less than significant.

As described in **Section 4.0**, Alternative A would result in an increase in demand for public services that would result in increased costs for public service providers, namely fire protection and law enforcement (refer to **Section 3.10** for additional discussion). This is a potentially significant fiscal impact. Mitigation in **Section 4.0** requires that the Tribe compensate service providers, specifically the Sonoma County Sheriff's Office (SCSO) and Sonoma County Fire District (SCFD), for quantifiable direct and indirect costs incurred

in conjunction with providing public services to the Project Site. After mitigation, the fiscal impacts of Alternative A would be less than significant impacts.

### *Housing*

As described in **Appendix B-1**, Alternative A would directly employ 1,859 individuals (with 1,571 stemming from Sonoma County), which represents approximately 0.25% of the combined Marin County and Sonoma County total population (**Table 3.7-2**). A change in the local population is not anticipated as Sonoma County is a highly populated area that has a sufficient labor force focused on the hospitality industry. With several other casino resorts in the market area, as well as other hospitality developments, the population already includes people who are seeking casino and/or hospitality-based employment. Therefore, it is assumed that employment for Alternative A would be filled primarily by the local populace and would not generate significant housing demand. The only potential increase in population that could occur would stem from senior level management needs. These individuals may not live in the region and may require a move to the region. However, the total impact associated with these positions would not total more than 10 families. As described in **Section 3.7.2**, in 2021, the County had approximately 205,236 housing units, of which approximately 17,163 (8.4%) were vacant. It should be noted that the housing vacancy rate in the County of 8.4% is greater than the State average of 6.7%. Therefore, it is anticipated that the small number of housing needs from Alternative A would be filled by existing vacant units.

As Alternative A would not require a large influx of residents to fill positions and the new positions will have a small impact on the amount of unemployed, the housing market will not experience a large demand for new homes. A significant impact to the housing market would not occur.

### *Property Values*

As described in **Appendix B-1**, between 2000 and 2021, housing prices within a five-mile radius of select casinos in California have shown minimal, if any, deviation from the market average. Three of the studied casinos are located adjacent to single-family residential developments; these include San Pablo Lytton Casino, Pechanga Resort Casino, and Yaamava' Resort and Casino (formerly San Manuel Casino and Resort). Property values for the areas surrounding the studied casinos show 5-year increases between 2000 and 2015 and a 6-year increase between 2015 and 2021. In particular, the openings of Valley View Casino in 2001 and Pechanga in 2002 did not appear to have a material impact on housing values. These examples provide evidence that opening or operating a Tribal gaming facility has a minimal impact on nearby property values, including residential property values. Therefore, the Proposed Project likely would not have a significant impact on property values.

### *Social Effects*

#### Pathological and Problem Gambling

The American Psychiatric Association describes a pathological gambler as a person who features a continuous loss of control over gambling. Furthermore, this gambler illustrates a progression in the following areas: gambling frequency and the amounts wagered, preoccupation with gambling, and obtaining monies with which to gamble.

Residents of the Town of Windsor and Sonoma County have already been exposed to many forms of gambling, including from the existing casinos described in **Section 3.7.2**. Prevention and treatment programs, including programs through the California Office of Problem Gambling, exist throughout the State. The Proposed Project would not substantially increase the prevalence of problem gamblers as several existing gaming facilities are already established within relatively short driving distances from the

Project Site; therefore, the Proposed Project would not be expected to increase costs to the surrounding community of treatment programs for compulsive gambling. Problem gambling prevalence is not anticipated to increase as a result of the Proposed Project given the availability of casino gaming already present throughout the area and State and other readily accessible forms of gambling.

Consequently, the potential impacts to problem gambling as a result of Alternative A would be less than significant. However, BMPs regarding problem gambling to be implemented during the operation of the casino resort described in **Table 2.1-3**, would further reduce the likelihood of problem gambling at the casino resort.

#### Crime

As described in **Appendix B-1**, there is a general belief that the introduction of legalized gambling into a community would increase crime. However, this argument is based more on anecdotal evidence than empirical evidence. Whenever large volumes of people are introduced into an area, the volume of crime would also be expected to increase. This is true of any large-scale development. As described in **Appendix B-1**, given the availability of gaming in the region, the addition of the Proposed Project is not expected to lead to a material increase in crime rates in the area.

Alternative A would result in an increased number of patrons and employees traveling/commuting into the area on a daily basis. As a result, under Alternative A, criminal incidents would increase in the vicinity of the Project Site. This may result in an increase in the calls for law enforcement services. See **Section 3.10.3** for an analysis of effects to law enforcement services. Mitigation measures are provided in **Section 4** to avoid potential fiscal impacts to the County that would offset the increased cost of law enforcement services to the Proposed Project. Therefore, with mitigation, the Proposed Project would not result in significant adverse effects associated with crime.

#### Drunk Driving

The State has the authority to grant or deny a liquor license on trust land. The Proposed Project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents. Drunk driving prevalence is not anticipated to increase significantly as a result of the proposed casino resort given the availability of alcohol throughout the area and State. BMPs described in **Table 2.1-3**, including the implementation of a “Responsible Alcoholic Beverage Policy,” would be implemented during the operation of the casino resort to reduce the likelihood of drunk driving resulting from Alternative A. Consequently, the potential impacts to drunk driving as a result of Alternative A would be less than significant.

#### ***Gaming Substitution Effects***

**Appendix B-1** provides a detailed review of competitive gaming facilities based on identification of local and regional gaming facilities, and an assessment of how those facilities are projected to be impacted as a result of Alternative A based on the results of a gravity model analysis. Local market revenue for the Proposed Project is anticipated to stem from two primary sources: new market growth and a substitution effect on regional competitors. Substitution effects were estimated for calendar year 2033, representing a full year of fully stabilized operations of the Alternative A. In 2033, Alternative A is anticipated to achieve a gross revenue level of \$575.3 million. The 2033 baseline local market revenue for each gaming facility within the market area of Alternative A was estimated assuming a 2.3% growth rate from assumed 2021 conditions. It should be noted that revenues from tribal gaming facilities are not publicly reported, therefore GMA utilized its proprietary knowledge of market gaming factors in conjunction with available

data in the public domain and other sources to estimate revenues for each gaming facility. As described in **Appendix B-1**, tribal gaming facilities that are anticipated to experience a substitution effect on local market gaming revenue of greater than 10% of projected 2033 revenues include the River Rock Casino (-24.24%), Sherwood Valley Casino (-14.77%), and Graton Resort and Casino (-11.45%). Since preparation of **Appendix B-1**, River Rock Casino, owned and operated by the Dry Creek Rancheria Band of Pomo Indians, has announced plans for an expansion of its facility to 1,500 slot machines. This expansion is expected to include upgrades and renovations aimed to increase the quality of casino and non-gaming amenities. GMA prepared an additional impact scenario assuming that River Rock expands with these amenities, the results of which are summarized in **Appendix B-2**. As stated therein, as a result of this analysis, it is anticipated if River Rock were to expand before the opening of Alternative A, it would experience a -17.6% impact to projected future local market gaming revenue in comparison to 2033 baseline conditions. It should be noted that the overall revenue potential of the River Rock Casino would be projected to increase with the proposed expansion, and therefore even with the estimated -17.6% impact, future revenues may be similar to or greater than current day revenues.

As upheld by the United States District Court for the Eastern District of California, “competition...is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on” a tribe (*Citizens for a Better Way, et al. v. United States Department of the Interior*, E.D. Cal., 2015). However, should competition effects be so severe as to cause closure of a facility, it could result in environmental effects associated with abandoned buildings and vacant lots, referred to as “urban blight”. Additionally, in the case of tribal casinos, facility closure could result in socioeconomic effects to tribal communities from decreased availability and/or quality of governmental services. To determine the potential for the projected declines in revenue to result in closure and associated environmental effects, research of markets where casinos have experienced impacts to their gaming revenues by more than 20% was conducted and is summarized in **Appendix B-2**. The analysis focused on commercial gaming markets, as information was readily and publicly available (whereas such data is not available in tribal gaming markets). The researched gaming revenue disruptions were caused by various factors beyond gaming expansion, including the economic recession, regulatory factors, and increased competition from new entrants into the market. **Appendix B-2** describes several instances of properties facing significant challenges due to the emergence of new competitors and/or macro-economic market factors (example, the recession), resulting in substantial impacts to gaming revenues. However, in all researched case studies, these casinos were able to adapt and regrow revenue via strategic initiatives, operational changes, and/or product improvement/expansion. Of the analyzed markets considered in **Appendix B-2**, there were no casino closures as a result of the measured gaming revenue impacts. This suggests that it is likely that the gaming facilities experiencing substitution effects from Alternative A can remain open and operational with management strategies and adaptation. It should also be noted that substitution effects tend to dissipate over time in a growing economy. The Dry Creek Band has indicated that the level of impact to the River Rock Casino from operation of Alternative A in combination with historical declines in revenue from the opening of the Graton Resort and Casino in 2013 would likely cause its facility to close and would prevent its ability to move forward with its expansion plans. While review of similar case studies and market data as reported in **Appendix B-2** suggests that it is unlikely that the River Rock Casino and associated expansion plans would no longer be economically viable, the Dry Creek Band has not provided the BIA with the financial data necessary to verify the ability of the River Rock Casino to remain open or to expand. Therefore, in the absence of this data, the potential for competitive effects resulting from Alternative A to the River Rock Casino is considered a potentially significant impact.



### ***Non-Gaming Substitution Effects***

Potential substitution effects (the loss of customers at existing businesses to the new business) of a gaming facility are considered when estimating economic impacts. The magnitude of the substitution effect can generally be expected to vary greatly by specific location and according to a number of variables, that is, how much of a new gaming facility's revenue comes at the expense of other business establishments in the area depends on how many and what type of other establishments are within the same market area, as well as other economic and psychological factors affecting the consumption decisions of local residents. The Proposed Project is anticipated to have a positive effect on most local businesses due to the gaming customers visiting the Proposed Project who would be expected to patronize local businesses.

The majority of hotel room stays at the Proposed Project would result from persons who would patronize the gaming element of the Proposed Project. Consequently, these hotel stays would have no substitution or competitive effects on local hotels. Regarding effects from other patrons, these would have both positive and negative substitution effects. Positive effects would occur because of both the stimulative effect of the project on hotel stays in the local market, and due to overflow effects. These overflow effects would occur from gaming patrons who elect to stay at other local hotel venues rather than at the Proposed Project. Negative substitution effects would occur due to the patronage of hotel guests who would, in the absence of the project, stay at an existing local hotel. The net result of these effects would be less than significant.

Therefore, the Proposed Project would result in a less-than-significant impact related to non-gaming substitution effects.

### ***Environmental Justice for Minority and Low-Income Populations***

This environmental justice analysis was prepared using guidance from the CEQ for compliance with Executive Order (EO) 12898. The intent of this evaluation is to determine whether Alternative A would impose disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

There is a minority population and potential low-income population in the vicinity of the Project Site. As shown in **Table 3.7-3**, Census Tract 1538.08 has a minority population exceeding 50%. Census Tract 1538.08 is located approximately 0.5 miles west of the Project Site and is generally located north of Shiloh Road and west of Hembree Lane. Additionally, the mobile home park located just west of the Project Site, across Old Redwood Highway, is considered a potential low-income community.

There are no adverse project impacts that would disproportionately affect Census Tract 1538.08 or the mobile home community, in comparison to effects on the surrounding area. After mitigation, all environmental impacts of the Proposed Project would be reduced to a less-than-significant level. Furthermore, the Proposed Project would not displace any residential populations in the vicinity of the Project Site. Effects to minority and low-income populations would include positive impacts from the Proposed Project's beneficial impacts to the local economy (including the creation of permanent jobs) and the Tribe, which is considered a minority population. Impacts include an increased revenue base for strengthening the Tribe's government and tribal services, as discussed further below. Therefore, the Proposed Project would not result in disproportionately high and adverse environmental effects to minority or low-income communities, including the Tribe.

### *Effects to the Tribe*

The Proposed Project would provide important economic and social benefits to the Tribe by generating the revenues needed to fund tribal services. The Tribe has indicated that revenues from the Proposed Project would restore its ability to exercise its rights to self-governance and independence and provide a long-term income source to support the needs of current and future generations of tribal citizens. Revenue from Alternative A would have a long-term beneficial impact on the Tribe.

#### **3.7.3.3 Alternative B – Reduced Intensity Alternative**

As described in **Section 2.2**, the gaming component of the Reduced Intensity Alternative is identical to the Proposed Project; refer to **Section 3.7.3.1** and **Appendix B-1** for socioeconomic impacts related to the Reduced Intensity Alternative gaming facility. However, as a result of the smaller non-gaming component, the Reduced Intensity Alternative would generate fewer employment opportunities, less revenue, less off-site tax revenue, and would entail lower construction costs than the Proposed Project. Socioeconomic effects, such as social effects and effects to the tribal casino gaming market, would be reduced proportionately to the size of the development. Therefore, the Reduced Intensity Alternative would still have beneficial socioeconomic effects; however, these effects would be less than those resulting from the Proposed Project.

The net fiscal impact to the County would be reduced under the Reduced Intensity Alternative. Due to the positive net fiscal impacts of the Reduced Intensity Alternative, the fiscal impacts would be less than significant. In addition, fiscal effects would be reduced further through the negotiation of mitigation service agreements with the County, as summarized in **Section 4**.

#### **3.7.3.4 Alternative C – Non-Gaming Alternative**

The Non-Gaming Alternative does not include a gaming component and has a lesser number of rooms and commercial facilities when compared to Alternative A (refer to **Section 2.3**). Compared with the gaming facility under the Proposed Project, the decrease in number of rooms and in size of the commercial facilities would create less economic and employment benefits because the lack of a gaming component would result in fewer new jobs and less economic activity. Certain socioeconomic effects, such as social effects and effects to the tribal casino gaming market would not occur. As described in **Appendix B-2**, construction of the Non-Gaming Alternative would result in approximately \$301 million in economic output, and operation of the Non-Gaming Alternative would result in approximately \$63.9 million in economic output annually. Construction would result in approximately \$11.1 million in State and local taxes, and operation would result in approximately \$5.1 million in federal taxes, \$2.5 million in State taxes, and \$0.6 million in local taxes annually. Construction would result in approximately 978 direct, indirect, and induced full-time equivalent jobs, and operation would result in 512 direct, indirect, and induced jobs. The Non-Gaming Alternative would still have beneficial socioeconomic effects; however, these effects would be less than those of Alternative A. Fiscal effects associated with an increase in calls for law enforcement and fire protection would be reduced further through the negotiation of mitigation service agreements with the County, as summarized in **Section 4**.

### 3.7.3.5 Alternative D – No Action Alternative

Under the No Action Alternative, the Tribe would not receive any of the benefits associated with development on the Project Site. The Project Site would not be brought into trust and would remain on the County's property tax rolls. No development would occur on the Project Site.

## 3.8 TRANSPORTATION AND CIRCULATION

Information in this section is summarized from the Traffic Impact Study (TIS) prepared by TJKM (**Appendix I**). A discussion of traffic evacuation as it relates to Wildfire is located in **Section 3.12**.

### 3.8.1 Environmental Setting

#### Transportation Networks

Regional access to the Project Site is provided by Highway 101, which runs in a general north-south direction and is located approximately 0.5 miles west of the Project Site. Local access to the Project Site is currently provided through existing driveways on Shiloh Road and Old Redwood Highway.

#### Study Intersections and Roadway Segments

Study intersections and roadway segments were selected based on their proximity to the Project Site and major thoroughfares in the area. The study intersections and associated traffic controls are as follows:

1. Shiloh Road & Old Redwood Highway (Signal)
2. Shiloh Road & Hembree Lane (Signal)
3. Shiloh Road & US 101 Northbound Off-ramp (Signal)
4. Shiloh Road & US 101 Southbound Off-ramp (Signal)
5. Shiloh Road & Caletti Avenue (One-Way Stop)
6. Shiloh Road & Conde Lane (Signal)
7. Shiloh Road & Casino Entrance 1 (Two-Way Stop)
8. Old Redwood Highway & Casino Entrance 1 (Two-Way Stop)
9. Shiloh Road & Casino Entrance 2 (One-Way Stop)
10. Old Redwood Highway & US 101 Northbound Off-ramp/Lakewood Drive (Signal)
11. Old Redwood Highway & US 101 Northbound On-ramp (N/A)
12. Old Redwood Highway & US 101 Southbound Ramps (Signal)

The following roadway segments were evaluated:

1. Old Redwood Highway from Merner Drive to Shiloh Road
2. Old Redwood Highway from Shiloh Road to Casino Entrance 1
3. Shiloh Road from Conde Lane to Caletti Avenue
4. Shiloh Road from US 101 Southbound Ramps to US 101 Northbound Ramps
5. Shiloh Road from Hembree Lane to Old Redwood Highway

## Methodology

### *Level of Service*

Level of Service (LOS) is a qualitative measure reflecting the traffic operation of the intersection, with LOS A representing best performance, and LOS F the worst. LOS describes the traffic conditions in terms of such factors as speed, travel time, delays, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. **Table 3.8-1** shows the corresponding average total delay per vehicle and a description of vehicular conditions at signalized and unsignalized intersections for each LOS category from A to F.

**Table 3.8-1: Level of Service Descriptions**

Level of Service	Average Control Delay (seconds/vehicle)		Description
	Unsignalized Intersection	Signalized Intersection	
A	≤10	≤10	Little or no traffic delays
B	>10 – 15	>10 – 20	Short traffic delays
C	>15 – 25	>20 – 35	Average traffic delays
D	>25 – 35	>35 – 55	Long traffic delays
E	>35 – 50	>55 – 80	Very long traffic delays
F	>50	>80	Extreme traffic delays

Source: Transportation Research Board, 2010 (**Appendix I**)

### *Existing Traffic Conditions*

The TIS evaluated existing traffic conditions at study intersections and study segments during the a.m. and p.m. peak hours on a typical weekday, and during the midday peak hours on a typical Saturday. Intersection turning movement counts of vehicles, bicycles, and pedestrians were collected during the weekday a.m. peak period (7:00-9:00 a.m.) and the weekday p.m. peak period (4:00-6:00 p.m.) on January 28, 2022. Similar turning movement counts were collected during the Saturday midday peak hours (10:00 a.m.-4:00 p.m.) on January 30, 2022. The average daily traffic (ADT) volumes of vehicles were also collected for each study segment on July 28, 2022.

This scenario evaluates the study intersections based on adjusted existing traffic volumes, and existing lane geometry and traffic controls, as described above. The peak hour factors calculated from the existing turning movement counts were used for the study intersections for the Existing Conditions analysis. The results of the LOS analysis using the HCM 6th Ed. methodology and Synchro 11 software program for Existing Conditions are summarized in Table 3 of **Appendix I**. Under this scenario, all of the study intersections operate within applicable jurisdictional standards during all three peak periods. Under Existing Conditions, the roadway segment of Shiloh Road between the US 101 NB ramps and SB ramps operates at an unacceptable LOS E. All other study roadway segments operate at an acceptable LOS.

### *Existing Bicycle, Pedestrian, and Transit System*

With some exceptions, the areas near the Project Site are generally lacking sidewalks. The exceptions are the residential area on the north side of Shiloh Road opposite the Project Site, sections of the east side of

Old Redwood Highway north of Shiloh Road, and areas on the north side of Shiloh Road near Hembree Lane. There are no existing bicycle lanes adjacent to the Project Site. The nearest existing Class II Bicycle Lanes are located along Old Redwood Highway and Shiloh Road, north and west of the Project Site respectively. Sonoma County Transit (SCT) provides transit services to the area. Route 60 mostly travels along Old Redwood Highway between Cloverdale and Santa Rosa on headways varying between one to two hours. There is an existing stop along the western Project Site boundary.

## 3.8.2 Impacts

### 3.8.2.1 Assessment Criteria

Impacts to the transportation system would be significant if the project alternative increases traffic volumes to the point where traffic exceeds the LOS standard of the applicable local jurisdiction. The Town of Windsor General Plan defines LOS D as the minimum acceptable level of congestion during the peak periods of weekday mornings and evenings for “high-volume facilities such as freeways, crosstown streets, and signalized or all-way stop-controlled intersections.” The Sonoma County General Plan establishes LOS C as the minimum acceptable operating condition on roadway segments and LOS D as the minimum acceptable operating condition at roadway intersections. Thus, this analysis utilizes LOS D as a threshold for determining whether the project alternatives would result in significant impacts.

### 3.8.2.2 Methodology

To evaluate the effects on the transportation infrastructure due to the addition of traffic from the proposed project, an LOS analysis was conducted to determine consistency with Town of Windsor and Sonoma County plans and standards. All study segments were evaluated for changes in weekday ADT due to the project alternatives. Intersection queuing was evaluated in tandem with the LOS analysis. Queueing operations were calculated for all dedicated left-turn lane and right-turn lane groups at the study intersections.

Data collection efforts included measuring existing traffic counts and utilizing material in the Town of Windsor General Plan 2040 and associated Environmental Impact Report. The peak periods observed were between 7:00-9:00 a.m. and 4:00-6:00 p.m. on weekdays, and 10:00 a.m.-4:00 p.m. on Saturdays.

The roadway operations analysis addresses the following traffic scenarios for the project alternatives. Scenarios for Cumulative 2040 Conditions are discussed in **Section 3.13.7**:

- **Opening Year 2028 No Project Conditions** – This scenario includes Existing Conditions, but with the addition of traffic from approved projects that are in the development pipeline in the Town of Windsor and Sonoma County, as well as effects from planned roadway improvements that would be in place by 2028. A compounding annual growth rate of 2.189% was applied to existing traffic up to the opening year of 2028.
- **Opening Year 2028 plus Alternative A, B, or C Conditions** – This scenario is identical to Opening Year 2028 Conditions, but with the addition of traffic from either Alternative A, B, or C.

### 3.8.2.3 Alternatives A – Proposed Project

#### *Construction Traffic*

Impacts related to construction traffic would be temporary in nature and would cease upon completion of the project. As described in **Table 2.1-3**, construction activities would be conducted between the hours of 7:00 a.m. to 6:00 p.m, and this time schedule would therefore cause most construction commuter trips to occur outside of peak hour times. During construction, there would be a maximum of 978 daily construction trips to and from the Project Site due to commuting workers. This estimate was developed based on trips rates for project construction as calculated by the California Emissions Estimator Model (CalEEMod) (**Appendix F-1**). Additionally, there would be vendor trips and material hauling trips, but these would not occur during the peak traffic times and would be dispersed throughout the day. The majority of construction traffic would utilize US 101 as the regional access route and Shiloh Road or Old Redwood Highway for local access. During the traffic counts conducted as part of the TIS on weekdays, the Shiloh Road segment from the Project Site to US 101 on/off- ramp experiences approximately 10,569 average daily trips while the Old Redwood Highway segment from the Project Site to Highway 101 on/off-ramp experiences approximately 10,710 average daily trips (Figure 5 of **Appendix I**). If conservatively all construction trips occurred on the same road segment, the increase in daily traffic would be less than 10% for both Shiloh Road and Old Redwood Highway. Given the increase would be relatively small, dispersed throughout the day, would primarily occur outside of peak traffic times, and be temporary in nature, the impact from construction traffic on local transportation/circulation would be less than significant.

#### *Operational Traffic*

##### Trip Generation

The trip generation estimates for Alternative A were developed using a combination of published trip generation rates from the Institute of Transportation Engineers (ITE) publication Trip Generation (11th Edition) and prior traffic studies for similar tribal casino resorts in Northern California. Hotel trips were reduced by 75% to represent the large proportion of hotel guests who would also be casino guests and captured under the casino trip generation estimate. Alternative A is expected to generate 11,213 total daily weekday trips and 15,779 total daily Saturday trips, including 473 weekday a.m. peak hour trips (279 in, 194 out), 1,205 weekday p.m. peak hour trips (710 in, 495 out), and 1,340 midday Saturday peak hour trips (657 in, 683 out). A breakdown of the trip generation is provided in Table 8 of **Appendix I**.

##### Trip Distribution

Trip distribution assumptions were developed based on the existing travel patterns and the locations of regional destinations and complementary land uses. The distribution assumptions for Alternative A are as follows: 45% to/from US 101 to the south, 25% to/from US 101 to the north, 10% to/from Old Redwood Highway to the southeast, 10% to/from Old Redwood Highway to the northwest, 5% to/from Shiloh Road to the east, 5% to/from Shiloh Road to the west. The trip distribution and associated trip assignment are shown on Figures 8 and 9 of **Appendix I**.

##### Study Intersections

As discussed in **Section 3.8.1**, under Existing No Project Conditions, all of the study intersections operate within applicable jurisdictional standards during all three peak periods. All of the study intersections also operate at an acceptable LOS under Opening Year 2028 No Project Conditions as discussed in Section 7.1 of **Appendix I**. The intersection LOS analysis results for Opening Year 2028 plus Alternative A Conditions

are summarized in Table 23 of **Appendix I**. The following intersections would operate at an unacceptable LOS due to the addition of traffic from Alternative A, which is considered a significant impact:

- 1) Shiloh Rd. & Old Redwood Hwy. (Weekday PM and Saturday midday peak hours)
- 2) Shiloh Rd. & Hembree Ln. (Weekday PM and Saturday midday peak hours)
- 3) Shiloh Rd. & US 101 NB Off-ramp (Saturday midday peak hour)
- 7) Shiloh Rd. & Casino Entrance 1 (Weekday PM and Saturday midday peak hours)
- 8) Old Redwood Hwy. & Casino Entrance 1 (Weekday PM peak hour)

Mitigation measures are detailed in **Section 4** and include conversion of split phasing and restriping at Intersection #1, optimizing splits and cycle length at Intersection #2, restriping at Intersection #3, and signalization of Intersections #7 and #8. With mitigation, the impacted intersections would operate at an acceptable LOS. Thus, mitigation would reduce impacts to a less-than-significant level.

#### Roadway Segment Analysis

The roadway segment analysis is discussed in Section 15.1 of **Appendix I**. Under Opening Year 2028 No Project Conditions, all study segments operate at an acceptable LOS except the portion of Shiloh Road between the US 101 NB ramps and SB ramps which has an LOS of F. With the addition of Alternative A project traffic, all three Shiloh Road segments degrade to an unacceptable LOS with all other study segments operating at an acceptable LOS. Mitigation measures detailed in **Section 4** would collectively increase the amount of green time allocated to through movements and thus increase lane capacities. With mitigation, Alternative A would consistently improve v/c ratios and segment LOS compared to Opening Year 2028 No Project Conditions consistent with the Town of Windsor and Sonoma County standards and plans. As such, impacts to roadway segments would be less than significant.

#### Queue Lengths

Under all project alternative scenarios, project-related trips would be added to some dedicated left-turn lane and right-turn lane groups. As discussed in **Appendix I**, both Opening Year 2028 No Project and Opening Year 2028 with each of Alternatives A, B and C experience 95th percentile queue lengths that exceed local standards. The implementation of mitigation measures identified in **Section 4** and planned improvements by the Town of Windsor and County of Sonoma would mitigate queue lengths to acceptable levels. As such, impacts with respect to queue lengths would be less than significant.

#### Bicycle, Pedestrian, and Transit Networks

An increase in transit ridership may be experienced as a result of Alternative A. Potential impacts associated with transit capacity would be offset by a proportional increase in fare revenue. Alternative A would not adversely impact existing local bicycle and pedestrian facilities, which are generally lacking adjacent to the Project Site. BMPs identified in **Table 2.1-3** include the development of on-site pedestrian facilities connecting to the two proposed signalized entrances to the Project Site. Therefore, impacts to transit, bicycle, and pedestrian facilities would be less than significant.

### 3.8.2.4 Alternative B – Reduced Intensity Alternative

#### *Construction Traffic*

Effects resulting from construction traffic under Alternative B would be similar to Alternative A but slightly reduced due to a reduced development footprint. Given the increase would be relatively small, dispersed throughout the day, would primarily occur outside of peak traffic times, and be temporary in nature, the impact from construction traffic on local transportation/circulation would be less than significant.

#### *Operational Traffic*

##### Trip Generation

The trip generation estimates for Alternative B were developed similarly to Alternative A. Alternative B is expected to generate 8,763 total daily weekday trips and 13,319 total daily Saturday trips, including 473 weekday a.m. peak hour trips (279 in, 194 out), 863 weekday p.m. peak hour trips (448 in, 415 out), and 1,272 midday Saturday peak hour trips (607 in, 665 out). A breakdown of the trip generation is provided in Table 13 of **Appendix I**.

##### Trip Distribution

The trip distribution assumptions for Alternative B are identical to Alternative A. The trip assignment for Alternative B is shown on Figure 12 of **Appendix I**.

##### Study Intersections

As discussed under Alternative A, under Existing No Project Conditions and Opening Year 2028 No Project Conditions, all of the study intersections operate at an acceptable LOS. The intersection LOS analysis results for Opening Year 2028 plus Alternative B Conditions are summarized in Table 25 of **Appendix I**. The following intersections would operate at an unacceptable LOS due to the addition of traffic from Alternative B, which is considered a significant impact:

- 1) Shiloh Rd. & Old Redwood Hwy. (Saturday midday peak hours)
- 2) Shiloh Rd. & Hembree Ln. (Saturday midday peak hours)
- 3) Shiloh Rd. & US 101 NB Off-ramp (Saturday midday peak hour)
- 7) Shiloh Rd. & Casino Entrance 1 (Saturday midday peak hours)

Mitigation measures are detailed in **Section 4** and include conversion of split phasing and restriping at Intersection #1, optimizing splits and cycle length at Intersection #2, restriping at Intersection #3, and signalization of Intersection #7. With mitigation, the impacted intersections would operate at an acceptable LOS. Thus, mitigation would reduce impacts to a less-than-significant level.

##### Queue Lengths

As described under Alternative A, the implementation of mitigation measures identified in **Section 4** and planned improvements by the Town of Windsor and County of Sonoma would mitigate queue lengths for all project alternatives to acceptable levels. As such, impacts with respect to queue lengths would be less than significant.

##### Roadway Segment Analysis

With the addition of Alternative B project traffic, the segment of Shiloh Road between Hembree Lane and Old Redwood Highway operates at an acceptable LOS D while the remaining Shiloh Road segments operate an unacceptable LOS. With mitigation measures detailed in **Section 4**, Alternative B would



consistently improve v/c ratios and segment LOS compared to Opening Year 2028 No Project Conditions consistent with the Town of Windsor and Sonoma County standards and plans. As such, impacts to roadway segments would be less than significant.

#### Bicycle, Pedestrian, and Transit Networks

Impacts to bicycle, pedestrian and transit networks would be similar to those described for Alternative A. BMPs identified in **Table 2.1-3** include the development of on-site pedestrian facilities connecting to the two proposed signalized entrances to the Project Site. Therefore, impacts to transit, bicycle, and pedestrian facilities would be less than significant.

### **3.8.2.5 Alternative C – Non-Gaming Alternative**

#### *Construction Traffic*

Effects resulting from construction traffic under Alternative C would be similar to Alternative A but reduced due to a reduced development footprint. Given the increase would be relatively small, dispersed throughout the day, would primarily occur outside of peak traffic times, and be temporary in nature, the impact from construction traffic on local transportation/circulation would be less than significant.

#### *Operational Traffic*

##### Trip Generation

The trip generation estimates for Alternative C were developed using published ITE trip rates, information from local governments, and other factors, including the anticipated number of employees, gallons of wine production and tons of grape haul. Internal capture rates were applied to the spa, dining and visitor center to account for patrons of the hotel utilizing multiple facilities. Alternative C is expected to generate 2,078 total daily weekday trips and 2,704 total daily Saturday trips, including 153 weekday a.m. peak hour trips (92 in, 61 out), 197 weekday p.m. peak hour trips (102 in, 95 out), and 361 midday Saturday peak hour trips (170 in, 191 out). A breakdown of the trip generation is provided in Table 18 of **Appendix I**.

##### Trip Distribution

The trip distribution assumptions for Alternative C are identical to Alternatives A and B with the exception that trips would not be distributed to Intersection #9 (Shiloh Road & Casino Entrance 2) because no entrance/exit is proposed at this location. The trip assignment for Alternative C is shown on Figure 15 of **Appendix I**.

##### Study Intersections

As discussed under Alternative A, under Existing No Project Conditions and Opening Year 2028 No Project Conditions, all of the study intersections operate at an acceptable LOS. The intersection LOS analysis results for Opening Year 2028 plus Alternative C Conditions are summarized in Table 27 of **Appendix I**. With the addition of Alternative C, all study intersections would continue to operate at an acceptable LOS, which is considered to be a less-than-significant impact.

##### Roadway Segment Analysis

With the addition of Alternative C project traffic, the segment of Shiloh Road between the US 101 SB ramps and the US 101 NB ramps operates at an unacceptable LOS F, with all other segments operating at an acceptable LOS. With mitigation measures detailed in **Section 4**, Alternative C would consistently improve v/c ratios and segment LOS compared to Opening Year 2028 No Project Conditions consistent

with the Town of Windsor and Sonoma County standards and plans. As such, impacts to roadway segments would be less than significant.

Queue Lengths

As described under Alternatives A and B, the implementation of mitigation measures identified in **Section 4** and planned improvements by the Town of Windsor and County of Sonoma would mitigate queue lengths for all project alternatives to acceptable levels. As such, impacts with respect to queue lengths would be less than significant.

Bicycle, Pedestrian, and Transit Networks

Impacts to bicycle, pedestrian and transit networks would be similar to those described for Alternatives A and B. BMPs identified in **Table 2.1-3** include the development of on-site pedestrian facilities connecting to the two project entrances. Therefore, impacts to transit, bicycle, and pedestrian facilities would be less than significant.

**3.8.2.6 Alternative D – No Action Alternative**

Under the No Action Alternative, there would be no development constructed on the Project Site, and consequently no increase in vehicular traffic on roadways in the vicinity of the Project Site. There would be no change in pedestrian, bicycle, or transit circumstances.

**3.9 LAND USE**

**3.9.1 Regulatory Setting**

The land use regulatory setting is summarized in **Table 3.9-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.9-1: Regulatory Policies and Plans Related to Land Use**

Regulation	Description
<b>Federal</b>	
Farmland Protection Policy Act	<ul style="list-style-type: none"> <li>▪ Intended to minimize the impact that federal programs have on unnecessary and irreversible conversion of farmland to non-agricultural uses.</li> <li>▪ Assures that federal programs are administered in a manner that is compatible with state and local units of government, private programs, and policies to protect farmland.</li> </ul>
Federal Aviation Regulation	<ul style="list-style-type: none"> <li>▪ Provides requirements, standards, and processes for determining obstructions to air navigation.</li> </ul>
<b>State and Local</b>	
Sonoma County General Plan 2020	<ul style="list-style-type: none"> <li>▪ The Sonoma County General Plan contains goals, objectives, and policies to guide development within the County.</li> <li>▪ The Land Use Element provides the distribution, location, and extent of uses for each land use category.</li> </ul>

Regulation	Description
	<ul style="list-style-type: none"> <li>▪ The Agricultural Resources Element defines agriculture as an industry that produces and processes food, fiber, plant materials, and which includes the raising and maintaining of farm animals including horses, donkeys, mules, and similar livestock.</li> <li>▪ Additionally, the Project Site is within multiple combining districts as defined by the County’s zoning ordinance, including the Floodway Combining District, Floodplain Combining District, Scenic Resources Combining District, Riparian Corridor Combining Zone, and Valley Oak Habitat Combining District.</li> <li>▪ The Project Site is within the Windsor-Larkfield-Santa Rosa Community Separator.</li> </ul>
Sonoma County Zoning Ordinance	<ul style="list-style-type: none"> <li>▪ The Sonoma County Zoning Ordinance regulates development in the unincorporated areas of the County by establishing districts and designating lawful permitted uses and uses that may be approved through the use permit process.</li> </ul>
Shiloh Road Vision Plan	<ul style="list-style-type: none"> <li>▪ The Shiloh Road Vision Plan, implemented by the Town of Windsor General Plan, is a planning document that provides guiding principles to ensure that the Shiloh Road Vision area conveys an image that is both unique and consistent with regional architecture and one that evokes a strong sense of place and promotes walking and bicycling. The Project Site is not within the jurisdiction of the Town of Windsor General Plan or the Shiloh Road Vision Plan.</li> </ul>
Williamson Act	<ul style="list-style-type: none"> <li>▪ Designed to preserve farmlands and open space lands by discouraging premature and unnecessary conversion to urban uses.</li> <li>▪ Landowners contract with the County to maintain agricultural or open space use of their lands in return for a reduced property tax assessment.</li> <li>▪ The Project Site is actively cultivated for the production of wine grapes; however, it is not under a Williamson Act contract.</li> </ul>
Right to Farm Act	<ul style="list-style-type: none"> <li>▪ California Civil Code Section 3482.5, also known as the Right to Farm Act, contains provisions to ensure that agricultural operations are not considered nuisances, so long as they do not obstruct navigable waterways or public areas. This ordinance supersedes any conflicting local regulations but does not prohibit local jurisdictions from adopting ordinances that allow notification to those in close proximity to an agricultural activity that they are subject to the provisions of the Right to Farm Act.</li> </ul>
Sonoma County Right to Farm Ordinance	<ul style="list-style-type: none"> <li>▪ The Sonoma County Right to Farm Ordinance, codified in the Municipal Code as Ord. No. 5203 § 5, 1999, is the declared policy of the County to conserve, protect, enhance, and encourage agricultural operations on agricultural land within the unincorporated area of the County by ensuring that agricultural operations are not considered nuisances.</li> </ul>

## 3.9.2 Environmental Setting

### Surrounding Land Uses and Zoning

The Project Site is located within unincorporated Sonoma County (County), directly adjacent to the Town of Windsor boundary to the north. Existing land uses on the Project Site consist of a residence and operating vineyard; Pruitt Creek bisects the central portion of the site. The Project Site is zoned and designated Land Intensive Agriculture (LIA), in the Sonoma County Zoning code and the County's General Plan. The LIA designation enhances and protects lands best suited for permanent agricultural use and capable of relatively high production per acre of land. Additionally, the Project Site is within multiple combining districts as defined by the County's zoning ordinance, including the Floodway Combining District, Floodplain Combining District, Scenic Resources Combining District, Riparian Corridor Combining Zone, and Valley Oak Habitat Combining District. These combining district designations apply land use regulations to the Project Site in addition to the land use regulations associated with its main zoning designation, LIA. Surrounding land use and zoning designations are illustrated in **Figure 3.9-1** and **Figure 3.9-2**.

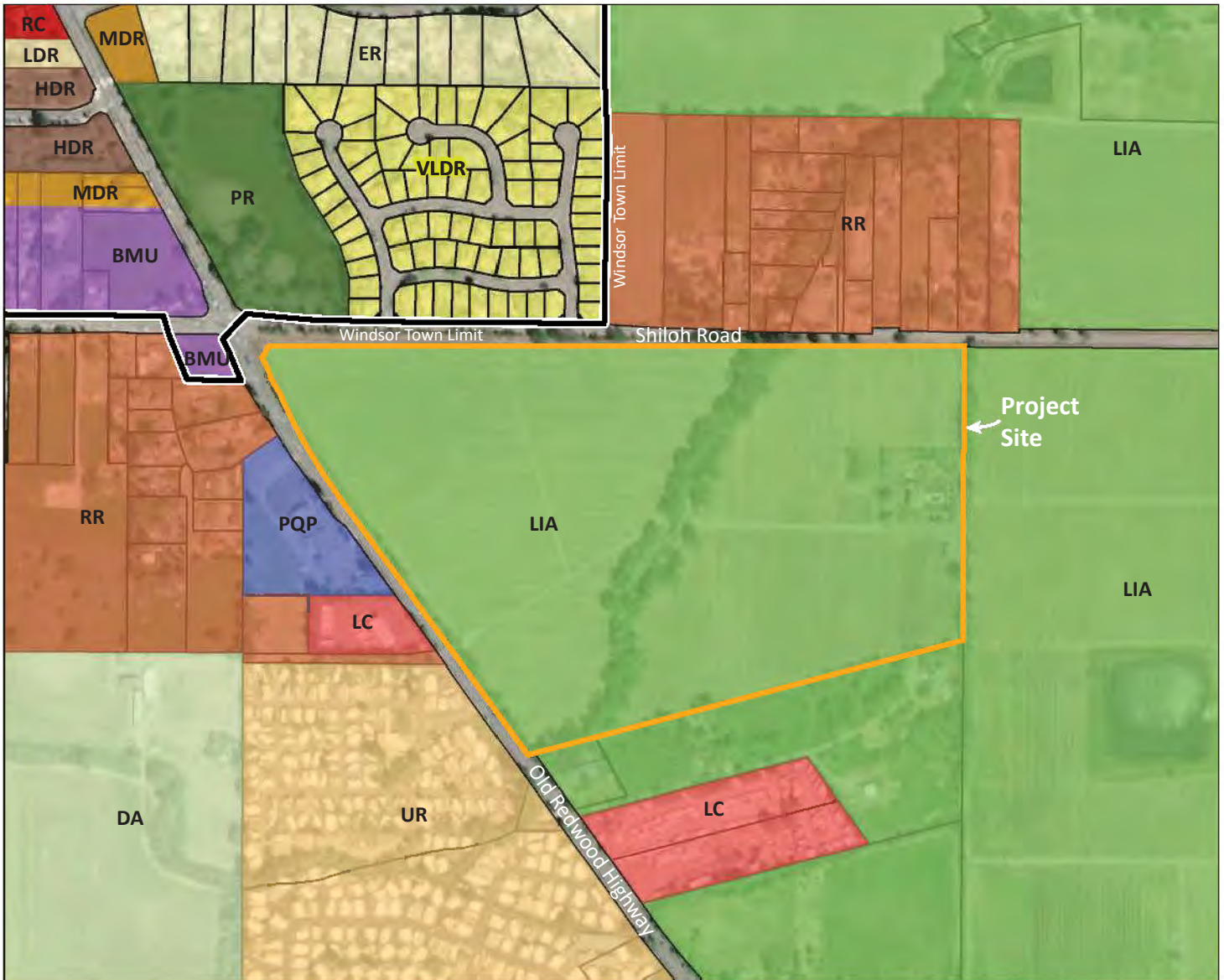
Regional access to the Project Site is provided by Highway 101, which runs in a general north-south direction and is located approximately 0.5 miles west of the Project Site. Local access to the Project Site is currently provided through existing driveways on Shiloh Road and Old Redwood Highway.

The Project Site is bordered by Shiloh Road, Esposti Park, the Oak Park residential subdivision, and rural residential parcels and agriculture to the north; Old Redwood Highway, single family residential uses, the Shiloh Neighborhood Church, a business, and mobile home community to the west; and agricultural and commercial parcels in unincorporated Sonoma County to the south and east. General land uses in the vicinity are a mix of recreation, residential, agriculture, and commercial, with a large-scale commercial center located approximately 0.3 miles to the northwest.

The Charles M. Schulz Sonoma County Airport is located approximately two miles southwest of the Project Site. The Project Site is located outside of the Airport Safety Zone for this airport (County, 2016). Shiloh Neighborhood Church is located immediately to the west of the Project Site, and Christ Evangelical Church is located approximately 0.1 miles to the northwest of the Project Site. The nearest schools to the Project Site are Little School House and San Miguel Elementary School, both located over a half-mile from the Project Site. The nearest library to the Project Site is the Windsor Regional Library, located approximately three miles to the northwest. Shiloh Ranch Regional Park is located approximately 0.3 miles east of the Project Site.

### Agriculture

The U.S. Department of Agriculture (USDA) conducts a state-by-state census of agriculture every five years. The National Agriculture Statistical Service collects census data from a list of all known potential agriculture operators. The census reports on various statistics relating to crop yields, farm acreage, and farm economics. According to the 2017 Census of Agriculture, a total of 567,284 acres in the County are used for farming purposes, 63,979 acres of which are used for grape production (USDA, 2017).



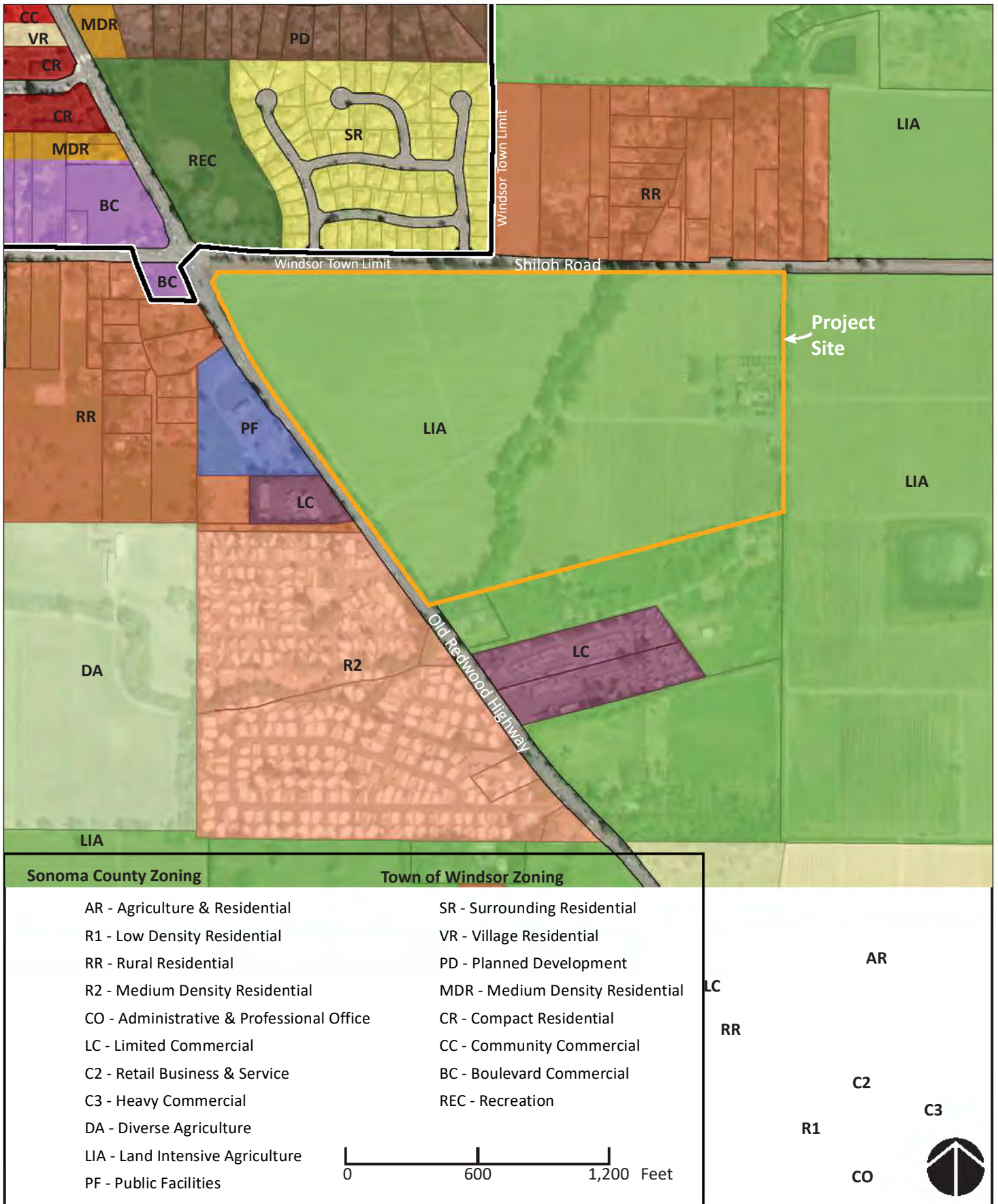
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LIA

Sonoma County Land Use		Town of Windsor Land Use	
	UR - Urban Residential		ER - Estate Residential
	RR - Rural Residential		VLDR - Very Low Residential
	LC - Limited Commercial		LDR - Low Density Residential
	GC - General Commercial		MDR - Medium Density Residential
	DA - Diverse Agriculture		HDR - High Density Residential
	LIA - Land Intensive Agriculture		RC - Retail Commercial
	PQP - Public/Quasi Public		BMU - Boulevard Mixed Use
			PR - Parks and Recreation

Source: Sonoma County, Town of Windsor

**FIGURE 3.9-1**  
LAND USE



Source: Sonoma County, Town of Windsor

**FIGURE 3.9-2**  
ZONING MAP

The State of California developed the Farmland Mapping and Monitoring Program (FMMP) to provide data to decision makers for use in planning for the present and future of California's agricultural land resources. Prime farmland is a designation applied to lands with the best combination of physical and chemical features able to sustain long-term agriculture. Farmland of Statewide Importance is a designation applied to lands that are similar to Prime Farmland but with minor shortcomings, such as large slopes or the diminished ability to store soil moisture. Unique farmland is comprised of lesser quality soils used for the production of the State's leading agricultural crops (DOC, 2016). As shown in **Figure 3.9-3**, according to the FMMP, approximately 7-acres of the Project Site are unique farmland, 45-acres are farmland of Statewide importance, and approximately 13-acres are prime farmland as designated by the California Department of Conservation (DOC, 2016). The Project Site is actively cultivated for the production of wine grapes; however, it is not under a Williamson Act contract.

### **3.9.3 Impacts**

#### **3.9.3.1 Assessment Criteria**

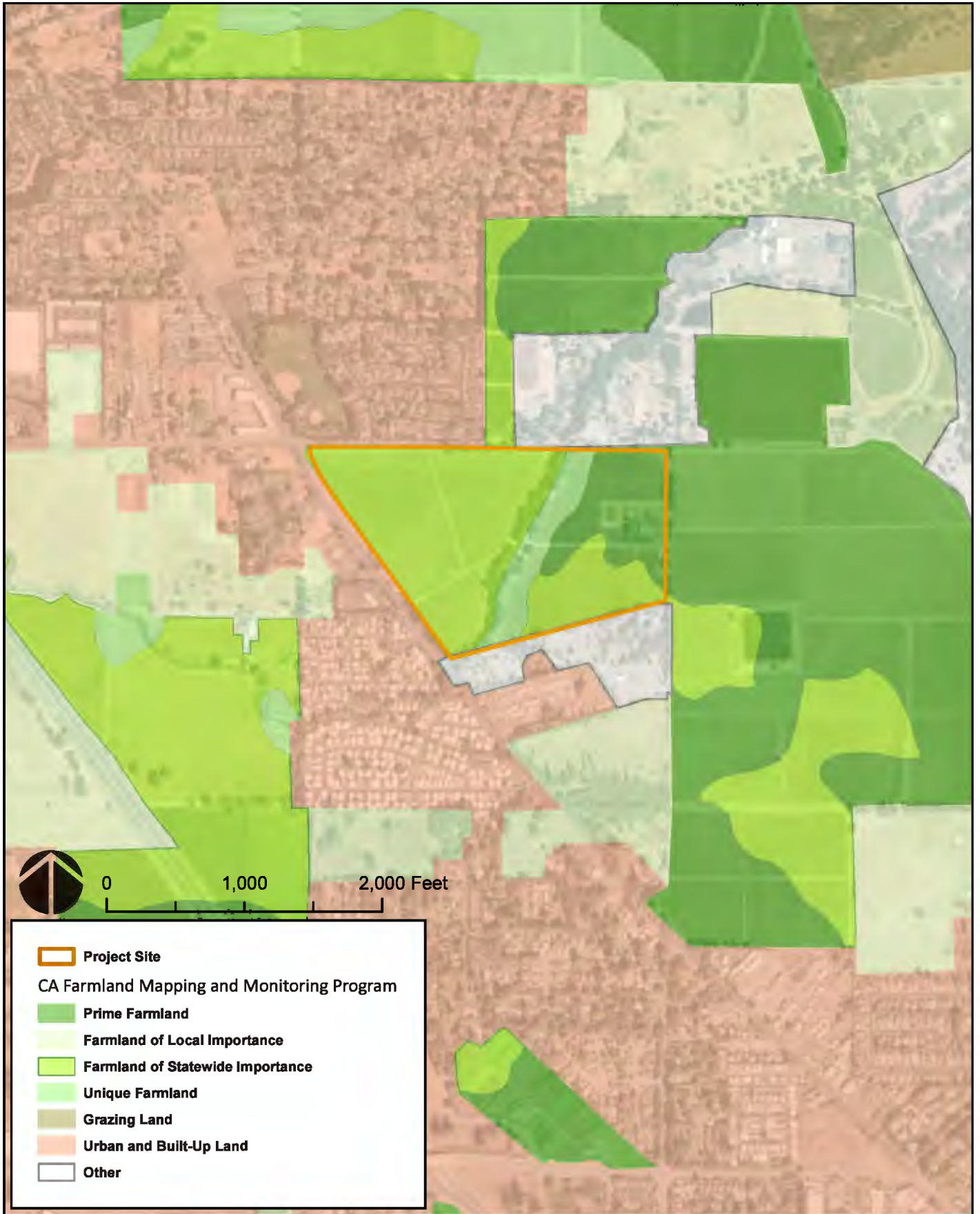
Land use impacts would be significant if the alternative results in conflicts with surrounding land uses or would inhibit the implementation of regional, State, and local land use plans for surrounding properties. Significant land use impacts may also occur if the alternative would convert a significant amount of Prime Farmland or Farmland of Statewide/Local/Unique Importance to other uses, as determined by the Farmland Protection Policy Act (FPPA).

#### **3.9.3.2 Alternative A – Proposed Project**

##### *Land Use Conflicts*

Alternative A would result in the conversion of agricultural uses and the construction and operation of a casino-resort and associated facilities within the Project Site. The proposed land uses under Alternative A are not consistent with the County's underlying land use and zoning designations for the Project Site. However, Alternative A would result in the transfer of the Project Site into federal trust status for the benefit of the Tribe, thereby removing the property from County land use jurisdiction. Only federal and tribal land use regulations would apply to the Project Site once the land is taken into trust.

The areas immediately adjacent to the Project Site are developed with residential, recreational, commercial, and agricultural uses. The Project Site is surrounded by a mobile home park, residential subdivisions, rural residential housing and agriculture, a church, commercial buildings, and RV storage yard. Alternative A would not physically disrupt neighboring land uses or prohibit access to neighboring parcels. While the proposed uses within the Project Site are not similar in nature to the uses immediately surrounding the site, they are consistent with large scale commercial uses approximately 0.3 miles to the northwest, including big box stores and other high intensity commercial uses near the Highway 101 and Shiloh Road interchange. Alternative A has been designed to preserve and maintain the existing vineyards and trees around the perimeter of the site to serve as a buffer from adjacent land uses and to be more visually cohesive with the rural/wine country character of the surrounding community. These vineyard buffer areas would range from 100 feet to 500 feet wide around the northern and western site boundaries closest to the majority of nearby residential uses.



Source: CAS Safety, Sonoma County, Evacuation Area, EOC

**FIGURE 3.9-3**

**FARMLAND MAPPING AND MONITORING PROGRAM**



However, the increase in intensity of development within the site as a result of Alternative A could result in impacts to nearby sensitive land uses, including the adjacent residential areas and church; potential conflicts may include air quality and noise impacts from construction activities (**Sections 3.4** and **3.11**, respectively), an increase in traffic (**Section 3.8**), visual effects and an increase in lighting (**Section 3.13**). Implementation of protective measures and BMPs identified in **Table 2.1-3** for air quality, noise, traffic, and visual resources, as well as mitigation measures identified in **Section 4**, would reduce potential adverse impacts to less-than-significant levels.

Additionally, the proposed water treatment facilities, WWTP, and associated storage facilities would be located within the eastern portion of the site, furthest away from the residential neighborhoods to the north and west. Land uses within the eastern portion of the site consist of parking areas and water/wastewater infrastructure. These uses would be compatible with on-going agricultural uses to the east. Further, the Sonoma County Right to Farm Ordinance (Sonoma County Code, Chapter 30, Article II) allows for agricultural operations surrounding the Project Site to continue as normal even if they cause a nuisance to the uses proposed under Alternative A.

The Project Site is located outside of the Airport Safety Zone for the Charles M. Schulz Sonoma County Airport. A Federal Aviation Administration (FAA) Form 7460-1, Notice of Proposed Construction or Alteration was submitted for Alternative A on February 2, 2022, which conservatively assumed an 80-foot tall structure. A Determination of No Hazard to Air Navigation was issued by the FAA on March 8, 2022.

The corresponding aeronautical study found that buildings associated with Alternative A, which have a maximum height of 65 feet tall (**Section 2.1.2**), would not exceed obstruction standards, would not be a hazard to air navigation, and that marking and lighting would not be necessary for aviation safety (**Appendix J**). Therefore, Alternative A would not result in land use conflicts with the nearby airport.

In summary, Alternative A would result in less-than-significant impacts associated with land use conflicts.

### *Agriculture*

The Project Site contains unique farmland and farmland of Statewide importance as designated by the California Department of Conservation (DOC, 2016). Alternative A would result in the conversion of up to approximately 47 acres of agricultural land to non-agricultural uses, assuming the maximum size of the reclaimed water storage reservoir is developed. A Farmland Conversion Impact Rating (FCIR) form was submitted to the USDA to determine value of the agricultural land to be converted under Alternative A in accordance with the FPPA. Per FPPA guidelines, if a site receives an FCIR combined score of 160 or more, alternative sites should be considered to determine if an alternative site would serve the proposed purpose and have a lower combined score or convert fewer acres of farmland (7 CFR § 658.4 (c)). The farmland conversion areas under Alternative A received a combined land evaluation and site assessment score of 144 (**Appendix K**).

The development and operation of Alternative A would not preclude agricultural uses on adjacent parcels. Because Alternative A received an FCIR combined score below 160, and because Alternative A includes continued vineyard operations on a portion of the Project Site and the Project Site comprises a relatively small percentage (<0.01%) of the available farmland in the County, effects to agricultural resources would be less than significant.

### 3.9.3.3 Alternative B – Reduced Intensity Alternative

Alternative B would include the same land uses as Alternative A but with decreased intensities. Alternative B would include the conversion of approximately 45 acres of agricultural land to non-agricultural uses. Therefore, Alternative B would result in decreased impacts as compared to Alternative A. Specifically, Alternative B would preserve more vineyard areas within the Project Site, which would reduce impacts to agricultural uses and would provide larger buffers between the proposed development and adjacent land uses that could further reduce impacts associated with noise and visual resources. Additionally, because less patronage would be expected under Alternative B, fewer vehicle trips would occur and associated effects. As described above for Alternative A, land use conflicts would be less than significant with the implementation of BMPs in **Table 2.1-3** and mitigation measures in **Section 4**.

### 3.9.3.4 Alternative C – Non-Gaming Alternative

Alternative C would result in a reduced development footprint on the Project Site as compared with Alternatives A and B, and no casino would be developed. Alternative C would include the conversion of approximately 24 acres of agricultural land to non-agricultural uses, less than would occur under Alternatives A and B. A hotel and retail uses would still be developed which would result in impacts similar in nature to those that would occur with Alternatives A and B, but at a reduced scale. As discussed throughout **Section 3**, all impacts would be reduced to less-than-significant levels with implementation of the BMPs described in **Table 2.1-3** and the mitigation measures included in **Section 4**.

### 3.9.3.5 Alternative D – No Action Alternative

Under Alternative D, the Project Site would remain under County jurisdiction and no development would occur on the Project Site. Therefore, land use consistency or compatibility impacts would not occur under this alternative.

## 3.10 PUBLIC SERVICES AND UTILITIES

### 3.10.1 Regulatory Setting

The public services regulatory setting is summarized in **Table 3.10-1**, and additional information on the regulatory setting can be found in **Appendix E**.

### 3.10.2 Environmental Setting

#### Water Supply and Wastewater Services

As described in **Sections 2.1.3** and **2.1.4**, water and wastewater on the Project Site would be provided via on-site wells and wastewater system. There is currently no municipal water supplied or wastewater services provided to the Project Site. Additional information regarding surface water and groundwater resources as they relate to water supply and wastewater services is provided in **Section 3.3**.

**Table 3.10-1: Regulatory Policies and Plans Related to Public Services and Utilities**

Regulation	Description
<b>Federal</b>	
Safe Drinking Water Act	<ul style="list-style-type: none"> <li>▪ Establishes protective drinking water standards for protection of public health.</li> </ul>
Clean Water Act	<ul style="list-style-type: none"> <li>▪ Establishes environmental discharge requirements for wastewater treatment.</li> </ul>
Public Law 280	<ul style="list-style-type: none"> <li>▪ Changed criminal jurisdiction from the federal government to certain states, including California, for offenses involving tribal members in Indian Country.</li> </ul>
<b>State</b>	
Assembly Bill 939	<ul style="list-style-type: none"> <li>▪ Requires jurisdictions to conduct a solid waste disposal needs assessment that estimates the disposal capacity needed to accommodate projected solid waste generated within the jurisdiction.</li> <li>▪ All local jurisdictions are required to divert 50% of their total waste stream from landfill disposal.</li> </ul>

### Solid Waste

The Sonoma County Environmental Health and Safety Division, under the authority of CalRecycle, permits and inspects landfills, transfer stations, and other facilities that handle solid waste for Sonoma County in addition to monitoring waste tire sites and haulers. The division also responds to solid waste storage complaints or illegal accumulation (Sonoma County Environmental Health and Safety Division, 2022). Sonoma County Resource Recovery provides solid waste collection services throughout the County, including the Town and the Project Site, in addition to recycling and organic waste collection. Integrated Waste, a division of the Sonoma County Department of Transportation and Public Works Department, owns Sonoma County Central Landfill and five refuse transfer stations, manages two commercial hauling companies, and maintains a closed landfill (Sonoma County Transportation and Public Works, 2022). The nearest transfer station, Healdsburg Transfer Station, is approximately 9.8 miles north of the Project Site, and serves the central to north part of County (Zero Waste Sonoma, 2022). It is permitted to accept up to 720 tons per day and 540 vehicles per day, and in 2019 the average daily throughput was approximately 374 tons with a peak of 617 tons per day (Republic Services of Sonoma County, 2019). The waste collected is transferred either to Central Landfill or another facility depending on the waste type (Zero Waste Sonoma, 2022). Central Landfill is located approximately 15.3 miles south of the Project Site and it has facilities for recycling and material reuse in addition to natural gas and electrical generation. It is permitted to have a maximum capacity of 32,650,000 CY with a remaining capacity of 9,181,519 CY as of February 10, 2020, and the permitted maximum throughput is 2,500 tons per day. Central Landfill is permitted to accept several different types of waste: wood waste, tires, mixed municipal, construction/demolition, industrial, agricultural, biosolids, and other designated. The cease operation date for the landfill is June 1, 2043 (CalRecycle, 2022a).

## Electricity, Natural Gas, and Telecommunications

As described in **Section 2.1.8**, Pacific Gas and Electric (PG&E) is the primary electric and natural gas provider in northern and central California and serves 16 million people within a 70,000-square-mile service. There are 106,681 circuit miles of electric distribution lines, 18,466 miles of circuit interconnected transmission lines, 42,141 miles of natural gas distribution pipelines, and 6,438 miles of transmission pipelines (PG&E, 2022b). In 2019, electricity generation and purchases were from 100% greenhouse gas-free sources: 44% nuclear, 29% renewable, and 27% large hydro (PG&E, 2020). As of December 2021, the net operating electrical capacity of PG&E owned facilities consisted of approximately 3,360 megawatts (MW) in hydroelectric, 2,240 MW in nuclear, 1,400 MW in fossil fuel, and 152 MW in photovoltaic (Statista, 2022). Approximately 0.6 miles and 1.75 miles southwest of the Project Site, respectively, there is a 230 kilovolt (kV) and 60 kV distribution line and the Fulton electrical substation with a maximum voltage of 230 (California Energy Commission, 2022). Furthermore, as discussed in **Section 2.1.8**, there are underground and overhead electrical lines on and adjacent to the Project Site. The nearest natural gas transmission line is approximately 0.95 miles west of the Project Site (PG&E, 2022a). The Tribe would contract with PG&E to provide services to the Project Site. Preliminary discussions between the Tribe and PG&E related to the provision of electric and natural gas services to the Project Site are on-going.

There are many private companies that provide telephone, internet, and cable services to properties within the vicinity of the Project Site. Companies such as Xfinity, T-Mobile, AT&T, Earthlink, Hughesnet, Viasat, Sonic, and DigitalPath, Inc, offer a host of telecommunication services in the region.

## Law Enforcement

As described in **Section 2.1.7**, Sonoma County Sheriff's Office (SCSO) provides law enforcement services within the County, including to the Project Site. The SCSO in 2020-2021 reported to have a total of approximately 695 employees, which includes 223 sworn sheriff officers, six sworn correctional officers, and approximately 466 civilians. In the same year, dispatch received approximately 153,295 calls and 30,415 calls for 9-1-1 services. Calls for services amounted to approximately 65,379 calls with a total of 2,377 arrests, 11,062 bookings, and 431 death investigations. Average response time for a priority one call was 10 minutes and 28 seconds. In addition to law enforcement services, the SCSO manages and implements evacuations within the County from wildfire events, including the Walbridge Fire and the Glass Fire in 2020 which involved the evacuation of approximately 81,000 people. The SCSO is also responsible for staffing the Windsor Police Department through an agreement with the Town. Approximately 24 full-time SCSO employees staffed the Windsor Police Department in 2020-2021, which includes one chief, three sergeants, one K9 officer, and 14 patrol officers. The Windsor Police Department received approximately 7,438 calls for service within the Town with an average response time of one minute and 22 seconds, and there were approximately 158 arrests/bookings (Sonoma County Sheriff's Office, 2021).

## Fire Protection and Emergency Medical Services

The County is served by the SCFD for fire protection and emergency services, and the Project Site is within the jurisdiction of SCFD. SCFD services over 75,000 residents and over approximately 20,000 visitors during the peak tourist season (Sonoma County Fire District, 2021). There are total of 10 fire stations throughout the County, and the SCFD consists of both full-times staff and volunteer firefighters. There are one fire chief, three deputy fire chiefs, four division chiefs, three battalion chiefs, 24 captains, 24 engineers, nine firefighters, 25 firefighters/paramedics, five apprentice firefighters, and 41 volunteer

firefighters in addition to prevention, finance, and administration staff (Sonoma County Fire District, 2022). The SCFD provides Advanced Life Support (ALS) services through its ALS ambulance and paramedics on the engines that constitute ASL engine companies (Sonoma County Fire District, 2021). In addition to the ALS ambulance, the SCFD fleet consists of 20 engines with water tanks ranging from 500 to 800 gallons and pumping capabilities from 500 to 1,500 gallons per minute (gpm), five water tenders with water tanks ranging from 1,000 to 2,000 gallons and pumping capabilities from 500 to 1,250 gpm, one truck, and two Office of Emergency apparatuses (Sonoma County Fire District, 2022).

CAL FIRE provides fire protection services to State Responsibility Areas and mutual aid throughout the County with the nearest station located approximately 5.4 miles south of the Project Site in the City of Santa Rosa. The station is staffed nine months a year, typically April through December corresponding with the wildfire season (Glaeser, 2023).

The nearest hospital center to the Project Site is Sutter Santa Rosa Regional Hospital, located at 30 Mark West Springs Rd, Santa Rosa, CA, about 2.2 miles southeast of the Project Site. This hospital provides walk-in care, urgent care, and emergency services (Sutter Health, 2022).

## **Public Schools**

The Project Site is located within the Mark West Union School District (MWUSD) and the Santa Rosa City High School District (SRCSD). MWUSD currently provides educational services through four elementary schools and SRCSD provides educational services through four middle schools and six high schools (Sonoma County Office of Education, 2022). The nearest public school to the Project Site is approximately 0.83 miles southeast, San Miguel Elementary School, while the nearest school is Little School House (preschool) that is approximately 0.45 miles south.

## **Parks and Recreation**

There are over 54 recreational facilities operated by the County that include trails, parks, river access, beaches, boat launches, a marina, preserves, a sports field, and a community center (Sonoma County Regional Parks, 2022). There are 11 State parks (Sonoma County Tourism, 2022), and the Town operates 17 parks (Town of Windsor, 2022). The closest park area to the Project Site is the Town-operated Esposti Park, which is adjacent to the Project Site on its northern border. Shiloh Ranch Regional Park is approximately 0.4 miles to the east of the Project Site.

### **3.10.3 Impacts**

#### **3.10.3.1 Assessment Criteria**

An adverse effect would occur if project-related demands on public services would cause an exceedance of system capacities that result in significant effects to the physical environment.

### 3.10.3.2 Alternatives A – Proposed Project

#### *Water Supply*

As described in **Section 2.1.3**, water supply for Alternative A would be provided via an on-site well system. No additions or modifications to the public water supply infrastructure would be required. Because Alternative A would not require services from the public water supply infrastructure, there would be no effect to water supply infrastructure. A discussion of potential effects to groundwater resources and supply is provided in **Section 3.3**.

#### *Wastewater*

As described in **Section 2.1.4**, wastewater treatment for Alternative A would be provided via an on-site WWTP. No additions or modifications to the public wastewater collection or treatment infrastructure would be required. Because Alternative A would not require services from public wastewater treatment infrastructure, there would be no effect. A discussion of potential impacts to water quality from operation of the proposed wastewater treatment infrastructure is provided in **Section 3.3**.

#### *Solid Waste Service*

Solid waste from construction may include vegetation removal (e.g., grapevines), packing material (e.g., paper, wood, glass, aluminum, and plastics), waste lumber, insulation, empty non-hazardous chemical containers, concrete, metal, and electrical wiring. These solid waste materials are typical of construction sites and would most likely be collected by Sonoma County Resource Recovery's service trucks after being contracted for services prior to construction. Central Landfill is permitted to accept waste from construction and, therefore, the solid waste could be deposited there for processing. Solid waste generated from the construction of Alternative A would be temporary, and therefore would not impact Central Landfill's long-term capacity to serve its current customers.

Solid waste would be generated from Alternative A once operation begins. The estimated solid waste generated by Alternative A is shown in **Table 3.10-2**. As seen in **Table 3.10-2**, Alternative A at maximum would produce approximately 10,516 pounds (lb.) of solid waste per day (approximately 5.3 tons per day). This estimate is conservative as it assumes maximum occupancy of proposed facilities and includes recycling. This would equate to approximately 0.7% of the permitted daily quantity accepted at the Healdsburg Transfer Station. Utilizing the average daily stream of waste, Alternative A would increase the average daily stream by approximately 1.4%. At the Central Landfill, the daily solid waste generation from Alternative A would equate to approximately 0.2% of the permitted throughput. These increases at the Healdsburg Transfer Station and Central Landfill represent a negligible addition to the landfill. Furthermore, a BMP has been incorporated to ensure that maximum recycling and compaction is done during construction and operation in addition to proper disposal to reduce littering (see **Table 2.1-3**). Therefore, construction and operation of Alternative A would not result in a significant adverse effect to the solid waste stream.

#### *Electricity, Natural Gas, and Telecommunications*

As described in **Section 2.1.9**, all buildings would be built to meet or exceed the standards set forth in the CBC. Construction on the Project Site could damage underground utilities and lead to outages and/or serious injury, which would be a potentially significant impact. However, a BMP is included in **Table 2.1-3** that would reduce these potential impacts to less than significant.

**Table 3.10-2: Solid Waste Generation from Alternative A**

Waste Generation Source	Waste Generation Rate	Units	Alternative A Values	Alternative A Waste Generation (lb./day)*
Hotel	2	lb./room/day	400	800.0
Casino and Other	3.12	lb./100 square foot (sf)/day	132,495	4,133.8
Food and Beverage	0.005	lb./sf/day	66,125	330.6
Retail	0.006	lb./sf/day	2,250	13.5
Event Center	3.12	lb./100 sf/day	53,380	1,665.5
Ballroom and Meetings Rooms	3.12	lb./100 sf/day	74,185	2,314.6
Circulation and Back of House	0.006	lb./sf/day	209,702	1,258.2
<b>Total</b>				<b>10,516.2</b>

Source: CalRecycle, 2022b

\* The solid waste numbers estimated predict the worst-case scenario because they assume maximum occupancy of the hotel; events occurring in the event center, ballrooms, and meetings rooms simultaneously; and that maximum casino patronage is occurring.

PG&E would provide electrical services to Alternative A. If natural gas is ultimately needed PG&E would provide this service as well. As discussed in **Section 3.10-2**, the Tribe and PG&E are already in preliminary discussions concerning increasing services to the Project Site. PG&E has specified it does not have capacity for Alternative A as of 2022 but has electrical infrastructure projects underway that would be completed in 2024/2025 with feeder related infrastructure needing potentially another two years. These projects would be completed before the 2028 opening date for Alternative A. Therefore, by the opening date for the Alternative A, there would adequate electrical capacity for PG&E to supply the needs of the project components (Miller, 2022). These extensions and services to the Project Site would be made in accordance with approved tariffs with the California Public Utilities Commission, and the Tribe would be responsible for paying the infrastructure improvements deemed required by PG&E. The public would not be responsible for the costs associated with the extension and new infrastructure required for Alternative A. Should there be interruptions in electrical services, Alternative A would utilize the on-site generator systems described in **Section 2.1.8** to power its facilities. There would be no effect to off-site electrical resources during those events.

Natural gas infrastructure is planned to be reinforced in the area surrounding the Project Site within one to two years (Miller, 2022) and is expected to be sufficient to serve the needs of Alternative A. Similar to the electrical supply, the Tribe would be responsible for the fees associated with extending services to the Project Site with no cost accruing to the public. If natural gas is infeasible, then Alternative A would utilize electric appliances and/or propane gas. Consequently, the electrical and natural gas related impacts related to Alternative A would be less than significant.

Local telecommunication utility companies of the Tribe's choosing would extend connections from adjacent infrastructure to provide telecommunication services. The Tribe would pay the cost associated with extending services to the Project Site per the telecommunication company's specifications. Construction requirements, such as trenching and laying service lines, would result in minor temporary impacts and bare earth would be re-seeded. There would be a less-than-significant impact.

### *Law Enforcement*

An analysis of the impact of casino gambling on local crime rates is included in **Section 3.7.3** and **Appendix B-1**. While there is no definitive link between casinos and crime, as with any commercial development, it is anticipated that the increased concentration of people due to Alternative A would lead to an increase in the number of service calls to local law enforcement.

Under Alternative A, BMPs have been incorporated into the project design to enhance security on the Project Site during operation. This includes security cameras and tribal security personnel that would provide surveillance of proposed developments. Criminal and civil incidents would be reduced by security guards patrolling the facilities who would carry two-way radios to request and respond to back up or emergency calls in addition to other measures (see **Table 2.1-3**). As described in **Section 3.10.2**, per Public Law 280, the Project Site once taken into trust would fall under the criminal jurisdiction of the SCSO after tribal consent. The Tribe proposes to contract for law enforcement services to the Project Site from SCSO in order to provide compensation for the services provided.

While SCSO currently provides law enforcement services to the existing residence on the Project Site, based on review of service rates at other tribal gaming facilities in the County, operation of Alternative A is estimated to increase the number of calls for service placed to SCSO by approximately 1,433 calls per year and result in 33 arrests during the first year of operations (**Appendix B-1**). This would constitute an approximate 2.2% increase in total service calls and 1.4% of arrests by SCSO, but this increase is not anticipated to require SCSO to build new or expand facilities to continue to provide services as a consequence of expanded development on the Project Site. Furthermore, it is not anticipated that additional staff would be required in SCSO to service the new development on the Project Site based on current conditions at SCSO (for additional information on this, see **Appendix B-1**). Although the increase in service calls would not require building new facilities, the Tribe's commitment to entering into a services agreement with the SCSO is included as a mitigation measure in **Section 4**. With the inclusion of this mitigation measure that would ensure compensation for the law enforcement services received from the SCSO, this impact would be less than significant.

### *Fire Protection and Emergency Medical Services*

Under Alternative A during construction, construction vehicles and equipment, such as welders, torches, and grinders, may accidentally spark and ignite vegetation or building materials. The increased risks of fire during construction would be similar to that found at other construction sites and would not be considered abnormal. Fire incidents on the Project Site would primarily be responded to by SCFD with mutual aid provide by CAL FIRE and other fire agencies. Construction related BMPs in **Table 2.1-3** are provided to further minimize potential adverse effects related to fire risks. Thus, potentially adverse impacts to fire protection agencies during construction would be less than significant.

An indoor sprinkler system would be installed to provide fire protection. As described in **Section 2.1.3**, fire flow requirements for Alternative A are anticipated to be 2,000 gallons per minute for 4 hours based on the use of automatic fire sprinklers consistent with applicable building code requirements and would



be provided via on-site wells, storage tank, and pump station that would be designed to meet fire flow requirements. BMPs to maintain, inspect, and test fire protection devices including, but not limited to, fire sprinkler systems, alarm systems, commercial kitchens, and fire hydrants per National Fire Protection Association standards are included in **Table 2.1-3**. Regardless, operation of Alternative A would create additional demand for fire protection and emergency services. As described in **Appendix B-1**, Alternative A would result in an estimated increase of 291 fire or emergency medical incidents annually. Calls for service would not be disproportionate to other large commercial developments in the County. While the minimal increase in fire protection services is not anticipated to trigger the need to construct new facilities, this would nonetheless constitute a potentially significant impact. The Tribe proposes to enter into a service agreement with the SCFD for fire protection and emergency medical services to the Project Site prior to development. As described in **Section 2.1.7**, the nearest SCFD fire station to the Project Site is Station 1, which is less than two miles northwest. The mitigation measure described in **Section 4** would ensure the Tribe negotiates a service agreement with SCFD to compensate for the increased service calls that would result from development on the Project Site. This intent is further demonstrated in the Letter of Intent between the Tribe and SCFD to negotiate a service agreement that is discussed in **Section 2.1.7** (see **Appendix O** for further information). If the Tribe does not enter into a service agreement with a fire district/department, the Tribe will establish, equip, and staff a fire department and station on the Project Site, within the “treatment area” designated in the eastern portion of the Project Site (**Figure 2.1-1**). Mitigation would reduce potential impacts to fire protection and emergency medical services to less than significant.

### *Public Schools*

Effects to area schools could occur if the employees or patrons of Alternative A significantly increase the demand on these resources. As described in **Appendix B-1**, the economic activity of Alternative A represents only a small percentage of the Sonoma County economy; therefore, Alternative A would be expected to have at most, a nominal impact on the housing market. For a housing market to experience changes, a change in population must occur, and/or existing residents need to have large increases or decreases in wages. These factors generally result in residents seeking improved housing options or a forced downsize. As the subject development would not require a large influx of residents to fill positions, and as the new positions would only have a small impact on the amount of unemployed, the housing market would not experience a large increase in home values or demand for new homes, and there would be only a nominal impact on the school system.

Additionally, given that any anticipated new students would be distributed across all grade levels, any new students that may enroll in area school districts as a result of the project would be considered a nominal impact. Furthermore, if Alternative A were to result in the relocation of any families to the area, the schools would likely collect additional tax revenue from the families of new students and would use these taxes to hire additional teachers to meet additional demand if necessary. Therefore, any potential increased enrollment would have a nominal effect on the ability of regional schools to provide education services at existing levels. Alternative A would not result in significant adverse impacts to schools.

### *Parks and Recreation*

Effects to local parks would occur if Alternative A induced population growth that would subsequently increase demand on parks. Esposti Park is adjacent to the Project Site on its northern border and Shiloh Ranch Regional Park is approximately 0.4 miles to the east. The casino and associated facilities are not expected to significantly increase visitation to these parks because they would not significantly increase the population in the Town or unincorporated County. Patrons to Alternative A could visit attractions in

the surrounding areas that could include parks and other recreational areas including libraries, but this is not expected to be significant enough to require the expansion of park or recreational facilities. Therefore, a less-than-significant impact would occur.

**3.10.3.3 Alternatives B – Reduced Intensity Alternative**

Alternative B would result in similar impacts to Public Services and Utilities as described for Alternative A above; however, at a reduced scale due to the reduced intensity of Alternative B. No impact to public water and wastewater services would occur because those services would be provided on-site. A discussion of potential effects to water resources from the on-site utilities is provided in **Section 3.3**. Solid waste generated from construction of Alternative B would be similar to that generated under Alternative A and would be disposed of similar to this alternative as well. Solid waste generated from the construction of Alternative B would be temporary, and therefore would not impact Central Landfill’s long-term capacity to serve its current customers. The estimated solid waste generated by operation of Alternative B is shown in **Table 3.10-3**. This estimate is conservative as it assumes maximum occupancy of proposed facilities and includes recycling. Similar to Alternative A, these increases would be negligible with similar BMPs in place to reduce solid waste; therefore, construction and operation of Alternative B would not result in a significant effect to the solid waste stream.

**Table 3.10-3: Solid Waste Generation from Alternatives B**

Waste Generation Source	Waste Generation Rate	Units	Alternative B Values	Alternative B Waste Generation (lb./day)*
Hotel	2	lb./room/day	200	400.0
Casino and Other	3.12	lb./100 sf/day	132,495	4,133.8
Food and Beverage	0.005	lb./sf/day	66,125	330.6
Retail	0.006	lb./sf/day	2,250	13.5
Event Center	3.12	lb./100 sf/day	-	-
Ballroom and Meetings Rooms	3.12	lb./100 sf/day	33,135	1,033.8
Circulation and Back of House	0.006	lb./sf/day	171,877	1,031.3
<b>Totals</b>				<b>6,943.0</b>

Source: CalRecycle, 2022b

\* The solid waste numbers estimated predict the worst-case scenario because they assume maximum occupancy of the hotel; events occurring in the event center, ballrooms, and meetings rooms simultaneously; and that maximum casino patronage is occurring.

The impacts of Alternative B on telecommunication, electrical, and gas services would be similar to Alternative A except the impacts would be less due to the smaller demand. A BMP is included in **Table 2.1-3** that would reduce these potential impacts to less than significant. Alternative B would have similar impact to police and fire protection services as to Alternative A, but less due to the smaller scale of the development. BMPs in **Table 2.1-3** and mitigation measures in **Section 4** would ensure impacts to police

and fire services are less than significant. Similar to Alternative A, Alternative B would not induce growth in the area nor significantly increase the usage of public schools, parks, or other recreational facilities enough to require new facilities or expansion of existing ones; therefore, a less-than-significant impact would occur.

**3.10.3.4 Alternative C – Non-Gaming Alternative**

Alternative C would result in similar impacts to Public Services and Utilities as described for Alternatives A and B above, however, at a reduced scale due to the reduced intensity of Alternative C. No impact to public water and wastewater services would occur because those services would be provided on-site. A discussion of potential effects to water resources from the on-site utilities is provided in **Section 3.3**. Solid waste generated from construction of Alternative C would be similar to that generated under Alternatives A and B and would be disposed of similar to this alternative as well. Solid waste generated from the construction of Alternative C would be temporary, and therefore would not impact Central Landfill’s long-term capacity to serve its current customers. The estimated solid waste generation from operation of Alternative C are shown in **Table 3.10-4**. This estimate is conservative as it assumes maximum occupancy of proposed facilities and includes recycling. Similar to Alternatives A and B, these increases would be negligible with similar BMPs in place to reduce solid waste; therefore, construction and operation of Alternative C would not result in a significant effect to the solid waste stream. The impacts of Alternative C on telecommunication, electrical, and gas services would be similar to Alternatives A and B except the impacts would be less due to the smaller demand. A BMP is included in **Table 2.1-3** that would reduce these potential impacts to less than significant. Alternative C would have similar impact to police and fire protection services as to Alternatives A and B, but less due to the smaller scale of the development. BMPs in **Table 2.1-3** and mitigation measures in **Section 4** would ensure impacts to police and fire services are less than significant. Similar to Alternatives A and B, Alternative C would not induce growth in the area nor significantly increase the usage of public schools, parks, or other recreational facilities enough to require new facilities or expansion of existing ones; therefore, a less-than-significant impact would occur.

**Table 3.10-4: Solid Waste Generation from Alternative C**

Waste Generation Source	Waste Generation Rate	Units	Alternative C Values	Alternative C Waste Generation (lb./day)*
Hotel	2	lb./room/day	200	400
Winery and Visitor Center	0.006	lb./sf/day	51,000	306
Restaurant	0.005	lb./sf/day	4,700	23.5
				<b>729.5</b>

Source: CalRecycle, 2022b

\* The solid waste numbers estimated predict the worst-case scenario because they assume maximum occupancy of the hotel; Normally, full occupancy of the hotel would not occur frequently.

**3.10.3.5 Alternative D – No Action Alternative**

Alternative D would not increase demands on public services and no new utility extensions would be required.

## 3.11 NOISE

### 3.11.1 Regulatory Setting

The noise regulatory setting is summarized in **Table 3.11-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.11-1: Regulatory Policies and Plans Related to Noise**

Regulation	Description
<b>Federal</b>	
Federal Highway Administration (FHWA) Construction Noise Abatement Criteria (NAC)	<ul style="list-style-type: none"> <li>Provides construction noise level thresholds in its Construction Noise Handbook, 2006, which depends on noise receptor locations, land uses, and time of day.</li> </ul>
FHWA NAC	<ul style="list-style-type: none"> <li>Sets noise standards for the assessment of noise consequences related to surface traffic and other project-related noise sources.</li> </ul>
<b>Local</b>	
Sonoma County General Plan 2020, Noise Element	<ul style="list-style-type: none"> <li>A planning document that provides a policy framework for addressing potential noise impacts encountered in the planning process that is intended to provide ways to reduce existing and future noise conflicts. This includes policies and measures to achieve noise compatibility between land uses and identifies noise sources and sensitive land uses.</li> </ul>
Town of Windsor 2040 General Plan, Public Health and Safety Element	<ul style="list-style-type: none"> <li>A planning document that provides a policy framework for the Town of Windsor. The Public Health and Safety Element, specifically the Noise Goal, is designed to minimize exposure to excessive noise by establishing development standards and implementing practices that reduce the potential for excessive noise exposure.</li> </ul>

### 3.11.2 Environmental Setting

For the fundamentals of sounds, effects of noise on people, and characteristics of vibrations, please refer to **Appendix E**.

#### Sensitive Receptors

Some land uses are considered more sensitive to noise than others due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and parks and other outdoor recreation areas generally are more sensitive to noise than commercial or industrial land uses. A sensitive receptor is defined as any living entity or aggregate of entities whose comfort, health, or well-being could be impaired or endangered by noise. The sensitive receptors for noise in the vicinity of the Project Site were determined to be the same as those identified

for air quality in **Section 3.4.2** and include residential areas to the north and west, Shiloh Neighborhood Church to the west, Esposti Park to the north, and a few residences to the south.

## Existing Noise Sources and Ambient Noise Levels

### *Noise Sources*

The existing ambient noise environment in the immediate Project Site vicinity is defined primarily by traffic on Shiloh Road to the north and Old Redwood Highway to the west. Agricultural operations to the east and south also periodically affect the ambient noise environment on a localized basis. Aircraft operations at the Sonoma County Airport do not appreciably affect the ambient noise environment within the immediate Project Site vicinity due to the distance between the airport and Project Site as well as the orientation of the airport runways.

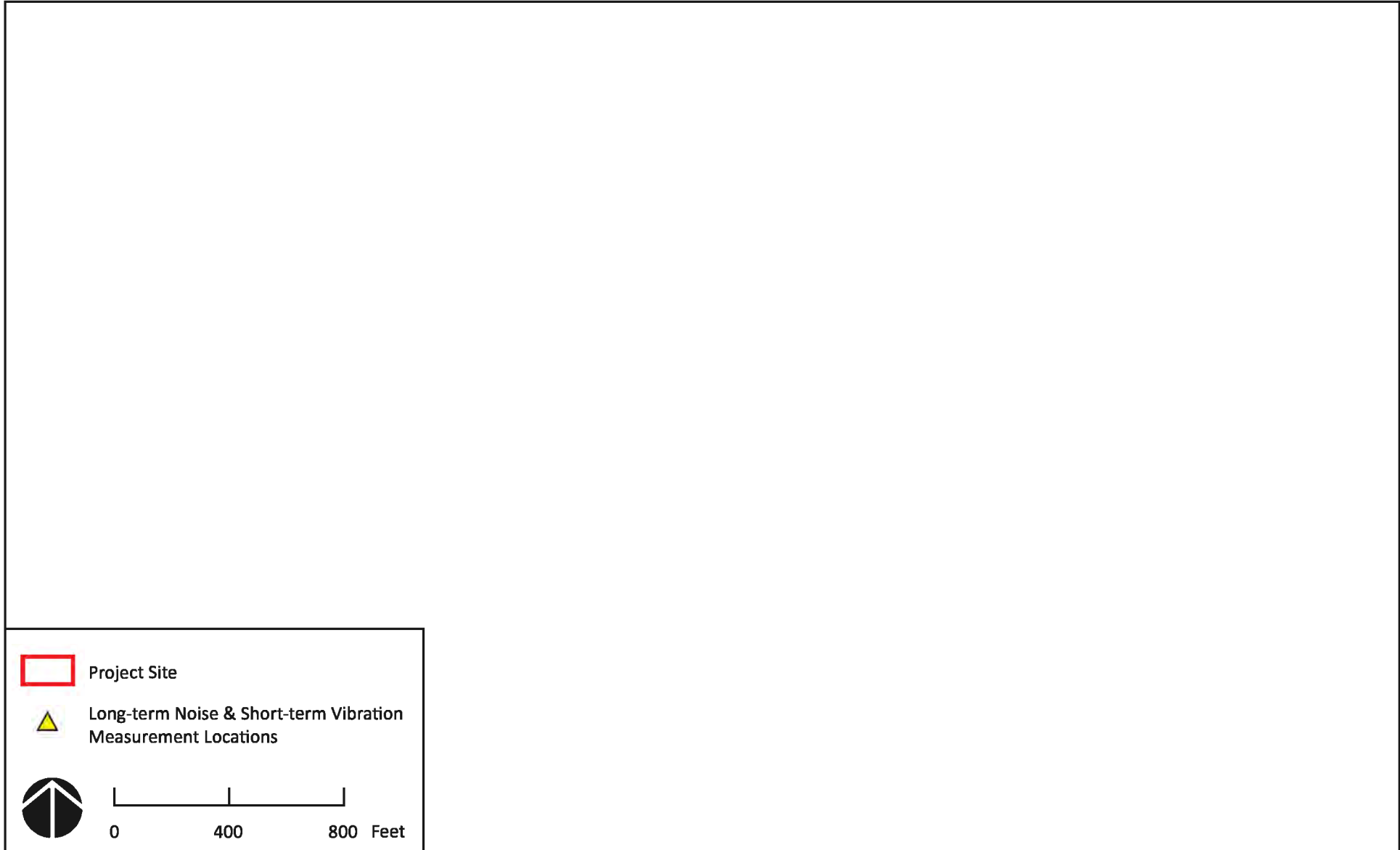
### *Ambient Noise Levels*

To quantify existing ambient noise environment within the vicinity of the Project Site, Bollard Acoustical Consultants, Inc. (BAC), conducted long-term (continuous) ambient noise level measurements at four locations over the five-day period from April 29 to May 3, 2022. The noise measurement site locations are shown on **Figure 3.11-1**. Larson Davis Laboratories (LDL) precision integrating sound level meters were used to complete the noise level measurements. The meters were calibrated before and after use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all specifications of the American National Standards Institute requirements for Type 1 sound level meters (ANSI S1.4). There were no atypical weather conditions present during the noise survey period that would have adversely affected the accuracy of the survey results. The long-term noise level measurement survey results are summarized in **Table 3.11-2**.

The detailed results of the long-term ambient noise survey can be seen in tabular format and graphical format in Appendices C and D of **Appendix L**, respectively. Data in **Table 3.11-2** indicate that measured day-night average noise levels (DNL) did not vary appreciably from day to day at each measurement site but did vary by location within the vicinity of the Project Site as expected. For example, Site 1 measured day-night average noise levels were the lowest due to the greater distance of the monitoring site to local roadways.

The FHWA Traffic Noise Model (FHWA-RD-77-108) was used to quantify existing traffic noise levels at the existing sensitive land uses on the roadway networks nearest to the Project Site, and to quantify the 60, 65 and 70 decibel (dB) DNL traffic noise contours generated by these roadways. The model predicts hourly  $L_{eq}$  values for free-flowing traffic conditions and develops DNL values from  $L_{eq}$  values from the estimates for the traffic hourly distribution for a typical 24-hour period. Traffic data for the model was obtained from **Appendix I**. Peak hour turning movement volumes were converted to average daily segment volumes by averaging AM and PM peak hour volumes and multiplying by a factor of five (model inputs can be found in Appendix E of **Appendix L**).

**Table 3.11-3** summarizes the existing traffic noise levels and the existing 60 dB, 65 dB and 70 dB DNL contours at roadways networks nearest to the Project Site. Note, the actual noise level contours may vary from the distances predicted by the model because factors, such as roadway elevation, curvature, topography, or structures, may affect actual sound propagation.



Source: Bollard Acoustical Consultants, 2022

**FIGURE 3.11-1**  
NOISE AND VIBRATION MEASUREMENT LOCATIONS

**Table 3.11-2: Summary of the Average Measured Hourly Long-Term Ambient Noise Levels (dBA)**

Site	Date	DNL [dBA]	Daytime <sup>1</sup>		Nighttime <sup>2</sup>	
			L <sub>50</sub>	L <sub>max</sub>	L <sub>50</sub>	L <sub>max</sub>
1	Friday, April 29	53	44	65	40	56
	Saturday, April 30	52	46	63	41	53
	Sunday, May 1	55	44	63	42	57
	Monday, May 2	52	47	64	41	54
	Tuesday, May 3	51	43	62	38	50
	<b>Average</b>	<b>53</b>	<b>45</b>	<b>64</b>	<b>40</b>	<b>54</b>
2	Friday, April 29	63	50	78	39	72
	Saturday, April 30	61	49	79	39	72
	Sunday, May 1	59	46	78	38	71
	Monday, May 2	63	50	79	41	67
	Tuesday, May 3	62	48	77	38	66
	<b>Average</b>	<b>62</b>	<b>49</b>	<b>78</b>	<b>39</b>	<b>70</b>
3	Friday, April 29	66	52	80	41	75
	Saturday, April 30	64	52	80	43	76
	Sunday, May 1	63	49	80	40	76
	Monday, May 2	66	54	81	43	72
	Tuesday, May 3	65	52	78	40	71
	<b>Average</b>	<b>65</b>	<b>52</b>	<b>80</b>	<b>41</b>	<b>74</b>
4	Friday, April 29	65	61	78	45	73
	Saturday, April 30	64	60	80	45	71
	Sunday, May 1	63	57	77	42	73
	Monday, May 2	65	60	78	45	73
	Tuesday, May 3	65	60	81	42	71
	<b>Average</b>	<b>64</b>	<b>60</b>	<b>79</b>	<b>44</b>	<b>72</b>

Source: Appendix L

<sup>1</sup> Daytime hours: 7:00 a.m. to 10:00 p.m.

<sup>2</sup> Nighttime hours: 10:00 p.m. to 7:00 a.m.

**Table 3.11-3: Existing Traffic Noise Levels at Nearest Receptors and Distances to DNL Contours**

#	Roadway	From	To	DNL at Nearest Sensitive Receptor [dB]	Distance to Contour [ft]		
					70 dB DNL	65 dB DNL	60 dB DNL
1	Shiloh Rd	Conde Ln	Caletti Ave	56	48	104	224
2	Shiloh Rd	Caletti Ave	US-101 SB Ramps	66	55	118	254
3	Shiloh Rd	US-101 SB Ramps	US-101 NB Ramps	66	52	113	242
4	Shiloh Rd	US-101 NB Ramps	Hembree Ln	66	54	117	252
5	Shiloh Rd	Hembree Ln	Old Redwood Hwy	68	36	78	169
6	Shiloh Rd	Old Redwood Hwy	Gridley Dr	62	14	30	64
7	Shiloh Rd	Gridley Dr	Project Entrance East	61	13	29	62
8	Shiloh Rd	Project Entrance East	East of Project Entrance	61	12	27	58
9	Old Redwood Hwy	North of Shiloh Rd	Shiloh Rd	69	43	93	200
10	Old Redwood Hwy	Shiloh Rd	Project Entrance	66	32	69	149
11	Old Redwood Hwy	Project Entrance	South of Project Entrance	65	31	67	143

Source: Appendix L

### Existing Ambient Vibration Environment

To generally quantify existing vibration levels at representative locations within the vicinity of the Project Site, BAC conducted short-term (five-minute) vibration measurements at the same four locations used for long-term ambient noise monitoring. The vibration measurement locations are shown on **Figure 3.11-1**. A Larson-Davis Laboratories Model LxT precision integrating sound level meter equipped with a vibration transducer was used to complete the measurements. The system was calibrated in the field prior to use to ensure the accuracy of the measurements. The ambient vibration monitoring results are summarized in **Table 3.11-4**.

**Table 3.11-4: Summary of Ambient Vibration Monitoring Results**

Site <sup>1</sup>	Time (May 4, 2022)	Average Measured Vibration Level [VdB]
1	9:53 a.m.	46
2	10:13 a.m.	40
3	10:34 a.m.	33
4	10:50 a.m.	42

Source: Appendix L



### 3.11.3 Impacts

#### 3.11.3.1 Assessment Criteria

The assessment of project effects is based on federal NAC standards used by the FHWA, on Federal Transit Administration (FTA) thresholds for perceptible vibration, and on the noise standards of Sonoma County and the Town of Windsor. Specifically, adverse noise and vibration effects are identified at existing sensitive receptor locations if the following were to occur as a result of the project:

- Project construction noise levels exceed the FHWA construction noise thresholds (see Table 6 of **Appendix E**).
- Project construction vibration levels exceed 65 VdB (FTA threshold of perception).
- Project-generated traffic would cause traffic noise levels to exceed the FHWA noise abatement criteria (e.g., 67 dBA for exterior residential uses) where the criteria is not currently being exceeded (see Table 7 of **Appendix E**).
- Project-related traffic noise level increases would exceed 5 dB at residences located within the Town of Windsor (Windsor General Plan Policy PHS-8.1).
- Project-related traffic noise level increases would exceed 3 dB at residences located within Sonoma County. 3 dB is a just-perceivable difference (see **Appendix E**) and a threshold commonly applied in Sonoma County.
- On-site noise sources associated with ongoing project operations exceed the standards set forth in Sonoma County General Plan Noise Element Table NE-2 at residences within Sonoma County (see Table 8 of **Appendix E**).
- On-site noise sources associated with ongoing project operations exceed the standards set forth in Town of Windsor 2040 General Plan Table PHS-4 at residences within the Town of Windsor (see Table 9 of **Appendix E**).

#### 3.11.3.2 Methodology

##### *Project Construction Noise & Vibration*

Project construction noise was evaluated using the FHWA Roadway Construction Noise Model (RCNM). The types of heavy equipment to be utilized during project construction along with the distances from that equipment to the nearby residences were used as inputs to the RCNM to predict construction noise generation at existing sensitive receptors.

To evaluate vibration generation during project construction, the data and methodology contained within the 2018 FTA Transit Noise and Vibration Impact Assessment Manual were used.

##### *Off-Site Traffic Noise and Project Traffic Noise Increases*

The FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108) was used to predict existing and future traffic noise levels, both with and without Alternatives A, B, and C, at the nearest existing sensitive receptors located along the local roadway network that would be utilized by project-generated traffic. Two conditions were evaluated based on the data and scenarios analyzed in **Appendix I**: Opening Year 2028 (Baseline) and Cumulative Year 2040. The FHWA Model predicts hourly  $L_{eq}$  values for free-flowing traffic conditions. Estimates of the hourly distribution of traffic for a typical 24-hour period were used to develop DNL values from  $L_{eq}$  values. The model inputs for each scenario are provided in Appendix E of **Appendix L**.

### *On-Site Operational Noise*

To predict noise generated by on-site operations (on-site circulation, parking lot operations, truck deliveries, and pool area activities) at the nearest sensitive receptor locations, a combination of BAC file data and published acoustical reference data were utilized with the SoundPlan Version 8.2 noise-prediction and propagation model. Inputs to the SoundPlan model consisted of local topographic data, existing structures, proposed on-site structures, atmospheric data, and operational data obtained from the project description, traffic impact analysis, and BAC reference file data for parking lot, swimming pool, and truck delivery noise. The SoundPlan noise inputs are provided in Appendix F of **Appendix L**.

### **3.11.3.3 Alternatives A – Proposed Project**

#### *Construction Noise - Equipment*

During the construction of Alternative A, noise from construction activities would add to the noise environment in the immediate vicinity of the Project Site. Activities involved in typical construction would generate maximum noise levels, as indicated in **Table 3.11-5**, ranging from 76 to 85 dBA  $L_{max}$  at a distance of 50 feet. The worst-case on-site project construction equipment maximum noise levels at the nearest existing noise-sensitive uses, located approximately 200 feet or more away, are expected to range from approximately 64 to 73 dBA  $L_{max}$ .

As shown in **Table 3.11-2**, median baseline noise levels ( $L_{50}$ ) in the immediate Project Site vicinity ranged from 45 to 60 dBA during daytime hours. According to FHWA construction noise thresholds (see Table 6 of **Appendix E**), construction noise impacts would be significant where daytime construction activities would generate noise levels exceeding 90 dBA  $L_{max}$ . Therefore, a construction noise threshold of 90 dBA  $L_{max}$  was used. Because daytime construction activities are predicted to generate maximum noise levels ranging from approximately 64 to 73 dBA  $L_{max}$ , which are below the 90 dBA  $L_{max}$  threshold, a less-than-significant impact would occur during daytime hours.

BMPs listed in **Table 2.1-3** include limiting construction activities involving noise generating equipment to daytime hours between 7:00 a.m. and 6:00 p.m., with the exception of federal holidays where no work will occur, and with no construction work occurring between the hours of 10:00 p.m. to 7:00 a.m. With the implementation of this BMP, construction noise generated by Alternative A would not exceed FHWA construction noise thresholds (see Table 6 of **Appendix E**) during the evening (6:00 p.m. to 10:00 p.m.) or nighttime (10:00 p.m. to 7:00 a.m.); therefore, a less-than-significant impact would occur. Further, the limitation of construction activities to daytime hours is generally consistent with the Town of Windsor municipal code that authorizes construction activities between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday.

#### *Construction Vibration*

During construction, heavy equipment would be used for grading, excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of the construction. The nearest identified existing sensitive receptors are located approximately 200 feet or more from where construction activities would occur within the Project Site. **Table 3.11-6** includes the range of vibration levels for equipment commonly used in general construction projects at a reference distance of 25 feet from the equipment. The data in **Table 3.11-6** also includes predicted equipment vibration levels at a distance of 200 feet from the proposed construction activities.

**Table 3.11-5: Construction Equipment Reference Noise Levels**

Equipment Description	Maximum Noise Level at 50 feet [dBA]
Air compressor	80
Backhoe	80
Compactor	82
Concrete mixer	85
Concrete pump	82
Concrete vibrator	76
Crane, mobile	83
Dozer	85
Generator	82
Grader	85
Impact wrench	85
Loader	80
Paver	85
Pneumatic tool	85
Pump	77
Saw	76
Scarifier	83
Scraper	85
Shovel	82
Truck	84

Source: Appendix L

**Table 3.11-6: Vibration Source Levels for Construction Equipment**

Equipment	Maximum Vibration Level at 25 feet [VdB (rms)]	Predicted Maximum Vibration Level at 200 feet [VdB (rms)]
Vibratory Roller	94	67
Hoe Ram	87	60
Large bulldozer	87	60
Loaded trucks	86	61
Jackhammer	79	52
Small bulldozer	58	31

Source: Appendix L

As shown in **Table 3.11-6**, with the exception of vibratory roller operations, vibration levels generated from on-site construction activities are predicted to be below the 65 VdB threshold of perception at the nearest existing sensitive receptors located approximately over 200 feet from construction activities. As

a result, with the exception of vibratory roller operations, project-generated construction vibration is predicted to result in a less than significant impact at nearby sensitive receptors. Additionally, a BMP has been included for vibratory and non-vibratory rollers within **Table 2.1-3** that will reduce potential impacts by setting minimum distances from sensitive receptors when the equipment is utilized.

### ***Operation Noise***

#### Off-Site Traffic Noise

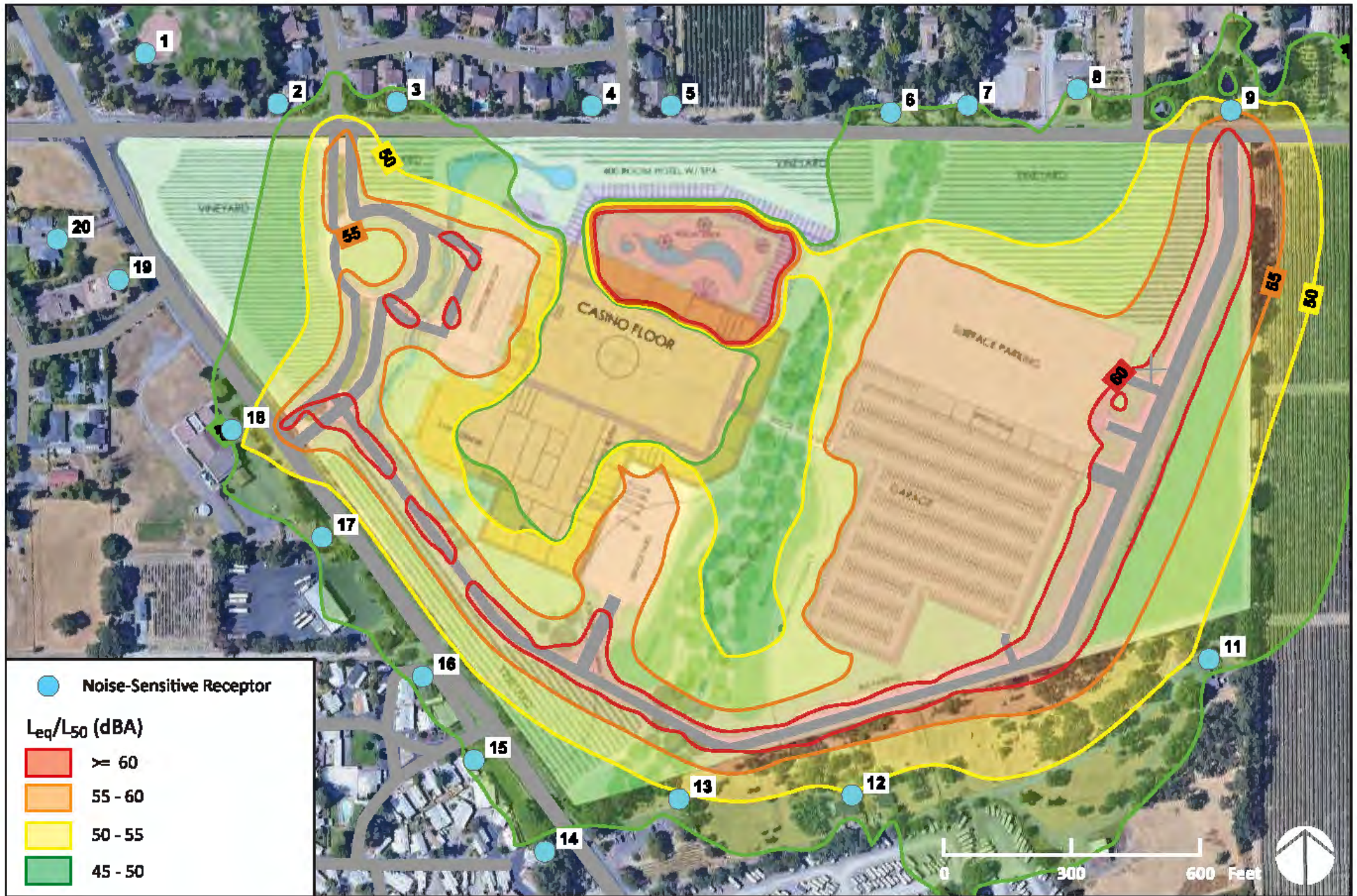
Operation of Alternative A will cause traffic volumes on the local roadway network to increase. Those increases in average daily traffic volumes will result in a corresponding increase in traffic noise levels at existing sensitive uses located along those roadways. **Table 3.11-7** shows the predicted increases in traffic noise levels due Alternative A relative to opening year (2028) conditions without the project. As shown in **Table 3.11-7**, project-generated traffic noise level increases would not result in significant adverse noise effects relative to existing/baseline conditions. Traffic generated noise on Shiloh Road between Hembree Lane and Old Redwood Highway and Old Redwood Highway north of Shiloh road would exceed the 67 dBA FHWA noise abatement criteria threshold for residential uses where residential uses are present; however, the baseline noise levels are predicted to already be above 67 dBA prior to the operation of Alternative A and the increase due to Alternative A would be less than 3 dB, the level associated with a perceivable difference in noise levels (see **Appendix E**). As a result, off-site traffic noise level increases resulting from Alternative A would not result in significant adverse effects relative to baseline conditions.

#### On-site Operational Noise

On-site noise sources associated with Alternative A include on-site vehicle circulation, parking lot operations, truck deliveries, and swimming pool area activities. As described in **Table 2.1-3** noise generating equipment associated with water and wastewater treatment facilities will be shielded, enclosed, or located within buildings and thus would not result in a significant source of noise.

The SoundPlan modelling results for peak hour conditions at each sensitive receptor location seen in **Figure 3.11-2** are provided in **Table 3.11-8**. **Figure 3.11-2** also shows the average/median noise contours for on-site noise sources associated with Alternative A. The predicted maximum noise levels identified in **Table 3.11-8** for on-site noise sources are below the 65 dBA  $L_{max}$  daytime and 60 dB  $L_{max}$  nighttime noise level standards applicable at the nearest Sonoma County residences (receivers 5-20) during daytime and nighttime hours at each of the receivers analyzed in this evaluation. Also, the predicted maximum noise levels identified in **Table 3.11-8** for on-site noise sources are below the 55 dBA  $L_{max}$  daytime noise level standard applicable at the nearest Town of Windsor residences (receivers 1-4). Because nighttime noise generation from Alternative A is predicted to be lower than daytime noise generation, noise generated by on-site activities is also predicted to be satisfactory relative to the Town of Windsor nighttime 50 dBA  $L_{max}$  nighttime noise level standard at the nearest residences. In addition, comparison of the predicted maximum noise levels predicted to be generated by Alternative A against the ambient noise survey results indicates that no substantial increase in single-event, maximum ambient noise levels would result.

The predicted average/median ( $L_{eq}/L_{50}$ ) noise levels identified in **Table 3.11-8** for on-site noise sources are below the 50 and 55 dBA daytime average/median noise standards of the County and the Town, respectively, at each of the nearest receptors analyzed in this evaluation. Because peak nighttime noise generation is predicted to be considerably lower than peak daytime project noise generation, on-site activities at the Project Site are not expected to cause exceedance of the applicable local average/median nighttime noise level standards at the nearest sensitive receptors.



Source: Bollard Acoustical Consultants, 2022

**FIGURE 3.11-2**  
**PROJECTED NOISE CONTOURS**

Consequently, no significant adverse noise effects are identified relative to average/median noise levels or single-event maximum noise levels generated by Alternative A at the nearest sensitive receptors to the Project Site from on-site activities.

**Table 3.11-7: Alternative A Operation Noise Increases at Existing Sensitive Receptors (2028)**

Roadway	From/To	Predicted DNL [dBA], Baseline	Predicted DNL [dBA], Baseline + Project	Predicted DNL [dBA], Increase	Significance Threshold (dBA)	Threshold Exceeded?	Sensitive Receptors Present?
Shiloh Rd	Conde Ln/ Caletti Ave	55.9	56.0	0.1	5	No	Yes
Shiloh Rd	Caletti Ave/ US-101 SB Ramps	66.1	66.2	0.1	5	No	No
Shiloh Rd	US-101 SB Ramps/ US-101 NB Ramps	65.8	66.7	0.9	5	No	No
Shiloh Rd	US-101 NB Ramps/ Hembree Ln	66.0	67.3	1.3	5	No	No
Shiloh Rd	Hembree Ln/ Old Redwood Hwy	67.9	70.1	2.2	3	No	Yes
Shiloh Rd	Old Redwood Hwy/ Gridley Dr	61.6	66.4	4.8	5	No	Yes
Shiloh Rd	Gridley Dr/ Project Entrance East	61.4	65.9	4.5	5	No	Yes
Shiloh Rd	Project Entrance East/ East of Project Entrance	60.9	62.1	1.2	5	No	Yes
Old Redwood Hwy	North of Shiloh Rd/ Shiloh Rd	69.0	69.4	0.4	5	No	Yes
Old Redwood Hwy	Shiloh Rd/ Project Entrance	65.9	66.6	0.7	3	No	Yes
Old Redwood Hwy	Project Entrance/ South of Project Entrance	65.2	65.6	0.4	3	No	Yes

Source: Appendix L

***Operation Vibration***

Commercial uses do not include sources of perceptible vibration. Therefore, Alternative A would not result in vibration and noise levels at nearby sensitive receptors that would exceed the federal noise abatement criteria; therefore, no significant adverse effects would occur.

**Table 3.11-8: Predicted Noise Levels from On-Site Activities – Alternative A**

Receiver	L <sub>max</sub> (dBA)					L <sub>eq</sub> /L <sub>50</sub> (dBA)				
	Parking	Pool	Trucks	Traffic	Total	Parking	Pool	Trucks	Traffic	Total
1	40	26	31	38	40	27	24	2	33	34
2	44	21	33	46	46	31	20	4	41	41
3	51	29	35	49	51	36	25	6	44	44
4	43	34	33	42	43	30	32	5	37	39
5	44	32	30	37	44	32	30	3	32	36
6	50	29	32	49	50	41	27	4	44	46
7	46	23	32	42	46	37	21	2	37	40
8	46	26	46	46	46	39	22	12	41	43
9	31	17	26	56	56	21	15	0	51	51
10	33	26	38	36	38	28	19	10	31	33
11	45	22	37	49	49	35	17	3	44	44
12	50	29	57	53	57	36	24	25	48	48
13	43	27	55	49	55	31	23	26	44	44
14	38	31	59	47	59	28	28	31	42	42
15	40	28	60	50	60	30	25	31	45	45
16	36	28	59	50	59	27	25	26	45	45
17	48	28	56	51	56	30	25	17	46	46
18	48	31	38	51	51	33	25	8	46	46
19	43	35	33	42	43	29	26	3	37	38
20	41	31	32	38	41	27	25	3	33	35

Source: Appendix L

### 3.11.3.4 Alternative B – Reduced Intensity Alternative

The Alternative B would result in similar construction and operational noise and vibrations impacts as Alternative A (refer to **Section 3.11.3.3** for a full discussion of these impacts), although at lower levels due to the smaller scale of the development (for a full analysis of Alternative B, refer to **Appendix L**). Similar to Alternative A, construction noise and vibration would be temporary for Alternative C. These construction activities would not have significant impacts with the BMPs that will be implemented to reduce the potential noise impacts.

The increase in traffic volumes and other on-site noise sources would be similar to Alternative A during operation, but at a reduced scale. For example, the noise induced due to the increase in traffic can be seen in **Table 3.11-9**. Project-generated traffic noise level increases would not result in significant adverse noise effects relative to existing / baseline conditions. In addition, Alternative B would not cause traffic noise levels to exceed the 67 dBA FHWA noise abatement criteria threshold applicable to residential uses at locations where existing residences are present. As a result, off-site traffic noise level increases resulting from Alternative B would not result in significant adverse effects relative to baseline conditions.

The on-site operational noise induced as a result of Alternative B would be similar to Alternative A, but at the reduced scale and would not cause a significant adverse impact to occur. Therefore, the operational noise and vibration impacts related to Alternative B would be less than significant.

**Table 3.11-9: Alternative B Operation Noise Increases at Existing Sensitive Receptors (2028)**

Roadway	From/To	Predicted DNL [dBA], Baseline	Predicted DNL [dBA], Baseline + Project	Predicted DNL [dBA], Increase	Significance Threshold	Threshold Exceeded?	Sensitive Receptors Present?
Shiloh Rd	Conde Ln/ Caletti Ave	55.9	55.7	-0.2 <sup>1</sup>	5	No	Yes
Shiloh Rd	Caletti Ave/ US-101 SB Ramps	66.1	65.8	-0.3 <sup>1</sup>	5	No	No
Shiloh Rd	US-101 SB Ramps/ US-101 NB Ramps	65.8	66.3	0.5	5	No	No
Shiloh Rd	US-101 NB Ramps/ Hembree Ln	66.0	66.9	0.9	5	No	No
Shiloh Rd	Hembree Ln/ Old Redwood Hwy	67.9	69.5	1.6	3	No	Yes
Shiloh Rd	Old Redwood Hwy/ Gridley Dr	61.6	65.7	4.1	5	No	Yes
Shiloh Rd	Gridley Dr/ Project Entrance East	61.4	65.2	3.8	5	No	Yes
Shiloh Rd	Project Entrance East/ East of Project Entrance	60.9	61.7	0.8	5	No	Yes
Old Redwood Hwy	North of Shiloh Rd/ Shiloh Rd	69.0	69.0	0.0	5	No	Yes
Old Redwood Hwy	Shiloh Rd/ Project Entrance	65.9	66.1	0.2	3	No	Yes
Old Redwood Hwy	Project Entrance/ South of Project Entrance	65.2	65.2	0.0	3	No	Yes

Source: **Appendix L**

1. Under Alternative B, changes to traffic distribution patterns resulted in reduced traffic along portions of Shiloh Road and thus reduced traffic noise.

### 3.11.3.5 Alternative C – Non-Gaming Alternative

The Alternative C would result in similar construction and operational noise and vibrations impacts as Alternative A (refer to **Section 3.11.3.3** for a full discussion of these impacts), although at lower levels due to the smaller scale of the development (for a full analysis of Alternative C, refer to **Appendix L**). Noise and vibration would be caused during the construction of Alternative C, but a smaller scale than Alternative A. These construction activities would not have significant impacts, and BMPs would be implemented to further reduce the potential noise impacts.

Alternative C would cause increases in traffic and on-site noise during operation, but at a significantly reduced scale compared to Alternatives A and B due to the smaller development size and commercial



type. On-site operation noise would be barely audible off the Project Site and would only affect two identified sensitive receptor sites, 18 and 17 (see Figure 9 of **Appendix L** for projected noise contours and **Figure 3.11-2** for the sensitive receptor sites). Alternative C generated traffic noise, as can be seen in **Table 3.11-10**, would not exceed the significance thresholds for each study roadway segment and therefore would not negatively impact the sensitive receptors along these roadway segments. The operational noise and vibration impacts related to Alternative C would be less than significant.

**3.11.3.6 Alternative D – No Action Alternative**

Under the No-Action Alternative, the Project Site would remain undeveloped. With regard to noise, the Project Site would not be a source of construction noise. Operational noise due to the existing vineyard and residence would continue at similar levels to existing conditions. No noise impacts would occur under the No-Action Alternative.

**Table 3.11-10: Alternative C Operation Noise Increases at Existing Sensitive Receptors (2028)**

Roadway	From/To	Predicted DNL [dBA], Baseline	Predicted DNL [dBA], Baseline + Project	Predicted DNL [dBA], Increase	Significance Threshold	Threshold Exceeded?	Sensitive Receptors Present?
Shiloh Rd	Conde Ln/ Caletti Ave	55.9	55.9	0.0	5	No	Yes
Shiloh Rd	Caletti Ave/ US-101 SB Ramps	66.1	66.1	0.0	5	No	No
Shiloh Rd	US-101 SB Ramps/ US-101 NB Ramps	65.8	66.0	0.2	5	No	No
Shiloh Rd	US-101 NB Ramps/ Hembree Ln	66.0	66.3	0.3	5	No	No
Shiloh Rd	Hembree Ln/ Old Redwood Hwy	67.9	68.5	0.6	3	No	Yes
Shiloh Rd	Old Redwood Hwy/ Gridley Dr	61.6	63.2	1.6	5	No	Yes
Shiloh Rd	Gridley Dr/ Project Entrance East	61.4	62.8	1.4	5	No	Yes
Shiloh Rd	Project Entrance East/ East of Project Entrance	60.9	61.2	0.3	5	No	Yes
Old Redwood Hwy	North of Shiloh Rd/ Shiloh Rd	69.0	69.1	0.1	5	No	Yes
Old Redwood Hwy	Shiloh Rd/ Project Entrance	65.9	66.1	0.2	3	No	Yes
Old Redwood Hwy	Project Entrance/ South of Project Entrance	65.2	65.2	0.0	3	No	Yes

Source: **Appendix L**

## 3.12 HAZARDOUS MATERIALS AND HAZARDS

### 3.12.1 Regulatory Setting

The hazardous materials regulatory setting is summarized in **Table 3.12-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.12-1: Regulatory Policies and Plans Related to Hazardous Materials and Hazards**

Regulation	Description
<b>Federal</b>	
Resource Conservation and Recovery Act	<ul style="list-style-type: none"> <li>▪ Grants the USEPA the authority to manage hazardous waste throughout its life cycle, including storage, treatment, transportation, production, and disposal.</li> <li>▪ Establishes a management framework for non-hazardous solid wastes.</li> <li>▪ Authorizes the USEPA to respond to environmental problems related to underground hazardous substance storage tanks, including petroleum.</li> </ul>
Federal Food, Drug, and Cosmetic Act	<ul style="list-style-type: none"> <li>▪ Enables the USEPA to determine the maximum pesticide residue amount on food. Maximum limits are based on findings that the maximum limit will be reasonably safe in terms of accumulated exposure to the pesticide residue. For pesticides without a set maximum residue limit, the USEPA has the authority to seize these commodities.</li> </ul>
Federal Insecticide, Fungicide, and Rodenticide Act	<ul style="list-style-type: none"> <li>▪ Mandates that all pesticides sold or distributed be licensed with the USEPA; a pesticide cannot be licensed until it is proven that the pesticide will not generally cause unreasonable adverse effects on the environment if utilized in accordance with its specifications.</li> </ul>
Hazard Communication Standard	<ul style="list-style-type: none"> <li>▪ Ensures that information about chemical and toxic substance hazards in the workplace and associated protective measures are disseminated to workers exposed to hazardous chemicals, including labels, safety data sheets, and proper handling training for hazardous chemicals.</li> <li>▪ Chemical manufacturers and importers that produce and import chemicals are required to assess their products for hazards; safety data sheets and labels must be created with information that outlines the dangers of the products.</li> </ul>
Hazardous Substances Act	<ul style="list-style-type: none"> <li>▪ Necessitates that hazardous household products have precautionary labeling to alert consumers of hazards, proper storage, and immediate first aid steps in case of an accident.</li> <li>▪ Enables the Consumer Product Safety Commission to prohibit severely dangerous products and products with hazards that cannot be labeled accordingly to Hazardous Substances Act standards.</li> </ul>
Toxic Substance Control Act	<ul style="list-style-type: none"> <li>▪ Authorizes the USEPA with the authority to require record keeping, reporting, test requirements, and restrictions associated with certain chemical substances and/or mixtures.</li> <li>▪ Addresses the production, importation, use, and disposal of certain chemicals (e.g., lead paint).</li> </ul>

Regulation	Description
Emergency Planning and Community Right-to-Know Act	<ul style="list-style-type: none"> <li>▪ Requires industry to report on the use, storage, and release of hazardous substances to federal, state, and local governments.</li> <li>▪ Requires Indian tribes and state and local governments to utilize this information to prepare their communities for potential risks.</li> </ul>
National Fire Protection Association Codes and Standards	<ul style="list-style-type: none"> <li>▪ Codes and Standards to minimize the possibility and effects of fire and other risks including, but not limited to: sprinkler systems, fire alarms, parking structures, emergency response, and wildland fire protection</li> </ul>
<b>State</b>	
California Building Code	<ul style="list-style-type: none"> <li>▪ The California Building Code (CBC) includes Fire Code Elements to reduce wildfire impacts including Chapter 7A regarding building materials, systems, and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface Fire Area; as well as CBC Section 703A.7 that incorporates State Fire Marshal standards for exterior wildfire exposure protection.</li> </ul>
<b>Local</b>	
Sonoma County General Plan	<ul style="list-style-type: none"> <li>▪ The Public Safety Element contains goals, objectives, and policies to provide protection from wildland fire hazards</li> </ul>
Sonoma County Multijurisdictional Hazard Mitigation Plan	<ul style="list-style-type: none"> <li>▪ Includes measures to reduce risks from natural disasters, including wildfire, in the Sonoma County Operational Area.</li> <li>▪ Identifies that home loss in wildland fires is primarily driven by two equally important factors: 1) the vulnerability of buildings that make them prone to ignition, and 2) The vegetative fuels within 100 feet of structures (the area referred to as defensible space)</li> </ul>
Sonoma County Emergency Operations Plan	<ul style="list-style-type: none"> <li>▪ In accordance with California’s Standardized Emergency Management System (SEMS), this Plan provides the framework for a coordinated effort between partners and provides stability and coordination during a disaster.</li> <li>▪ Includes Evacuation Annex that outlines the strategies, procedures, and organizational structures to be used in managing coordinated, large-scale evacuations in the Sonoma County Operational Area.</li> <li>▪ Includes Community Alert and Warning Annex that establishes general and specific policies, procedures, and protocols for the use of Alert and Warning systems in the Sonoma County Operational Area during actual or potential emergencies that pose a significant threat to life or property</li> </ul>
Town of Windsor General Plan	<ul style="list-style-type: none"> <li>▪ The Town of Windsor General Plan Public Health and Safety Element contains goals and policies to provide protection from fire hazards.</li> </ul>
Town of Windsor Riparian Corridor Wildfire Fuel Management Plan	<ul style="list-style-type: none"> <li>▪ Describes the Town’s approach to managing riparian corridor vegetation on Town-owned property to reduce the probability of wildfire ignition and reduce the intensity and rate of spread of wildfires.</li> <li>▪ Includes creek and storm ditch fuel reduction treatment and best management practices.</li> </ul>

### 3.12.2 Environmental Setting

#### Hazardous Materials

A Phase I Environmental Site Assessment (ESA) was completed in August 2021 for the Project Site to determine if any Recognized Environmental Conditions (RECs) exist, and to satisfy one or more of the requirements for the innocent landholder defense to liability under the Comprehensive Environmental Response, Compensation, and Liability Act. Under the American Society for Testing and Materials (ASTM) Standard Practice E 1527-13, RECs are defined as the presence or probable presence of any petroleum products of hazardous substances in, on, or at a property due to one or more of the following conditions: a release into the environment, signs indicative of a release to the environment, or circumstances that pose a material threat of a future release to the environment. The Phase I ESA was prepared in accordance with the ASTM Standard Practice E 1527-13, and USEPA Final Rule regarding Standards and Practices for All Appropriate Inquiries (70 Federal Register 66070, November 1, 2005; 40 CFR Regulations Part 312). In addition to RECs, the Phase I ESA assessed for Historical RECs (HRECs) and Controlled RECs (CRECs). Under ASTM Standard Practice E 1527-13, HRECs are past RECs that have already been remediated or meet current standards without remediation, do not require use restrictions or engineering controls, or meet current standards. RECs may be defined as CRECs if the REC uses restrictions or engineering controls (**Appendix M**). The Phase I ESA conducted historical research that included reviewing aerial photographs and topographical map, interviews, a site reconnaissance of accessible areas on the Project Site on July 1, 2021, and database review that included regulatory, State, and local databases entries up to a one-mile radius of the Project Site.

The Phase I ESA concluded that no RECs, HRECs, or CRECs were connected with the Project Site. During the on-site reconnaissance visit of the Project Site, no RECs, HRECs, or CRECs were observed related to hazardous materials, hazardous waste, or chemical use, storage, or disposal. Onsite features during the visit included vineyards, one residence, one storage building, one septic system, one solar panel array, four wells, and one dry creek. The Project Site did not appear on any regulatory agency lists, and none of the listed sites near the Project Site were considered able to affect the Project Site. Ultimately, the regulatory records did not reveal any RECs, HRECs, or CRECs. The property owner was interviewed regarding the past and current use of the Project Site. The interview stated that vineyard equipment and chemicals used for the vineyard operations are not stored on the Project Site; the storage building south of the residence stores equipment and chemicals for the Project Site's domestic use. The one irrigation well south of the residence is powered by propane; all other irrigation wells and the domestic well are powered by electricity. The septic system inspection reports indicate the system is functioning properly. The Project Site has never had aboveground or underground fuel or oil storage tanks, waste pits or lagoons, or chemical spills; and prior to the current ownership, portions of the Project Site were used to grow prunes and occasionally graze cattle. No RECs, HRECs, or CRECs were reported relative to hazardous materials, hazardous waste, or chemical use, storage, or disposal. Finally, historical photographs and topographical maps revealed a consistent agricultural use since 1920 with primarily orchards and then later vineyards, which is consistent with the information provided by the Project Site owner (**Appendix M**). For additional information on the findings of the Phase I ESA and methodology, please see **Appendix M**.

## Wildfire

### *CalFire Fire Hazard Severity Zones*

California Department of Forestry and Fire Protection (CalFire) has assessed the wildland fire hazard in different areas of the County based on a consideration of wildland fuels, terrain, weather, and other relevant factors. Wildland fuels or vegetation are the basic catalyst that supports the combustion process of wildfires. The various fuels have specific characteristics that allow fire behavior analysts to categorize them based on how they burn (Sonoma County, 2020). **Figure 3.12-1** shows the CalFire fire hazard severity zone (FHSZ) according to the Fire and Resource Assessment Program (FRAP) mapping system (CAL FIRE, 2022). As shown on **Figure 3.12-1**, areas east of the Project Site are categorized as Moderate FHSZ, which includes wildland areas of low fire frequency supporting modest fire behavior and developed/urbanized areas with a very high density of non-burnable surfaces and low vegetation cover that is highly fragmented and low in flammability (Sonoma County, 2020). Sonoma County Wildfire Risk Index

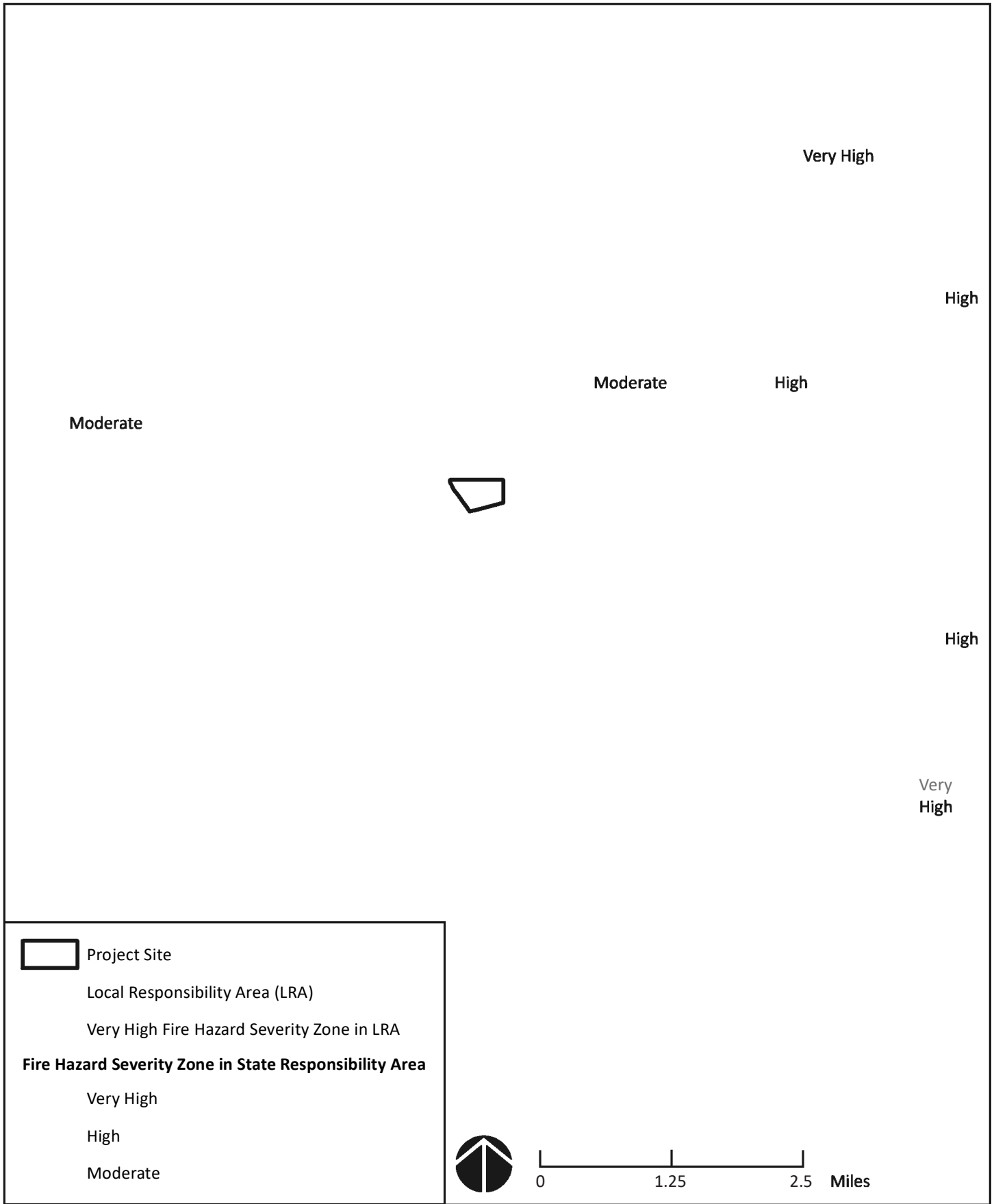
The County Wildfire Risk Index (WRI) is a model that predicts relative wildfire risk based on the County Wildfire Hazard Index, Ember Load Index, structure density, and road network rank (Sonoma County, 2022b). The WRI ranks wildfire risk potential in 100-acre hexagons for the County from a scale of 1 (low) to 5 (extreme). **Figure 3.12-2** shows the County WRI ranking for the Project Site and surrounding area. As shown on **Figure 3.12-2**, the Project Site is primarily designated as 3 (high) wildfire risk. The County's WRI for the area surrounding the Project Site is primarily designated 2 (moderate) and 3 (high) wildfire risk, with some areas to the northeast and southeast ranked 4 (very high).

### *Regional Wildfire History*

The combination of highly flammable fuel, long dry summers and steep slopes creates a significant natural hazard of large wildland fires in many areas of Sonoma County. Since 1964, there have been 14 wildland fires in the County over 300 acres in size which burned a total of over 125,000 acres (Sonoma County, 2020). The most notable fires near the Project Site in the last ten years are the Tubbs Fire and Kincade Fire. Tubbs Fire burned during the month of October 2017 and is the fourth deadliest wildfire in California history, burning approximately 37,000 acres, destroying more than 5,600 structures, and killing 22 people. The Kincade Fire burned from October 23, 2019, to November 6, 2019. By the time of full containment, it had destroyed approximately 374 structures and burned approximately 77,800 acres. The Tubbs and Kincade fires burned northeast and east of the Project Site, with the closest reaches extending just east of the intersection of E. Shiloh Road and Faught Road, approximately 0.3 miles east of the Project Site (**Figure 3.12-2, Appendix N-1**).

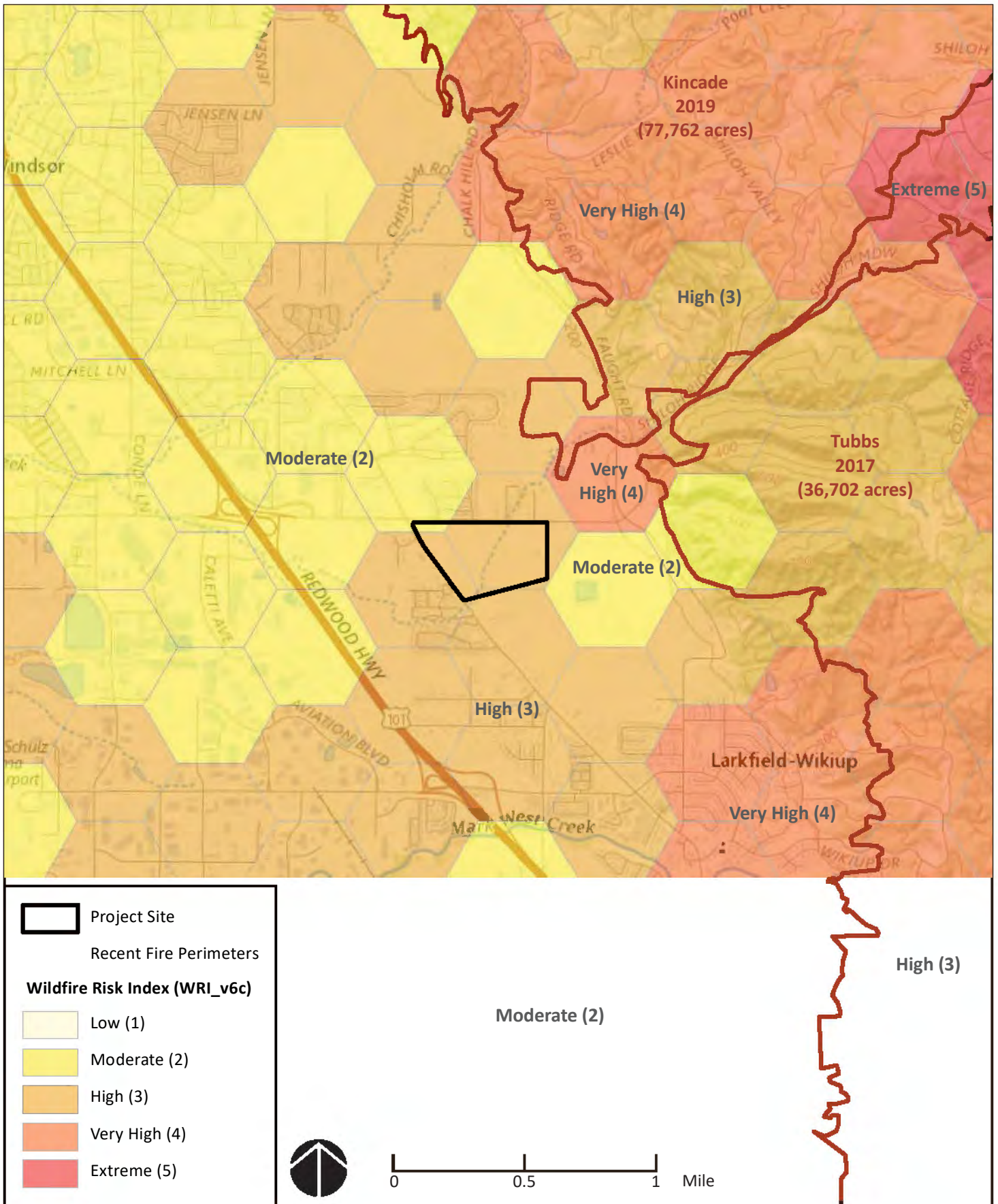
### *County Wildfire Hazard Mitigation Strategies*

Primary responsibility for preventing and suppressing wildland fires in the County is divided between local firefighting agencies and the State. Local firefighting agencies have the primary responsibility in areas designated within a Local Responsibility Area (LRA). Wildfire management and hazard mitigation in the County are guided by various plans including, but not limited to, the Sonoma County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP), adopted in 2021 (Sonoma County, 2022c); the Sonoma County Emergency Operations Plan (EOP), adopted in March 2022 (Sonoma County, 2022d); and Sonoma County Community Wildfire Protection Plan (CWPP), originally adopted in 2016 and updated in 2023 (Sonoma County 2023). CalFire has the primary responsibility in those areas designated as a State Responsibility Area (SRA). The majority of the County is in the Sonoma-Lake-Napa Unit SRA, and fire management efforts are guided by the Sonoma Lake Napa Unit Fire Management Plan (Sonoma County, 2020).



Source: CAL FIRE Office of the State Fire Marshal

**FIGURE 3.12-1**  
FIRE HAZARD SEVERITY ZONES



Source: County of Sonoma, CAL FIRE - FRAP

**FIGURE 3.12 2**  
**COUNTY WILDFIRE RISK INDEX**

As shown in **Figure 3.12-1**, the Project Site and adjacent properties are within the LRA, while areas to the east are within the SRA.

Since the Tubbs Fire of 2017, Sonoma County has augmented systems and methodologies for alerts and evacuations by developing and publicizing evacuation zones and increasing the means for delivery of evacuation notification. Additionally, Many Sonoma County communities, through programs such as Citizens Organized to Prepare for Emergencies (COPE) have organized to help notify their neighborhoods of emergencies (Sonoma County, 2022c). Some of public education steps include:

- **Red Flag Warnings.** A Red Flag Warning is the highest level of alert for critical weather related to wildfires. The County and most cities post information on fire weather and Red Flag Warnings on their websites. Most fire stations in the County display messages or actual red flags during red flag days (**Appendix N-1**).
- **Fire Cameras.** There are dozens of fire cameras now installed in the north bay, which includes the County. The purpose of these cameras is to quickly discover, locate, and confirm the ignition of a fire. They assist first responders in providing response resources and enhanced situational awareness to assist with evacuations. These cameras are available to be viewed by the public at <https://www.alertwildfire.org/> (**Appendix N-1**).
- **Alerts.** The County has significantly increased their public education efforts for emergency alerts for its residents and visitors. Examples of those alerts are Wireless Emergency Alert (WEA), SoCoAlert, Nixle, and National Oceanic and Atmospheric Administration (NOAA) weather radio, as well as Emergency Related Apps and Websites<sup>4</sup>. A description of each of these emergency alert and warning notification systems is provided in **Appendix N-3**. These alerts work with mobile and home phones and work independent of telephones while providing weather and emergency alerts (**Appendix N-1**).
- **Evacuation Zone Maps.** The Sonoma County Sheriff's Office and the Emergency Management Department have developed zones within the unincorporated area of the County to help manage any emergency evacuation. The unincorporated portion of the County is broken into numerous evacuation zones. When a disaster occurs and evacuations are needed, the County officials would use these zone maps to determine areas needing evacuation. The areas determined to need evacuations would be provided with information through the emergency alerts and local media outlets. The Project Site is in Sonoma County Zone #SON-3C1 (**Figure 3.12-3; Appendix N-1**).

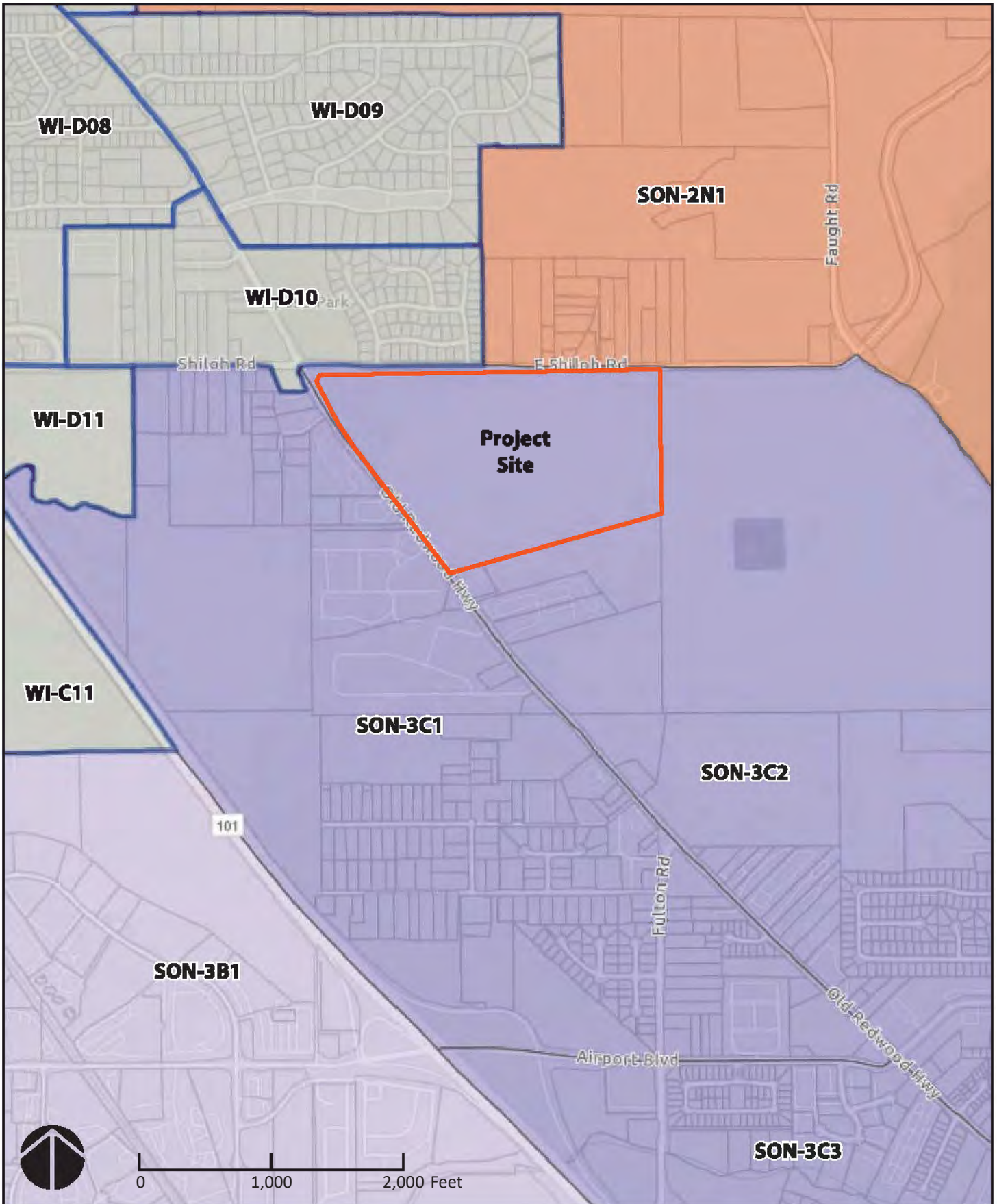
### *On-Site Wildfire Risk*

The Project Site currently has an active vineyard operation with fruit trees, a single-family dwelling, and miscellaneous outbuildings for the vineyard operation. This Project Site is relatively flat with very little change in slope or topography and Pruitt Creek and associated riparian area intersecting through the middle of the property. There is very limited flammable vegetation on the Project Site due to the planted rows of grapevines (**Appendix N-1**). Other than the riparian area along Pruitt Creek, the entire site is essentially free of any dense brush, hardwoods, or timber fuels that could intensify a wildfire.

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<sup>4</sup> These websites include, but are not limited to, the Sonoma County Emergency Readiness, Response and Recovery at <https://socoemergency.org/>; and the Town of Windsor Emergency Information at: <https://www.townofwindsor.com/1116/Emergency-Information>





Source: Sonoma County

**FIGURE 3.12-3**  
EVACUATION ZONE MAP

### 3.12.3 Impacts

#### 3.12.3.1 Assessment Criteria

Impacts associated with hazardous materials include a potential release of hazardous materials and improper hazardous material management. A project would be considered to have significant hazardous material impacts if the site had existing hazardous materials onsite that would require remediation or mitigation prior to development of a project. Additionally, if a project results in the use, handling, or generation of a controlled hazardous material that the regulated amount would increase the potential risk of exposure that results in the reduction in the quality or loss of life, then the project would have a significant impact.

A project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area. This includes, but is not limited to, building in a high-risk fire zone without project design measures to reduce inherent wildfire risk, increasing fuel loads, exacerbating the steepness of the local topography, introducing uses that would increase the chance of igniting fires, eliminating fire barriers, inhibiting local emergency response to or evacuation routes from wildfires, and conflicting with a local wildfire management plan.

#### 3.12.3.2 Alternatives A– Proposed Project

##### *Hazardous Materials*

As described in **Section 3.12.2**, no existing hazardous materials have been identified on or within a 1.0-mile radius of the Project Site that would affect Alternatives A (**Appendix M**). Described below are construction and operation-related impacts related to hazardous materials.

##### Construction

Hazardous materials used during construction may include gasoline, diesel fuel, motor oil, hydraulic fluid, solvents, cleaners, sealants, welding flux, various lubricants, paint, paint thinner, and other products. As with any liquid and solid, during handling and transfer from one container to another or general usage, the potential for an accidental release exists. Depending on the relative hazard of the material, if a spill were to occur of significant quantity, the accidental release could pose both a hazard to construction employees as well as to the environment. Construction BMPs required within the NPDES General Construction Permit limit and often eliminate the impact of such accidental releases. Since contact with stormwater during construction is the primary means of transporting these contaminants offsite, appropriate BMPs for this impact are included in the construction stormwater BMPs in **Table 2.1-3**. With the implementation of these BMPs and compliance with federal laws relating to the handling of hazardous materials, no adverse effects associated with the accidental release would occur during construction.

Undiscovered contaminated soil could be present on the Project Site, but this is not anticipated because there are no records of hazardous material incidents as described above. Furthermore, the Phase I ESA indicated no observations were made onsite to imply the presence of hazardous material contamination. In the unlikely case that construction personnel do encounter contaminated soil of any type prior to or during earth-moving activities, a significant hazardous material impact would exist. However, the BMP listed in **Table 2.1-3** would minimize the possible hazards associated with existing contamination. Implementation of this BMP would further reduce the potential for Alternatives A to result in significant adverse effects associated with hazardous materials.

### Operation

Alternative A would utilize hazardous materials in varying quantities and capacities that would depend on the project component. The following describes the potential hazardous material risks from each major component of the Alternative A. Provisions included in the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) regulations require documentation of potential risks associated with the handling, use, and storage of flammable and toxic substances under the Hazard Communication Standard. OSHA regulations codified in 29 CFR Part 1910 are applicable to the Project Site.

For the on-site emergency generators for Alternative A, diesel fuel storage tanks would be required. BMPs incorporated into the Proposed Project include the following measures listed in **Table 2.1-3**: storage tanks would comply with the National Fire Protection Association standards for aboveground storage tanks and have secondary containment systems; and materials used for the emergency generators would be handled, stored, and disposed of according to federal and manufacturer's guidelines. They would not require uncommon storage, handling or disposal that would induce issues, and the transportation of the diesel would be infrequent and would not create a potential hazard to the public.

The WWTP would require a limited quantity of chemicals to function, which could include liquid chlorine and liquid muriatic acid or dry granular sodium bisulfate. Only qualified personnel would handle these chemicals according to the manufacturer's guidelines and they would be stored within a secure storage facility. During transportation of these chemicals, no adverse effects are anticipated due to the small quantities, and they would be transported according to applicable regulations.

The maintenance of on-site landscaping would require the transportation, storage, and use of pesticides and fertilizers. If these pesticides were handled inappropriately, then this could pose a potential risk to on-site persons and the environment. Inappropriate handling could happen during transportation, storage, or application. However, the probability of this occurring is minute because appropriate regulations and the manufacturer's guidelines for each hazardous material would be followed. Therefore, the risk to on-site persons and the environment is not significant.

Other hazardous materials used for Alternative A would be primarily for the operation and maintenance of the casino, hotel, and other project facilities. These would include, but are not limited to, motor oil, hydraulic fluid, solvents, cleaners, lubricants, paint, and paint thinner. All hazardous materials would be stored, handled, and disposed of according to federal and manufacturer's guidelines. Waste would also be produced as a result of operation, but this waste would be usual for commercial facilities. In addition to the waste from the commercial facilities on-site, the WWTP treatment plant would also produce biosolids that would require disposal. These biosolids would be dewatered before disposal offsite at a landfill that accepts biosolids. The Central Disposal Site is permitted to accept biosolids and is located approximately 15.3 miles south of the Project Site. For additional information on biosolid disposal and the Central Disposal Site, please refer to **Section 3.10**. For all solid waste produced on the site, manufacturer's guidelines would be followed for the storage, handling, and off-site disposal in addition to adhering to applicable federal and State regulations. Therefore, Alternative A would not result in significant adverse effects related to the waste produced or hazardous materials used.

### ***Wildfire Risk***

#### Construction Fire Ignition Risk

During construction, the operation of equipment could create sparks or fire that could ignite the sparse vegetation on the Project Site. Examples of construction equipment that could ignite a fire and thus

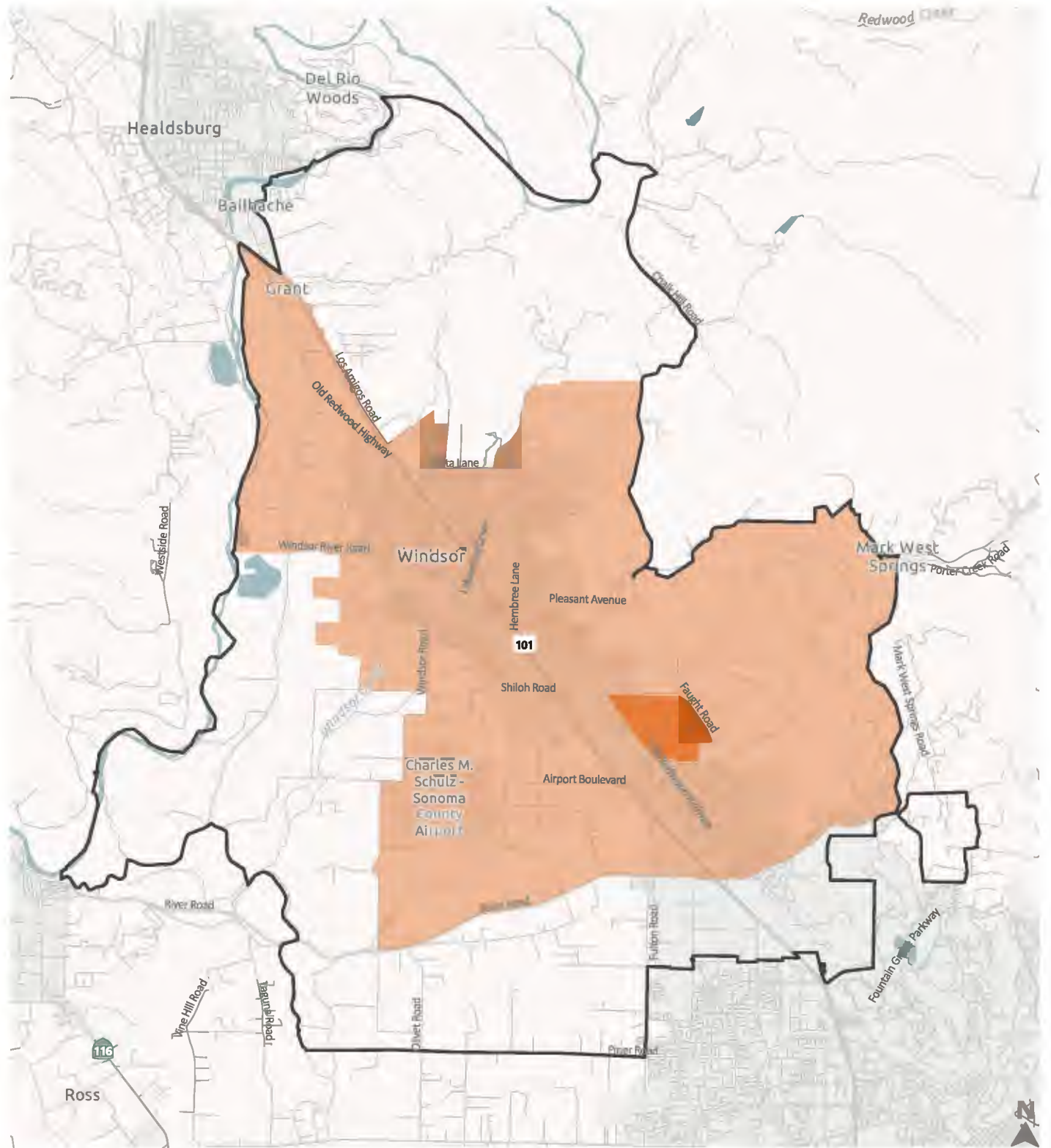
increase risk include power tools and acetylene torches. However, implementation of BMPs in **Table 2.1-3** would reduce the probability of igniting a fire during construction. These BMPs include the prevention of fuel being spilled and putting spark arresters on equipment having the potential to create sparks. Therefore, construction of Alternative A would not increase wildfire risk onsite or in the surrounding area.

#### Wildfire Evacuation

The Sonoma County Operational Area EOP Evacuation Annex outlines the strategies, procedures, and organizational structures to be used in managing coordinated, large-scale evacuations in the Sonoma County Operational Area. As described therein, the nature and timing of evacuation orders for a particular event are based on a number of considerations including, but not limited to, the nature and severity of impact, area affected and likely to be affected, expected duration of the incident, number of people to be evacuated, time available for evacuation, and impediments to and capacity of evacuation routes. Therefore, analysis of a future evacuation event is inherently speculative. In the case of the Tubbs Fire, evacuations occurred with little warning as the Tubbs Fire was driven by high winds. In the case of the Kincade Fire, evacuations in other communities like Windsor and Santa Rosa occurred with some warning time as the Kincade Fire had started near Geyserville a few days prior and eventually spread through Sonoma County.

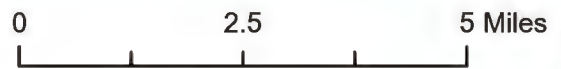
For the purposes of evaluating the potential effect of Alternative A on evacuation timing, an Evacuation Travel Time Assessment (ETTA; **Appendix N-2**) was conducted based on circumstances similar to what occurred during the Tubbs Fire in 2017, referred to as the “No Notice Scenario”, and the Kincade Fire in 2019, referred to as the “With Notice Scenario”, under both “2028 No Project” and “2028 Plus Project” conditions.

In the No Notice Scenario, it is assumed that a rapidly spreading wildfire requires the simultaneous evacuation of all land uses within the evacuation zone shown on **Figure 3.12-4** without notice. This scenario is conservative because, as described in **Section 3.12.2**, since the Tubbs fire, the County has augmented systems and methodologies for alerting and evacuating by developing and publicizing more refined evacuation zones and increasing the means for delivery of evacuation notification. These advancements include community fire preparedness education efforts, establishment of advanced Alert and Warning Systems, establishment of Pre-determined Evacuation Zones, and the installation of early detection devices such as wildfire cameras to reduce the risk of “no notice” events and enhance life-safety through orderly evacuations. The wildfire camera system consists of cameras on mountaintops that can detect a wildfire from a distance, locate and mark the wildfire, and the direction of travel. The system immediately notifies dispatchers and emergency officials and provides situational awareness of where the fire is. In addition, since the 2017 Tubbs Fire, Sonoma County has defined pre-determined evacuation zones to enable a methodical approach to move people out of areas in case of an emergency. Since the 2017 Tubbs Fire, Sonoma County has employed a philosophy of early and wide evacuations to protect life and safety and enable firefighters to have the ability to fight the fire with people out of the area. Additionally, more aggressive firefighting tactics are being applied at the onset of a fire. For example, strike teams and firefighting aircraft are routinely dispatched to small fires to prevent the fire from spreading. These philosophies have been applied several times in the County since the Tubbs Fire, which has resulted in no deaths and less property damage. Further, Pacific Gas & Electric has developed other protection measures since the 2017 Tubbs Fire, such as: Public Safety Power Shutoffs (PSPS) and Enhanced Powerline Safety Settings (EPSS). PSPS’ are when Pacific Gas and Electric intentionally shuts off the power in an area because of high-risk fire weather, such as red flag warnings, to prevent a downed line from starting a fire. These shut offs have become a tool to prevent wildfires. EPSS’ are designed to prevent fires in the event of a fault in a power line. These enhanced settings shut down power in an area immediately



**Legend**

- Study Area
- Project Zone
- Evacuation Zone



Source: Fehr & Peers, Sonoma County, Evacuation Area, EOC

**FIGURE 3.12-4**  
EVACUATION ZONE FOR NO NOTICE SCENERIO

upon a line integrity issue, such as a fallen tree bringing a power line down. A No Notice Scenario is conservatively included in the analysis due to concerns raised by the public during scoping; however, the enhanced safety measures and procedures in place today significantly lower the chances of another No Notice Scenario, similar to the 2017 Tubbs Fire, from occurring.

In the With Notice Scenario, it is assumed that there would be some knowledge of a wildfire burning in the direction of the study area before an evacuation order or warning was issued. Using the designated evacuation zones in the Kincade Fire timeline and maintaining the same mandatory evacuation time differences, two evacuation phases were assumed. These evacuation zones are shown on **Figure 3.12-5**. To maximize the potential for Alternative A to impact evacuation times under both scenarios, the ETТА assumed that an evacuation order would be issued at 4:30 PM (the afternoon peak hour of typical travel) on the Friday before Labor Day (when wineries are in the harvest period, and the Friday before a major holiday weekend). This assumption has a theoretical maximum background utilization of the study area’s roadway network, with limited remaining capacity to accommodate the evacuation demand of Alternative A. For additional information on the methodology for the ETТА, please see **Appendix N-2**.

The results of the ETТА, summarized in **Table 3.12-2**, indicate the modeled amount of time to clear the study area of evacuation demand under the 2028 No Project and 2028 Plus Project (Alternative A) conditions. The analysis assumes that the total number of evacuating vehicles is equal to the total number of parking spaces available on the Project Site, including the overflow parking area, (5,110) plus an additional 5% to reach the conservative estimate of 5,367 vehicles that would need to evacuate from the Project Site. This is considered an extremely conservative analysis as a marketing assessment estimates that the expected maximum occupancy at the casino-resort would be approximately 2,450 vehicles (less than half of the number of vehicles assumed to evacuate in **Appendix N-2**). Regardless, the increase in evacuation times as a result of the operation of Alternative A is a potentially significant impact.

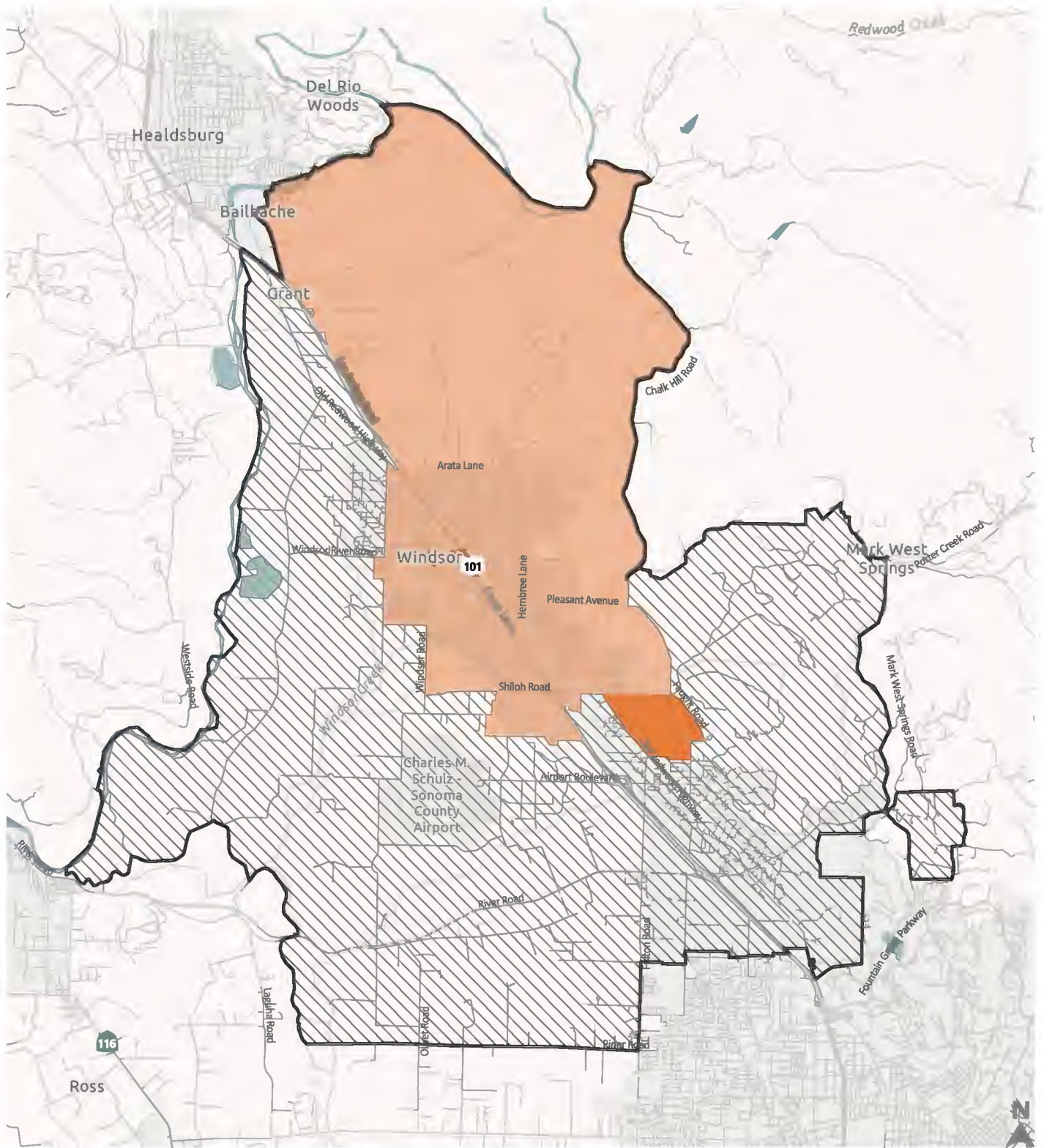
**Table 3.12-2: Evacuation Time Results (2028)**

Scenario	No Project (minutes)	Plus Project (minutes)	Percent Change
No Notice	210	270	+29%
With Notice	195	300	+54%





Source: **Appendix N-2**

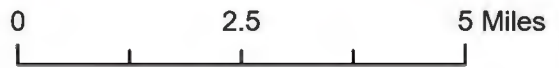
The ETТА also estimated the evacuation time for just Alternative A while maintaining the rest of the With Notice Scenario assumptions, such as the level of background traffic and the evacuation destinations. The results of this 2028 Project-only evacuation travel time analysis shows that Alternative A would need a maximum of 52 minutes to evacuate 5,367 vehicles from the study area shown on **Figure 3.12-5**. Thus, if the Project Site began evacuating about one hour ahead of other zones, the vehicle demand generated by Alternative A would have exited the study area before neighboring evacuation zones are ordered to evacuate.

Mitigation is included in **Section 4**, which includes implementation of the Evacuation Mitigation Plan included in **Appendix N-4**, as well as recommendations from evacuation experts included in **Appendix N-1**, and **Appendix N-3**. The Evacuation Mitigation Plan presents two options to relieve evacuation traffic: Option 1) Creation of a Trigger Evacuation Zone; and Option 2) Creation of a Pre-Determined Evacuation Zone. Option 1 consists of a procedure to initiate a mandatory evacuation of the Project Site as soon as evacuation zones within a designated “Trigger Evacuation Zone”, shown in **Figure 3.12-6**, are issued an evacuation warning or order. The Trigger Evacuation Zone was determined by analyzing the ETТА, including the 2028 Project-only evacuation time travel analysis; reviewing past fire behavior and the



**Legend**

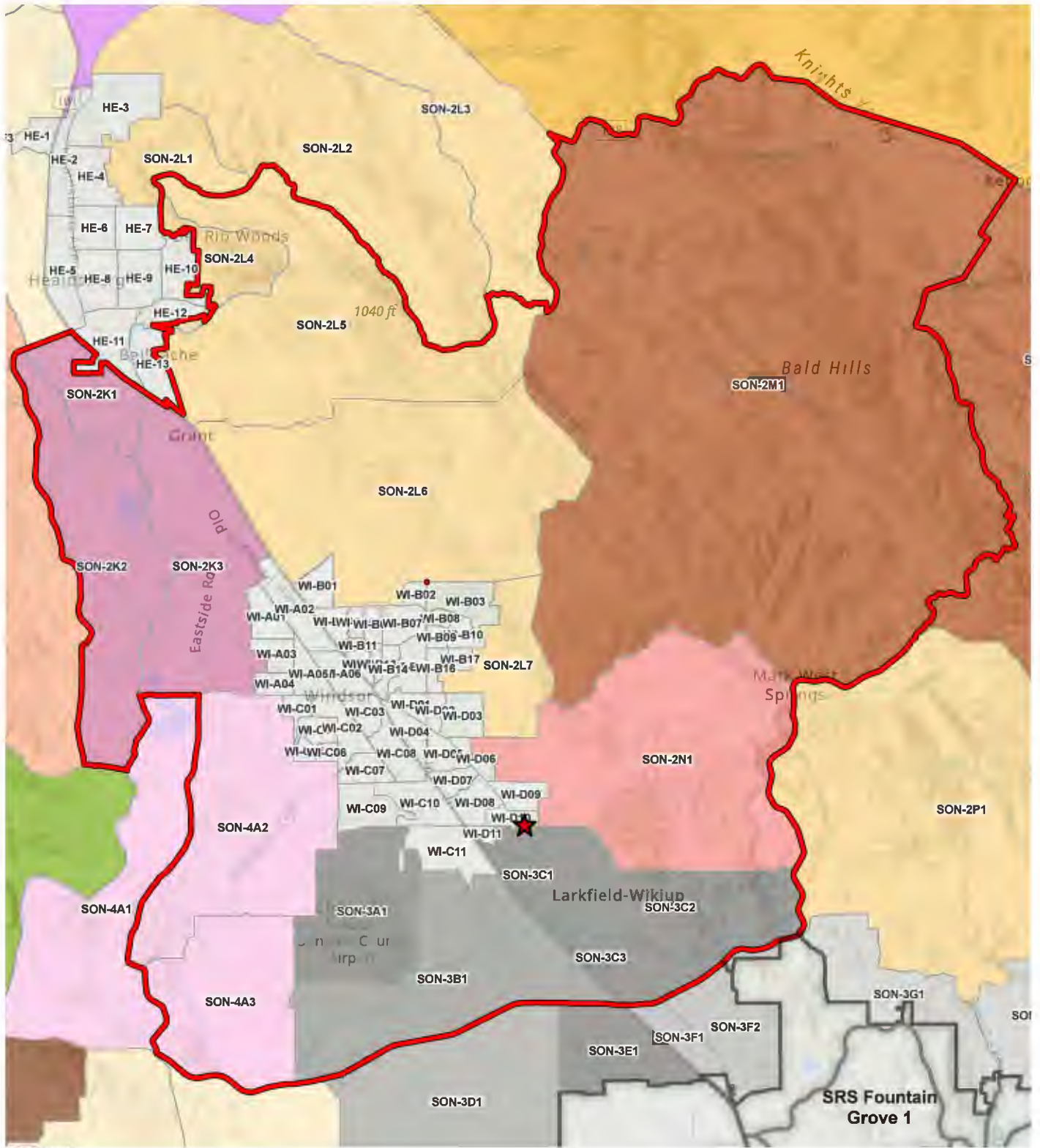
-  Study Area
-  Project Zone (Phase 1)
-  Phase 1 Evacuation Zone
-  Phase 2 Evacuation Zone



Source: Fehr & Peers, Sonoma County, Evacuation Area, EOC

**FIGURE 3.12-5**

**EVACUATION ZONE FOR WITH NOTICE SCENERIO**



**Legend**

★ Project Location	1G	2K	3A	3F	HE/WI
Trigger Evacuation Zone	2E	2L	3B	3G	
	2F	2M	3C	3D	
	2G	2N	3E	4A	
	2J	2P		4B	
				4C	

0 1 2 Miles



Source: CAS Safety, Sonoma County, Evacuation Area, EOC

**FIGURE 3.12-6**  
**TRIGGER EVACUATION ZONE**



timing of evacuations by zones; and understanding how today’s emergency managers would likely proceed with evacuations with the current pre-determined evacuation zone system. Option 2 consists of the creation of a pre-determined evacuation zone specific to the Project Site. This would facilitate the ability of the County’s Emergency Officials to determine the most appropriate time to issue an evacuation order of the Project Site zone based on their situational awareness during a disaster, understanding the population of the casino, and other pre-determined evacuation zones. Under the With Notice Scenario, these tactical procedures would minimize the potential for project-related evacuation traffic to coincide with community wide evacuation orders, thereby minimizing the potential for Alternative A to contribute to traffic congestion and increased community-wide evacuation timelines.

With mitigation, the Project Site is intended to be evacuated early and before community wide evacuation, to minimize the potential for increase evacuation timelines. Additionally, the Tribe would coordinate with Sonoma County and the Town of Windsor on their respective emergency operation plans and implement or contribute to the implementation of measures intended to improve early detection of wildfire events, and evacuation times for the Project Site and vicinity. These measures would improve the ability of the County to rapidly identify and respond to wildfire events, even further reducing the potential for a “No Notice” scenario. With implementation of the mitigation measures included in **Section 4**, Alternative A would not significantly inhibit local emergency response to or evacuation from wildfire or conflict with a local wildfire management plan.

### **3.12.3.3 Alternative B – Reduced Intensity Alternative**

#### *Hazardous Materials*

Alternative B would have similar hazardous material risks as Alternative A during construction, but the risks would be reduced due to the smaller building scale of the project. Similar to Alternative A, BMPs in **Table 2.1-3** would reduce these potential risks to less than significant. Operation of Alternative B would have similar hazardous material usage, handling, storage, and disposal as Alternative A because the proposed building components would require similar chemicals for its facilities. As with Alternative A, all hazardous materials used during operation would be handled, stored, and disposed of according to federal and manufacturer’s guidelines; therefore, no adverse effects regarding hazardous materials would occur during operation of Alternative B.

#### *Wildfire Risk*

While the risk of wildfires under Alternative B would be similar to Alternative A, potential effects to evacuation timelines would be slightly reduced as the maximum number of potential persons on the Project Site would be reduced. With the implementation of project design features to reduce inherent wildfire risk described in **Section 2.2**, BMPs listed in **Table 2.1-3**, and mitigation measures in **Section 4**, construction or operation of Alternative B would not increase wildfire risk onsite or in the surrounding area or significantly inhibit local emergency response to or evacuation from wildfire.

### **3.12.3.4 Alternative C – Non-Gaming Alternative**

#### *Hazardous Materials*

Alternative C would have similar hazardous material risks as Alternatives A and B during construction, but the risks would be reduced due to the smaller building scale of the project. Similar to Alternatives A and B, BMPs in **Table 2.1-3** would reduce these potential risks to less than significant.

Operation of Alternative C would have similar hazardous material usage, handling, storage, and disposal as Alternatives A and B because the proposed building components would require similar chemicals for its facilities. In addition to these chemicals, agricultural maintenance chemicals would be needed under Alternative C due to the vineyards. However, the agricultural maintenance would be stored, handled, and disposed of in a similar manner as the landscape maintenance chemicals described under Alternatives A and B. As with Alternatives A and B, all hazardous materials used during operation would be handled, stored, and disposed of according to federal and manufacturer’s guidelines; therefore, no adverse effects regarding hazardous materials would occur during operation of Alternative C.

The one building component that would require different hazardous materials than described under Alternatives A and B is the winery. While limited hazardous materials are utilized during wine production, some can be classified as “Irritants” according to their material safety data sheets, such as certain yeasts and wine additives. Hazardous chemicals that may be present during wine production are sulfur dioxide, diatomaceous earth, carbon dioxide, caustic cleaners, ozone, anhydrous ammonia, copper sulfate, and carbon monoxide (CO) (University of Washington, n.d.). However, wine production would be required by OSHA to train the wine workers to properly handle, store, and use these substances, and manufacturer guidelines would be utilized. This would reduce the potential risk of hazardous material mismanagement. No members of the public would be permitted in the winery without supervision and would therefore not be exposed to unsafe levels of hazardous materials. Hence, the hazardous material risk from operation of Alternative C would be less than significant.

**Wildfire Risk**

While the risk of wildfires under Alternative C would be similar to Alternative A, potential effects to evacuation timelines would be reduced as the maximum number of potential persons on the Project Site would be reduced. With the implementation of project design features to reduce inherent wildfire risk described in **Section 2.3**, BMPs listed in **Table 2.1-3**, and mitigation measures in **Section 4**, construction or operation of Alternative C would not increase wildfire risk onsite or in the surrounding area or significantly inhibit local emergency response to or evacuation from wildfire.

**3.12.3.5 Alternative D – No Action Alternative**

No development would occur under Alternative D, and the Project Site would remain in its undeveloped state. No impacts associated with hazardous materials or hazards would occur under Alternative D.

**3.13 VISUAL RESOURCES**

**3.13.1 Regulatory Setting**

The visual resources regulatory setting is summarized in **Table 3.13-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.13-1: Regulatory Policies and Plans Related to Visual Resources**

Regulation	Description
<b>Local</b>	
Sonoma County General Plan 2020	<ul style="list-style-type: none"> <li>▪ The Sonoma County General Plan contains goals, objectives, and policies to guide development within the County.</li> </ul>

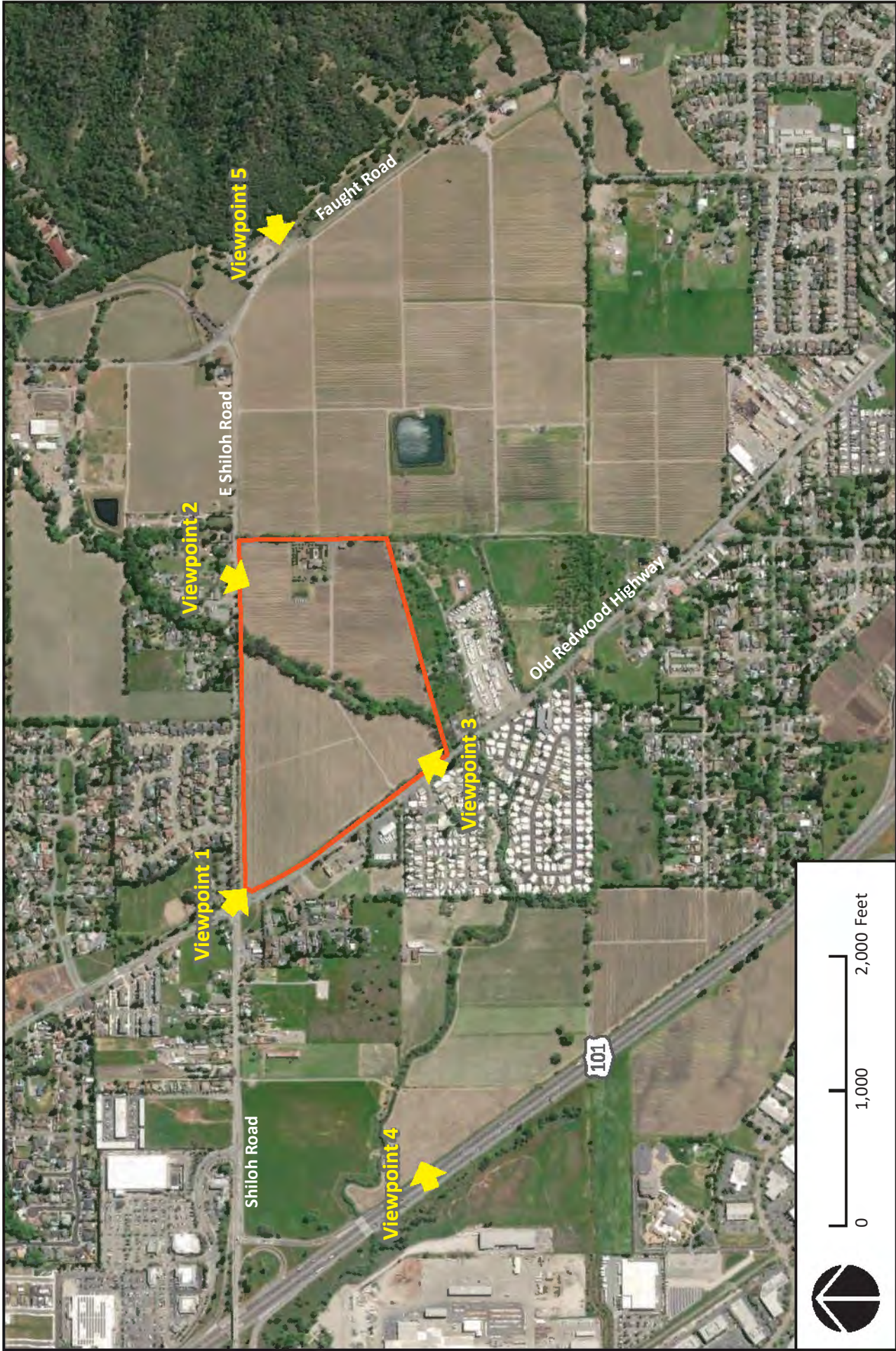
Regulation	Description
	<ul style="list-style-type: none"> <li>▪ The Open Space and Resource Conservation Element intends to preserve the unique rural and natural character of Sonoma County for residents, businesses, visitors, and future generations.</li> </ul>
<p>Sonoma County Code of Ordinances</p>	<ul style="list-style-type: none"> <li>▪ The Code of Ordinances includes specific development criteria for Community separators and scenic landscape units including encouraging the siting of new construction in inconspicuous areas, as well as the use of vegetation and natural landforms for visual screening. Additionally, the development criteria include clustering buildings, height limitations, and limited cut and fill.</li> </ul>
<p>Dark-Sky Association’s Model Lighting Ordinance</p>	<ul style="list-style-type: none"> <li>▪ The International Dark-Sky Association and the Illuminating Engineering Society of North America have developed a Model Lighting Ordinance to address the need for strong, consistent outdoor lighting regulation in North America.</li> </ul>

### 3.13.2 Environmental Setting

The Project Site is generally flat with elevations ranging from approximately 135 to 160 feet amsl), and views of the site are of an operating vineyard surrounded by trees, the riparian area along Pruitt Creek which bisects the property (which includes a mixture of very tall mature trees, perennials, and ferns), and the rural residential home.

The Project Site is visible from multiple vantage points, which are generally represented by the viewpoints identified in **Figure 3.13-1** and described as follows:

- **Viewpoint 1:** View experienced from the corner of Old Redwood Highway and E Shiloh Road. Mature trees can be seen along the Project Site boundary, with vineyard areas dominating the foreground and large trees along Pruitt Creek riparian corridor in the background.
- **Viewpoint 2:** View experienced from E Shiloh Road between Old Redwood Highway and Faught Road. Vineyard areas can be seen dominating the foreground, with large trees along the southern Project Site boundary in the background as well as large trees along Pruitt Creek riparian corridor to the right.
- **Viewpoint 3:** View experienced from Old Redwood Highway, south of Shiloh Road. Vineyard areas can be seen dominating the foreground, with large trees along Pruitt Creek riparian corridor to the right. Several mature trees are visible along Old Redwood Highway, on the western Project Site boundary.
- **Viewpoint 4:** View experienced from Highway 101 facing east toward the Project Site. Vineyard areas can be seen dominating the foreground, and mature trees and rolling hills are visible in the background.
- **Viewpoint 5:** View experienced from Shiloh Ranch Regional Park facing west toward the Project Site. Mature trees and a grassy park area with picnic tables dominate the foreground. Faught Road and vineyards are visible in the midground, followed by mature trees and rolling hills in the background.



**FIGURE 3.13-1**  
VIEWPOINT MAP

Source: ESRI

Sensitive receptors that currently experience views of the Project Site include:

- Residential areas primarily to the north and west of the Project Site. Given the flat topography of the areas, views of the site are mostly limited to the residential homes directly adjacent to Shiloh Road, and Old Redwood Highway, as well as a single-family rural home located adjacent to the southeast corner of the site. Represented by Viewpoints 1, 2 and 3 in **Figure 3.13-1**.
- Travelers on nearby local roadways, including Old Redwood Highway and Shiloh Road. Represented by Viewpoints 1, 2, and 3 in **Figure 3.13-1**.
- Travelers on Highway 101. Represented by Viewpoint 4 in **Figure 3.13-1**.
- Hikers and/or other recreationalists visiting the Shiloh Ranch Regional Park or Esposti Park. Represented by Viewpoints 1 and 5 in **Figure 3.13-1**.

Scenic resources surrounding the Project Site include views of the Coast Range to the northwest, views of neighboring vineyards directly east of the Project Site, and views of Shiloh Ranch Regional Park beyond the eastern vineyards. There are no designated State scenic highways in the vicinity of the Project Site.

### 3.13.3 Impacts

#### 3.13.3.1 Assessment Criteria

Assessing the impacts of a project on visual resources is in large part subjective by nature. Impacts related to visual resources would be considered significant if the alternative were to degrade or diminish the aesthetics of visual resources such as scenic vistas or designated scenic areas, introduce lighting that would substantially increase the nighttime lighting in the area, and/or cast a shadow on private residences or public areas for substantial portions of the day.

#### 3.13.3.2 Alternative A – Proposed Project

##### *Operational Impacts*

The proposed facilities for Alternative A are described in **Section 2.1.2**, including architectural design, signage, lighting, and other visible features. Alternative A would substantially alter the visual character of the Project Site by converting vineyard areas to a casino-resort with parking garage, wastewater treatment plant, reclaimed water storage facilities, and other supporting uses. The most visually dominant features of Alternative A would be the 65-foot high five-story hotel tower, the 60-foot-high four-story parking garage, and potentially the 65-foot-tall reclaimed water storage tanks.

Alternative A has been designed to preserve and maintain the existing vineyards and trees around the perimeter of the site to serve as a buffer from adjacent land uses and to be more visually cohesive with the rural/wine country character of the surrounding community. These vineyard buffer areas would range from 100–500 feet wide around the northern and western site boundaries closest to the majority of nearby residential uses. The existing chain link fences around the site would be replaced with a low rock wall to complement the rural setting. The architecture of the facility would incorporate natural materials and colors to integrate the buildings with the natural characteristics of the site and surrounding areas. The proposed casino and parking garage would have a green roof, which would soften the appearance of commercial development from long range views that may be experienced by hikers or other recreationalists visiting the Shiloh Ranch Regional Park, and the parking garage would include a decorative, perforated metal screen around the exterior to provide visual screening from residential areas along Shiloh Road. Additionally, the Pruitt Creek riparian corridor, including trees and vegetation, would

be preserved. **Figure 3.13-1** includes a viewpoint map, and **Figures 3.13-2** through **3.13-6** include photos of the existing conditions at the Project Site compared to a simulation of proposed conditions with implementation of Alternative A.

As illustrated, Alternative A would substantially alter views of the site as experienced from nearby residential areas, including residences along Shiloh Road, Old Redwood Highway, and the southern property line of the site. With the implementation of design features described in **Section 2.1**, including the preservation of vineyard areas around the perimeter of the site, visual impacts resulting from Alternative A would be less than significant.

### *Lighting, Shadow and Glare*

A significant effect from shadows would result if the Proposed Project were to cast a shadow on private residences or public areas for substantial portions of the day. The nearest off-site buildings to the development footprint of Alternative A are residences located north and west of the Project Site. As described in **Section 2.1.2**, the maximum building height would be 65 feet. The buildings would not be located in close enough proximity to cast shadows on any private residences or public areas. Additionally, existing trees along the Project Site boundary would be retained. Many of the existing trees are taller than the maximum building height; therefore, existing off-site buildings already experience shadows greater than would result from Alternative A.

Alternative A would introduce new sources of light into the existing setting. While the project site itself contains few sources of nighttime lighting associated with the residence, existing sources of nighttime lighting in the project area include approximately 20-foot tall streetlights along the western half of Shiloh Road adjacent to the Project Site, residential lighting from adjacent subdivisions and rural residential housing, and sky glow from nearby urban areas along Highway 101, the Town of Windsor and the City of Santa Rosa. Light spillover from Alternative A into surrounding areas and increases in regional ambient illumination could result in potentially significant effects if it were to cause traffic safety issues or create a nuisance to sensitive receptors. Illuminated signage and light from occupied hotel rooms would be visible from surrounding areas at night and would have the potential to significantly alter the nighttime lighting environment within surrounding properties. Additionally, the use of glass panels and reflective ornamental detailing could increase the glare to travelers along regional roadways and adjacent properties.

Alternative A would increase light and glare in the vicinity, but project design features and strategies described in **Appendix C** and presented in **Table 2.1-3** would minimize effects. These measures include, but are not limited to, shielding of outdoor lighting fixtures, designing exterior lighting to avoid creating illumination beyond the Project Site boundary, and design of exterior lighting consistent with the International Dark-Sky Association's Model Lighting Ordinance (MLO), including the use of warm correlated color temperatures for exterior lighting for reduced likelihood of blue wavelengths which stimulate the photoreceptors of humans and some wildlife. For the majority of the Project Site, lighting will be designed consistent with the MLO recommendations for low-density residential areas, though pockets within the site will be designed consistent with lighting recommendations for commercial and business districts. Furthermore, measures will be taken to reduce interior light from spilling onto Pruitt Creek or nearby sensitive receptors, including automated shading of hotel windows at sunset, and the use of shielding around the border of the parking structure with direct line of sight to residential areas or Pruitt Creek. A visual rendering of Alternative A lighting at dusk is provided in Section 2.1 as **Figure 2.1-2b**, and **Figure 3.13-7** provides a visual representation of the parking garage lighting at dusk as viewed



**Existing view from corner of Old Redwood Highway and Shiloh Road**



**View of Alternative A from corner of Old Redwood Highway and Shiloh Road**



**Existing view from Shiloh Road**



**View of Alternative A from Shiloh Road**





**Existing view from Old Redwood Highway**



**View of Alternative A from Old Redwood Highway**



**Existing view from Highway 101**



**View of Alternative A from Highway 101**



**Existing view from Shiloh Ranch Regional Park**



**View of Alternative A from Shiloh Ranch Regional Park**



Source: Dale Partners

**FIGURE 3.13-7**  
**DUSK VISUAL SIMULATION OF ALTERNATIVE A - VIEWPOINT 2**

from residential uses along Shiloh Road. With the incorporation of BMPs listed in **Table 2.1-3**, the lighting and illumination levels under Alternative A would be less than significant.

### **3.13.3.3 Alternative B – Reduced Intensity Alternative**

As discussed in **Section 2.2**, Alternative B would include the same land uses as Alternative A but the hotel would be reduced to three-stories (36-feet tall) and the large ballroom, the event center, and the surface parking lot are eliminated. Additionally, the vineyard buffer areas around the proposed development would be increased in size, and the reclaimed water storage facilities would be reduced. Therefore, Alternative B would result in decreased impacts to visual resources as compared to Alternative A. With the implementation of the BMPs in **Table 2.1-3**, Alternative B would not interrupt or substantially alter local views or create sources of glare or excessive nighttime illumination. Visual impacts would be less than significant.

### **3.13.3.4 Alternative C – Non-Gaming Alternative**

Alternative C would result in a reduced development footprint on the Project Site as compared with Alternatives A and B, and no casino would be developed. Alternative C would maintain a larger percentage of the existing vineyards and would not include any development east of Pruitt Creek except for limited water and wastewater infrastructure. As discussed in **Section 2.3**, architecture, signage, lighting, and landscaping design under the Alternative C would be similar to Alternatives A and B except the proposed three-story hotel and winery/visitor center would have a maximum height of approximately 40 feet above ground level, 25 feet shorter than the resort facility under Alternative A. Nevertheless, the visual resource impacts proposed would result in impacts similar in nature to those that would occur with Alternative A, but at a reduced scale. With the implementation of the BMPs in **Table 2.1-3**, Alternative C would not interrupt or substantially alter local views or create sources of glare or excessive nighttime illumination. Visual impacts would be less than significant.

### **3.13.3.5 Alternative D – No Action Alternative**

Under Alternative D, the Project Site would remain under County jurisdiction and no development would occur on the Project Site. Therefore, visual resource impacts would not occur under this alternative.

## **3.14 CUMULATIVE EFFECTS**

This section assesses the potential for the project alternatives to contribute to “cumulative” environmental impacts. Cumulative effects are defined by the Council of Environmental Quality (CEQ) as effects “on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions” (40 CFR § 1508.1(i)(3)). For the purposes of this analysis, the cumulative setting includes growth and development envisioned in the Sonoma County General Plan and Town of Windsor 2040 General Plan. A general planning horizon of 2040 was used consistent with the Town’s planning horizon and available long-range data for Sonoma County.

The cumulative setting also includes several development projects listed in **Table 3.14-1** that are proposed, planned, and/or currently being constructed. These projects are generally located within one mile of the Project Site and/or between the Project Site and Highway 101 on Shiloh Road. In addition to the buildout of the projects listed above, the cumulative impact analysis within this EIS and associated

traffic impact study conservatively assumed a 2.189% annual growth rate for the population of the surrounding region until 2040 (**Appendix I**). Cumulative impacts for each environmental issue area are discussed below. Unless otherwise specified below, the following analysis applies to the Proposed Project Alternative, Reduced Intensity Alternative, and the Non-Gaming Alternative, referred to collectively as project alternatives or the development alternatives.

### 3.14.1 Land Resources

Cumulative effects associated with land resources could occur as a result of future development in combination with the project alternatives. Topographic changes, soil loss, and seismic risk may be cumulatively significant even if the developments alone would not result in significant alterations of the landscape or increase seismic risk. However, approved developments would be required to follow applicable permitting procedures and development codes. Local permitting requirements for construction would address regional geotechnical and topographic conflicts, seismic hazards, and resource extraction availability. In addition, the project alternatives and all other developments that disturb one acre or more must comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Adherence to this permit would lessen the probability of significant erosion occurring regionally. The project would develop a project-specific Stormwater Pollution Prevention Plan (SWPPP) with BMPs for stormwater and erosion to lessen its potential impacts with regards to these environmental issue areas. Therefore, implementation of the project alternatives would not result in significant cumulative impacts to land resources.

**Table 3.14-1: Cumulative Projects**

<b>Project Name</b>	<b>Distance from project site (miles)</b>	<b>Project Location</b>	<b>Project Description</b>	<b>Project Status</b>
Shiloh Crossing	0.25 miles west of Project Site	295 Shiloh Road, Windsor, CA 95492	Affordable multi-family housing development with 173 units, 8,000 square feet of commercial space, and a 3,000 square foot community center.	Approved/Under Construction
Shiloh Terrace	0.75 miles west of Project Site	6035 and 6050 Old Redwood Highway, Windsor, CA 95492	Affordable multi-family housing development with 134 units.	Approved/Under Construction
Clearwater at Windsor	0.25 miles west of Project Site	376 Shiloh Road, Windsor, CA 95492	Senior living and care facility with a 141-unit senior living complex, 34-bed memory care unit, and 21,000 square feet of commercial development. Includes 12 acres of avoided habitat for wetlands and/or rare plants.	Approved; Building permit and improvement plans not yet submitted

Project Name	Distance from project site (miles)	Project Location	Project Description	Project Status
Windsor Gardens	0.22 miles north of the Project Site	6100 Old Redwood Highway, Windsor, CA 95492	12 Lot Residential and 37 onsite parking spaces.	Approved; Building permit pending
Old Redwood Highway Villages	0.25 miles north of the Project Site	6114 and 6122 Old Redwood Highway, Windsor, CA 95492	29-two story unit small lot subdivision with two common space open parcels. Six units with flex/office spaces.	Planning Stages- Application not yet submitted
Bo Dean Co. Asphalt Processing Plant	0.75 miles west of Project Site	470, 510, 590, 600, and 610 Caletti Avenue, Windsor, CA 95492	New asphalt plant and construction materials processing facility.	Planning Stages – Notice of Preparation for EIR released; Under Review
Shiloh Business Park	0.5 miles west of Project Site	790 Shiloh Road, Windsor, CA 95492	Business park to include light industrial, manufacturing, and/or warehouse distribution uses. Includes three, one-story buildings with a total of 480,000 square feet.	Planning Stages – Application not yet submitted; Under Review
Graton Resort and Casino Expansion	Approx 14 miles south of Project Site	288 Golf Course Dr W, Rohnert Park, CA 94928	Approximately 144,000 square feet of new gaming space, a new 221-room hotel tower, a 3,500-seat theater, additional F&B, parking, and other property improvements	Under construction

### 3.14.2 Water Resources

#### Surface Water

Cumulative effects to water resources may occur as the result of the construction of the project alternatives and future development. Construction activities could result in erosion and sediment discharge to surface waters, potentially affecting water quality in downstream water bodies. In addition, construction equipment and materials have the potential to leak, thereby discharging oil, grease, and construction supplies into stormwater, potentially affecting both surface water and groundwater. Cumulative developments would be required to apply for the NPDES General Construction Permit and develop site-specific SWPPPs.

Stormwater discharges from developed sites could increase the chance of downstream pollution and flooding, and runoff characteristics of a watershed are altered when impervious surfaces replace natural vegetation, row crops, or bare soil. Changes in runoff characteristics could increase drainage volumes, increase stream velocities, increase peak discharges, shorten the time to peak flows, and lessen groundwater contributions to stream base-flows during non-precipitation periods. The immediate area surrounding the Project Site is either developed or zoned and used for agricultural purposes and thus is not anticipated to create cumulative increases in the quantity or velocity of stormwater. Further, the project alternatives include treatment and detention to limit off-site stormwater flows to pre-development levels. Therefore, implementation of the project alternatives in combination with other cumulative development would not result in significant cumulative effects to surface water and flooding.

## Groundwater

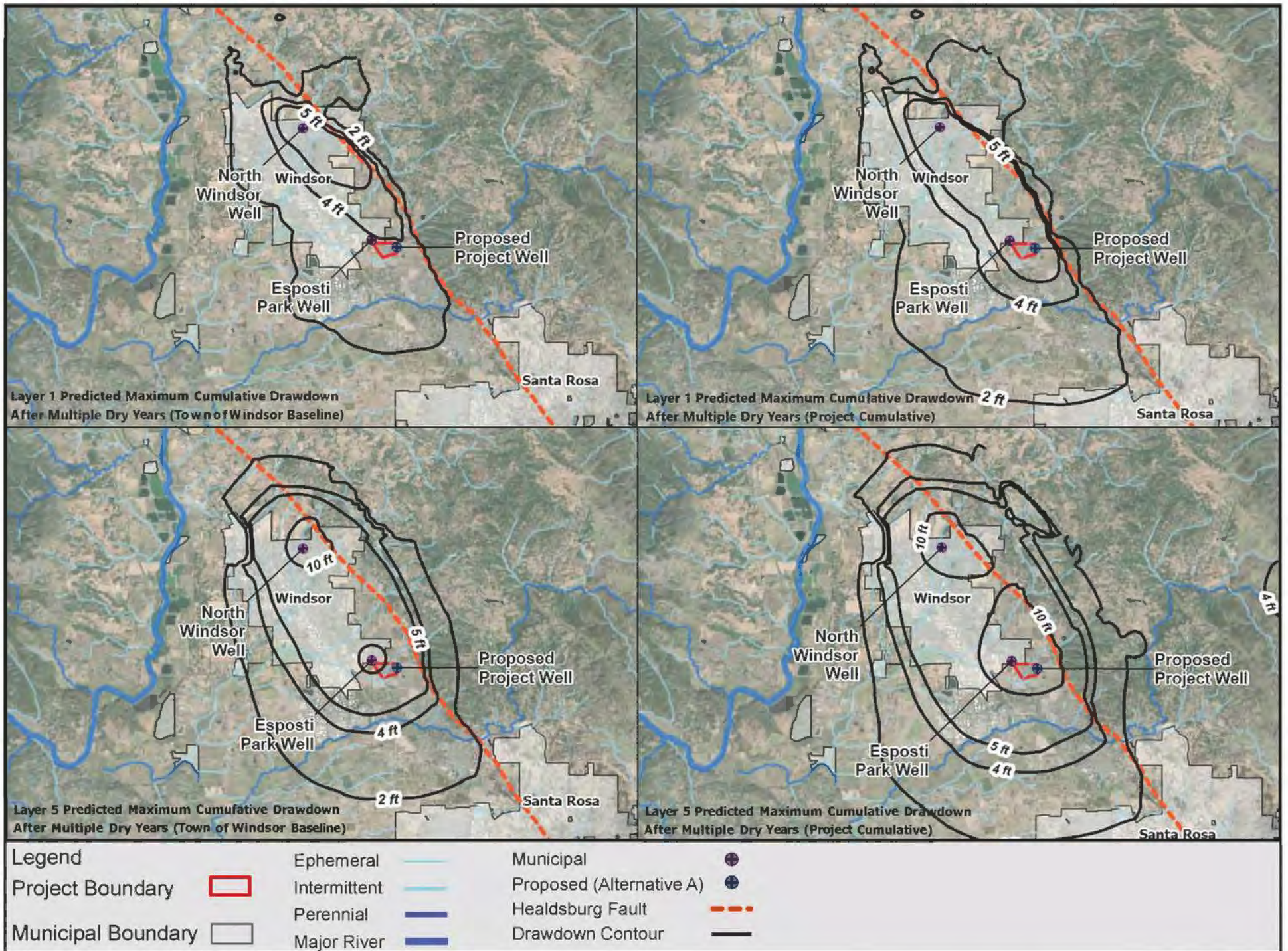
Future demands on the groundwater basin from cumulative development would be controlled by local land use authorities, as well as Senate Bill 1168 that requires local agencies to create groundwater management plans, and Assembly Bill 1739 that allows the State to intervene if local groups do not adequately manage groundwater resources.

In order to assess the cumulative effects of groundwater pumping associated with Alternative A, the GRIA (**Appendix D-4**) completed a forecast scenario that added pumping two new municipal wells described in the Town of Windsor 2020 Urban Water Management Plan, the Esposti Park well and the North Windsor well. Consistent with the operating strategy for these proposed municipal wells presented in the UWMP, they were simulated to be operated only during dry years. The number and timing of dry years during which pumping occurred followed a climate change simulation scenario included in the USGS model. **Figure 3.14-1** shows the results of the cumulative impact forecast scenario at the end of the 50-year simulation period and the maximum predicted drawdown, which occurs after multiple dry years, under baseline conditions resulting from operation of the Town's new wells, and baseline plus the addition of Alternative A. At the end of the 50-year simulation, the drawdown at the water table and in the pumped aquifer is predicted to be similar to the drawdown predicted under the Alternative A forecast scenario discussed in **Section 3.3.3.2**. This appears to be because the simulation ends after a period of non-drought conditions and water level recovery occurs relatively quickly in the groundwater system. However, at the end of multiple dry years, the magnitude of drawdown and the affected area increases across the study area.

### *Cumulative Effects to Domestic Wells in Shallow and Intermediate Zones*

The GRIA determined that the maximum cumulative drawdowns at the hypothetical nearest possible domestic well location to the Project Site are predicted to be 5.91 feet for the shallowest reported well depth, and 9.08 feet for the average reported well depth. The predicted drawdowns for shallow and average wells exceed the 5-foot drawdown thresholds for shallow and intermediate domestic wells and would be considered potentially cumulatively significant. It should be noted that impacts from Alternative A alone for wells of these depths would not be significant and would account for approximately 30% of the total cumulative drawdown. After the cessation of dry year pumping, drawdowns would decrease to less-than-significant levels.





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FIGURE 3.14-1  
 PREDICTED CUMULATIVE DRAWDOWN AFTER MULTIPLE DRY YEARS  
 (TOWN OF WINDSOR BASELINE VS PROJECT CUMULATIVE)

### ***Cumulative Effects to Domestic, Municipal and Irrigations Wells in Deep Zone***

The GRIA determined that cumulative drawdown predicted at nearby domestic, municipal and irrigation wells in the deep aquifer zone would range from 8.08 to 17.49 feet, which is less than the 20-foot drawdown threshold for wells in the deep zone aquifer. Based on this information, cumulative drawdown impacts to nearby domestic, municipal and irrigation wells in the deep aquifer would be less than significant.

### ***Cumulative Effects to Groundwater Dependent Ecosystems***

Cumulative drawdown at the potential riparian hardwood GDE along Pruitt Creek on and near the Project Site is predicted to be just under 6 feet during dry years. Direct and near-term drawdown from Alternative A is forecast to be in the range of 1.6 feet, which would represent a new and relatively stable baseline to which tree roots would have adjusted. The additional 4.2 to 4.3 feet of drawdown induced by the Town of Windsor wells would be significantly greater and intermittent during dry years. This amount of drawdown is similar to the low end of the range of observed seasonal groundwater level fluctuations. In the absence of groundwater level data at the Project Site, it may be expected that relatively rapid groundwater level fluctuations of this magnitude may exceed the ability of the tree's roots to adapt and could result in plant stress and habitat decline. Cumulative drawdown impacts at this GDE in dry years would therefore be considered potentially cumulatively significant; however, it should be noted that adverse effects that could occur would result from the additional intermittent drawdown resulting from pumping of the Town of Windsor wells, which is projected to be nearly four times greater than pumping for Alternative A.

### ***Summary***

Based on the GRIA (**Appendix D-4**), Alternative A would contribute to potentially cumulatively significant impacts related to interference drawdown in shallow wells and degradation of GDEs during dry years in combination with potential pumping of the Esposti Park well and the North Windsor well by the Town of Windsor during multiple dry years. Mitigation measures are recommended in **Section 4**.

As discussed in more detail below and illustrated in **Figure 3.14-1**, the majority of the projected drawdown is shown to be caused by operation of the new municipal wells. These "stand-by wells" were originally proposed in the Town's 2009 Water Master Plan Update, which was subject to preparation of a Program Environmental Impact Report (PEIR) in compliance with CEQA. The adopted CEQA findings for the Water Master Plan PEIR found that:

*Pumping tests at the Esposti Park well site suggest that the shallow and intermediate/deep aquifers are hydrologically isolated from one another and have limited connectivity. Separation of the shallow and intermediate/deep aquifer suggests that injection of water from the RRWF into the intermediate/deep aquifer and subsequent extraction of that water (from the intermediate/deep aquifer) would not affect shallow aquifer levels (and in turn not affect surface flows in creeks or wells located within the shallow aquifer). ... If a stronger connection between the intermediate/deep and shallow aquifers exists (a condition not indicated by field pump tests to date), then pumping from the intermediate/deep aquifer could lower water levels in the shallow aquifer, and effectively lower the local groundwater level, with potentially corresponding effects on local wells and creeks. This could result in impacts to streamflow and groundwater supplies in nearby wells. (Town of Windsor, 2011)*

Implementation of PREIR Mitigation Measure HYD-3 was proposed to avoid or substantially lessen the significant effect identified in the PEIR, which required the establishment of a long-term monitoring program and a mitigation program to identify and mitigate long-term effects on existing groundwater wells. The program was to require that at least three pump testing events shall be conducted with monitoring of shallow wells within a 1/2-mile radius. If these tests reveal that injections into or extracting from the intermediate/deep aquifer causes a substantial increase or decrease in water levels in the shallow aquifer or in surrounding wells, alterations to surface streamflow, or impacts to natural recharge, the well operations shall cease and be reassessed. Under the mitigation requirements, the managed groundwater operations would not be allowed to proceed until there is a significant body of evidence that existing wells would not be affected (Town of Windsor, 2011). Specifically, mitigation measure HYD-3 includes the following (emphasis added in bold to identify potentially applicable sections):

*To ensure the long-term sustainability of the MGP [Managed Groundwater Program], the Town shall establish operating rules prior to commencement of the program. The operating rules may be refined over time based on additional investigations of the groundwater basin and data analyses, and incorporate the following conditions based on concerns about aquifer connectivity, the maximum amount of water withdrawn from the aquifer, and the maximum amount of water projected for injection into the aquifer. The Town shall establish a long-term monitoring program and a mitigation program to identify and mitigate long-term effects on existing groundwater wells.*

1. *Maintaining Long-Term Sustainability of Aquifer: The MGP shall be operated such that, over the long-term, there is no net decrease of the aquifer groundwater elevations and the aquifer is maintained to sustainable elevation conditions that are similar to the current existing conditions. To achieve this long-term sustainability, the total aquifer injections and extractions will be maintained within 20 percent of one another over a 10-year rolling average. Further, should long-term declines in groundwater levels result from MGP operations (outside of the range of natural fluctuation), the Town would increase the ratio of injections to extractions to reverse this trend and bring groundwater levels back up to sustainable levels.*

2. *Aquifer Connectivity: As future sites are investigated to establish other MGP wells and well fields, at least three injection and pump testing events shall be conducted with monitoring of shallow wells within a 1/2-mile radius. **If these tests reveal that injections into or extracting from the intermediate/deep aquifer causes a substantial increase or decrease in water levels in the shallow aquifer or in surrounding wells, alterations to surface streamflow, or impacts to natural recharge, the MGP operations shall cease and be reassessed before proceeding with injection or pumping activities. MGP operations shall not proceed until there is a significant body of evidence that existing wells would not be affected.***

3. *Maximum Infiltration into Aquifer: In general, the allowable amount of infiltration into a well in a confined aquifer is controlled by depth to water and the amount of pressure in the system. Increased pressure in the system from infiltrating too much water into a confined aquifer can cause hydraulic fracturing, or break apart formations that separate an intermediate/deep and shallow aquifer system. Huisman and Olsthoorn (1983) provide a method to determine the maximum water level rise based on the injection pressures and the water level rise. This method was applied to the Esposti Park*

*replacement well, which approximated a maximum water level rise of 97 to 145 feet. This method, or a comparable method, shall be used to determine the maximum water level rise for additional wells constructed for the MGP. MGP operation conditions for each individual well shall be operated such that the maximum water level rise is not exceeded.*

4. *Adaptive Management of MGP to Ensure Sustainability: A long-term injection monitoring and testing program to assess sustainable injection and production rates and corresponding operation and maintenance procedures shall be developed prior to initiation of the MGP. Long-term operating protocols shall be modified annually and as additional wells are added to the program. As a performance standard, the MGP shall be operated such that there is no substantial long-term net deficit in aquifer volume.*

5. *Participation in Santa Rosa Plain Managed Groundwater Program: The Town's continued participation in the Santa Plain Rosa Managed Groundwater Program will help to ensure that the MGP is consistent with overall basin management.*

It is assumed that the Town of Windsor will likely adopt applicable monitoring and mitigation measures adapted from HYD-3 to identify and substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. If such measures are adopted, Mitigation Measures in **Section 4** of this EIS require that the Tribe would participate in the development and implementation of the Town's mitigation program in proportion to its contribution to the potentially significant impacts associated with drawdown induced by the Project wells. In the event that the Town of Windsor does not implement a monitoring and mitigation program associated with the operation of the two new municipal wells, the Tribe would implement its own program, as required by mitigation in **Section 4**. Implementation of mitigation measures in **Section 4** would reduce the cumulative impacts of Alternative A to a less-than-significant level.

## **Wastewater Treatment and Disposal**

The wastewater generated by Alternative A would have a less than significant impact with regard to water quality due to proper treatment and disposal. Other cumulative developments would be required to adhere to local, State, and federal regulations with regard to wastewater treatment and disposal. Therefore, Alternatives A in combination with the cumulative projects listed in in **Section 3.14** would not result in significant adverse cumulative effects to water quality.

### **3.14.3 Air Quality**

#### **Carbon Monoxide Hot Spot Analysis**

As described in **Section 3.4.3.3**, CO concentrations were modeled to determine whether increased traffic associated with Alternative A would result in CO emissions that could exceed the NAAQS. The analysis used the General Plan 2040 traffic conditions, and included traffic from Alternative A. The analysis also took into account future growth in traffic levels on US 101. Accordingly, the CO hot spot analysis addresses cumulative conditions. As described in **Section 3.4.3.3**, maximum concentrations of CO would not exceed the 1-hour and 8-hour NAAQS. Cumulative impacts to CO levels resulting from Alternative A would be less than significant. Because Alternative A would generate more traffic than Alternatives B and C, the impacts to CO levels from those alternatives would also be less than significant.

## Operation Emissions

Operation of the project alternatives would result in the generation of mobile emissions from patron, employee, and delivery vehicles and stationary source emissions from the combustion of natural gas in boilers and other equipment. In the cumulative year 2040, operational emissions are expected to decrease due to improved fuel efficiency technology and stricter federal and State regulations.

By its very nature, air pollution is largely a cumulative impact. The analysis in **Sections 3.4.3.3** through **3.4.3.5** specifically addresses potential cumulative emissions of criteria pollutants. Emissions of all criteria pollutants except CO are below de minimis levels and therefore are considered to be less than significant. Because CO emissions would exceed the de minimis levels, CO concentrations were modeled to determine whether increased traffic associated with Alternative A would result in CO emissions that could exceed the NAAQS for CO. As shown in **Table 3.4-5** and the Draft General Conformity Determination included as **Appendix F-2**, maximum concentrations of CO would not exceed the 1-hour and 8-hour NAAAQS. Accordingly, the emissions of all criteria pollutants from Alternatives A, B, and C are not considered to be cumulatively significant as they are not expected to significantly contribute to exceedances of NAAQS or alter the existing trend of improving air quality. Those improvements to air quality are largely a product of increasing fuel and vehicle emission standards. Likewise, the transition to electric vehicles is further reinforcing the trend of improving air quality.

Other cumulative projects identified in **Table 3.14-1** are primarily residential developments that would not generate significant emissions of criteria pollutants. The Shiloh Business Park may include light industrial, manufacturing, and/or warehousing uses. Stationary sources that have the potential to cause air pollution would be subject to permitting requirements of the Bay Area Air Quality Management District (BAAQMD), including an Authority to Construct and Permit to Operate. The facilities would be required to employ best available control technology to minimize pollution. Likewise, the proposed BoDean asphalt and construction material processing plant would operate under BAAQMD air permits, which would minimize pollution. Due to these requirements and because these sites are 0.5 miles or more from the Project Site, the emissions from these other projects are not expected to impact the Project Site. As identified in **Table 2.1-3**, the project alternatives include measures to reduce emissions of criteria air pollutants in support of improving regional air quality. Cumulative air quality effects from operation of the project alternatives would be less than significant.

## Hazardous Air Pollutants

As described in **Section 3.4.3.3** through **3.4.3.5**, a review of construction and operational sources of DPM emissions associated with the project alternatives would not result in significant increases in cancer risk, chronic hazards, or PM<sub>2.5</sub> concentrations. Additionally, based on a review of BAAQMD's Stationary Source Screening Map (BAAQMD, 2022a), there are no significant industrial or other stationary sources in the vicinity of the Project Site that could significantly combine with on-site and mobile emissions. Cumulative HAP emission impacts would be less than significant.

## Climate Change

Climate change has global impacts, such as more erratic weather patterns, more frequent droughts, and rising sea levels, as well as regional and local impacts. Climate change for California has the potential to reduce the snowpack in mountainous regions, increase drought periods, increase wildfire frequency and intensity, and reduce water availability in general (USEPA, 2016). Development of Alternatives A, B, and C

would result in an increase in GHG emissions from construction, mobile sources (trips generated), stationary and area sources (components that directly emit GHG), and indirect sources related to energy production. **Table 3.14-2** estimates total GHG emissions for Alternatives A, B, and C. Operational GHG emissions per year are estimated to be approximately 69,862, 55,934, and 7,100 metric tons (MT) CO<sub>2</sub>e for Alternatives A, B, and C, respectively.

**Table 3.14-2: Greenhouse Gas Emissions**

Emission Source	Alternative A MT of CO <sub>2</sub> e/year	Alternative B MT of CO <sub>2</sub> e/year	Alternative C MT of CO <sub>2</sub> e/year
<b>Construction (Total)</b>			
Construction	2,920	2,574	1,003
<b>Operation (Annual)</b>			
Area	0.04	0.09	0.01
Energy	7,204	5,905	603
Mobile	58,645	47,643	5,514
Stationary	3,426	1,987	937
Solid Waste	483	319	33
Water/Wastewater	104	80	13
<b>Operation Total</b>	<b>69,862</b>	<b>55,934</b>	<b>7,100</b>

Source: **Appendix F-1**

CO<sub>2</sub>e = carbon dioxide equivalent; MT = metric tons

The Interagency Working Group on Social Cost of Greenhouse Gases (IWG) has developed estimates of the social cost of GHGs (SC-GHG) (IWG, 2021). The SC-GHG is the monetary value of the net harm to society associated with adding an amount of that GHG to the atmosphere in a given year. In principle, it includes the value of all climate change impacts, including (but not limited to) changes in net agricultural productivity, human health effects, property damage from increased flood risk natural disasters, disruption of energy systems, risk of conflict, environmental migration, and the value of ecosystem services. Discount rates are used to account for the present value of future costs. Using a low discount rate increases the present value of future costs, whereas using a high discount rate decreases the present value of future costs. The IWG cost estimates are provided for 2.5%, 3% and 5% discount rates. The cost estimates for carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) used in this analysis are based on the 3% discount rates provided by IWG (2021). **Table 3.14-3** presents the social cost of the GHG emissions from construction, annual operations, and the lifetime of the project alternatives (lifetime costs include construction and 30 years of operation).

As shown in **Table 3.14-2**, approximately 84% of the operational GHG emissions would come from indirect mobile emissions from delivery, patron, and employee vehicles. The federal government and the State of California have enacted measures that would reduce GHG emissions from mobile sources. These include increasing fuel efficiency of vehicles and providing incentives for transitioning to electric vehicles. As shown in **Table 3.14-3**, operational carbon dioxide emissions would fall from 68,634 metric tons at opening, to 57,690 metric tons in 2040. By 2050, carbon dioxide emissions would fall to 45,116 metric tons. This represents a 16% reduction by 2040, and a 34% reduction by 2050.

**Table 3.14-3: Social Cost of GHG Emissions**

GHG/Cost per metric ton	Alternative A Tons	Alternative A Cost	Alternative B Tons	Alternative B Cost	Alternative C Tons	Alternative C Cost
<b>Construction</b>						
CO <sub>2</sub> /\$59	2,853.50	\$168,357	2,517.00	\$148,503	989.10	\$58,357
CH <sub>4</sub> /\$1,850	0.2	\$370	0.2	\$370	0.2	\$370
N <sub>2</sub> O/\$21,500	0.2	\$4,300	0.2	\$4,300	0	\$0
Total Cost		\$173,027		\$153,173		\$58,727
<b>Operation (2028)</b>						
CO <sub>2</sub> /\$60	68,634.8	\$4,118,088	54,981.30	\$3,298,878	6,987.4	\$419,244
CH <sub>4</sub> /\$1,900	16.6	\$31,540	11.7	\$22,230	1.4	\$2,660
N <sub>2</sub> O/\$22,000	2.7	\$59,400	2.2	\$48,400	0.3	\$6,600
Total Cost		\$4,209,028		\$3,369,508		\$428,504
<b>Operation (2040)</b>						
CO <sub>2</sub> /\$73	57,690.4	\$4,211,399	46,091.00	\$3,364,643	5,958.9	\$435,000
CH <sub>4</sub> /\$2,500	16	\$40,000	11.1	\$27,750	1.3	\$3,250
N <sub>2</sub> O/\$28,000	2.1	\$58,800	1.7	\$47,600	0.2	\$5,600
Total Cost		\$4,310,199		\$3,439,993		\$443,850
<b>Lifetime</b>						
CO <sub>2</sub>	1,733,565.50	\$126,510,333	1,385,247.00	\$101,087,793	179,756.10	\$13,108,348
CH <sub>4</sub>	480.20	\$1,200,370	333.20	\$832,870	39.20	\$97,870
N <sub>2</sub> O	63.20	\$1,768,300	51.20	\$1,432,300	6.00	\$168,000
<b>Total Cost</b>		<b>\$129,479,003</b>		<b>\$103,352,963</b>		<b>\$13,374,218</b>

Notes: Social Cost of GHG emissions from IWG, 2021. Construction costs based on linear interpolated values for 2027. Operation costs (2028) based on linear interpolated values for 2028. Lifetime GHG emissions include construction emissions and 30 years of 2040 operational emissions. GHG emissions quantities are from **Appendix F-1**.

To lessen project-related GHG emissions, BMPs have been provided in **Table 2.1-3**. Construction BMPs include minimization of equipment idling, use of environmentally preferable materials, and use of Tier 3 or greater engines in construction equipment. Operational BMPs would reduce indirect GHG emissions from electricity use, water and wastewater transport, and waste transport during operation. These BMPs include installation of energy efficient lighting, use of electric boilers and appliances, use of recycled water, use of a green roof to reduce energy use, low-flow appliances, drought resistant landscaping, and recycling receptacles. Operational BMPs would also reduce indirect mobile GHG emissions by requiring adequate ingress and egress to minimize vehicle idling, installation of EV charging stations, and preferential parking for vanpools and carpools to reduce project-related trips. Therefore, with the implementation of BMPs, implementation of the project alternatives would not result in a significant adverse cumulative impact associated with climate change.

The State has adopted a Climate Change Scoping Plan that identifies GHG reduction targets and the types of measures that will be used to reach them per AB 32. In the approximately 126 measures and strategies identified that would achieve a State-wide reduction in GHG emissions, only three would apply to the project alternatives: diesel anti-idling, achieve 50% State-wide recycling goal, and water use efficiency (refer to **Appendix E** for details). The other policies do not apply to the project alternatives because they either apply to particular industries, State entities, or are planning-level measures. The project alternatives would comply with applicable emission reduction strategies of the State through the BMPs described in **Table 2.1-3**. The BMPs described in **Table 2.1-3** are also consistent with the approach taken by the local air district. The Bay Area Air Quality Management District (BAAQMD) provided guidance in 2022 to determine the significance of climate impacts from land use projects (BAAQMD, 2022c). If a project will not include natural gas appliances; will not result in wasteful, inefficient, or unnecessary energy use; will generate an average vehicle miles traveled (VMT) per employee below 85% of the regional average; and will provide EV facilities consistent with current California building standards, then a project's climate change impact is considered less than significant. The BMPs described in **Table 2.1-3** provide for the use of electric boilers and appliances, avoidance of inefficient energy use, and installation of EV facilities consistent with current California building standards. As presented in Section 4 of **Appendix I**, Alternatives A, B, and C would result in average VMT per employee that is lower than 85% of the regional average (10.53 VMT per employee).

The effect of climate change on the alternatives is also considered in this EIS. As described above, the average temperatures in the State will increase, which subsequently means the average temperatures will increase in County as well. On the local levels, the County has already experienced severe weather events caused by climate change that includes droughts, wildfires, and flooding. On September 17, 2019, the County declared a climate emergency in order to solidify its commitment to mobilizing an emergency response to the climate crisis (County of Sonoma, 2019).

The project alternatives include components that would lessen their vulnerability to the impacts from climate change. On-site heating and air conditioning will lessen the effects of increasing temperatures and frequency of extreme heat days or extreme weather conditions. The Project Site is not located near the sea and is therefore not susceptible to sea level rise risks. Emergency services sufficiently service the Project Site and surrounding area due to being in a primarily developed region with paved areas. While wildfire risk exists and would be exacerbated by climate change, the project alternatives have incorporated BMPs and mitigation measures to reduce their susceptibility to this risk (refer to **Section 3.12** for further discussion of wildfire risks).

#### 3.14.4 Biological Resources

Although the project alternatives have the potential to impact protected aquatic and riparian habitats, wetlands and Waters of the U.S., federally-listed species, and migratory birds, potential impacts would be reduced to a less-than-significant level with adherence to the conditions of applicable permits and implementation of BMPs in **Table 2.1-3** and mitigation measures in **Section 4**. Other development projects in the region would be required to implement similar mitigation measures to protect sensitive biological resources in accordance with federal, State, and local regulations. Therefore, with the implementation of mitigation measures specified in **Section 4**, development of the project alternatives would not contribute to significant adverse cumulative effects to biological resources.



### 3.14.5 Cultural Resources

Cumulative effects to cultural resources typically occur when sites that contain cultural features or artifacts or paleontological resources are disturbed by development. As these resources are destroyed or displaced, important information is lost and connections to past events, people and culture are diminished. No known historic or paleontological resources were identified within the Project Site; however, there is a potential for significant subsurface cultural resources to be buried beneath the Project Site. Implementation of mitigation measures in **Section 4** would reduce potential impacts to unknown subsurface cultural resources on the Project Site to a less-than-significant level. Other development projects in the region would be required to implement similar mitigation measures to protect known and unknown cultural resources in accordance with federal, State, and local regulations. Therefore, with the implementation of mitigation measures specified in **Section 4**, development of the project alternatives would not contribute to significant adverse cumulative effects to cultural resources.

### 3.14.6 Socioeconomic Conditions and Environmental Justice

Alternative A in combination with the projects outlined in **Table 3.14-1** would result in generally beneficial socioeconomic effects associated with economic output, job creation, and fiscal effects. The project alternatives would increase jobs and would create only nominal non-gaming substitution effects typical of similar developments. Any future non-tribal development in the vicinity would be subject to County or Town review and approval, payment of state and local taxes, and development impact fees as appropriate to offset fiscal effects. Mitigation measures in **Section 4** would require that project-related fiscal effects resulting from increased demands on law enforcement and fire protection providers would be offset through fair share payments. With mitigation, the project alternatives, when considered in combination with other projects, would not lead to significant adverse cumulative impacts associated with the economy and employment, property values, social effects, or environmental justice. However, as discussed in **Section 3.7.3.2**, Alternative A in combination with the expansion of the Graton Resort and Casino, which is currently under construction, would result in cumulative competitive effects to nearby gaming facilities, including the River Rock Casino owned by the Dry Creek Rancheria Band of Pomo Indians. While review of similar case studies and market data as reported in **Appendix B-2** suggests that it is unlikely that the River Rock Casino and associated expansion plans would no longer be economically viable, the Dry Creek Band has not provided the BIA with the financial data necessary to verify the ability of the River Rock Casino to remain open or to expand. Therefore, in the absence of this data, the potential for competitive effects resulting from Alternative A in combination with the Graton Resort and Casino expansion to the River Rock Casino is considered a potentially significant cumulative impact.

### 3.14.7 Transportation and Circulation

#### Study Intersections

A Traffic Impact Study was prepared by TJKM (**Appendix I**), which evaluated cumulative impacts. The cumulative roadway operations analysis addresses the following traffic scenarios for the project alternatives:

- **General Plan 2040 No Project Conditions** – This scenario expands Existing Conditions based on an annual growth rate derived from the Town of Windsor General Plan. It also accounts for the effects from planned roadway improvements that will be in place by the 2040 horizon year of the

currently adopted Town of Windsor General Plan. A compounding annual growth rate of 2.189% derived from the General Plan was applied to measured 2022 volumes.

- **General Plan 2040 plus Alternative A, B, or C Conditions** – This scenario is identical to General Plan 2040 Conditions, but with the addition of traffic from Alternative A, B, or C.

The intersection Level of Service (LOS) analysis results for General Plan 2040 No Project Conditions are summarized in Table 29 of **Appendix I**. The following intersections would operate at an unacceptable LOS under 2040 background conditions without the development of any of the project alternatives:

- 1) Shiloh Rd. & Old Redwood Hwy. (Weekday AM and PM peak hours)
- 2) Shiloh Rd. & Hembree Ln. (Weekday AM and PM, and Saturday midday peak hours)
- 3) Shiloh Rd. & US 101 NB Ramps (Weekday AM peak hour)
- 5) Shiloh Rd. & Caletti Ave. (Weekday AM and PM, and Saturday midday peak hours)
- 6) Shiloh Rd. & Conde Ln. (Weekday AM and PM peak hours)
- 8) Old Redwood Hwy. & Casino Entrance 1 (Weekday AM and PM peak hours)
- 12) Old Redwood Hwy. & US 101 SB Ramps (Weekday AM and Saturday midday peak hours)

The intersection LOS analysis results for General Plan 2040 plus Alternative A Conditions are summarized in Table 31 of **Appendix I**, and General Plan 2040 plus Alternative B Conditions are summarized in Table 33 of **Appendix I**. The following intersections would operate at an unacceptable LOS under cumulative conditions with the addition of either Alternative A or Alternative B, which is considered a significant cumulative impact:

- 1) Shiloh Rd. & Old Redwood Hwy. (Weekday AM and PM, and Saturday midday peak hours)
- 2) Shiloh Rd. & Hembree Ln. (Weekday AM and PM, and Saturday midday peak hours)
- 3) Shiloh Rd. & US 101 NB Off Ramp (Weekday AM and PM, and Saturday midday peak hours)
- 5) Shiloh Rd. & Caletti Ave. (Weekday AM and PM, and Saturday midday peak hours)
- 6) Shiloh Rd. & Conde Ln. (Weekday AM and PM peak hours)
- 7) Shiloh Rd. & Casino Entrance 1 (Weekday PM and Saturday midday peak hours)
- 8) Old Redwood Hwy. & Casino Entrance 1 (Weekday AM and PM, and Saturday midday peak hours)
- 12) Old Redwood Hwy. & US 101 SB Ramps (Weekday AM and Saturday midday peak hours)

The intersection LOS analysis results for General Plan 2040 plus Alternative C Conditions are summarized in Table 35 of **Appendix I**. The following intersections would operate at an unacceptable LOS under cumulative conditions with the addition of Alternative C, which is considered a significant cumulative impact:

- 1) Shiloh Rd. & Old Redwood Hwy. (Weekday AM and PM peak hours)
- 2) Shiloh Rd. & Hembree Ln. (Weekday AM and PM, and Saturday midday peak hours)
- 3) Shiloh Rd. & US 101 NB Off-ramp (Weekday AM and Saturday midday peak hours)
- 5) Shiloh Rd. & Caletti Ave. (Weekday AM and PM, and Saturday midday peak hours)
- 6) Shiloh Rd. & Conde Ln. (Weekday AM and PM peak hours)
- 8) Old Redwood Hwy. & Project Entrance (Weekday AM and PM peak hours)
- 12) Old Redwood Hwy. & US 101 SB Ramps (Weekday AM and Saturday midday peak hours)

Mitigation measures are detailed in **Section 4** and include: widening of Shiloh Road; conversion of split phasing at intersection #1 and #2; restriping at Intersections #1, #2 #3, and #5; and optimizing signal time parameters at Intersection #6. For Alternatives B and C, mitigation includes signalization of Intersection

#8, which was warranted under 2028 Opening Year Conditions for Alternative A. With mitigation, the impacted intersections would operate at an acceptable LOS. Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

## Roadway Segments

All study segments were evaluated for changes in weekday average daily traffic (ADT) due to the project alternatives. For the cumulative analysis, growth factors for each segment were derived by comparing the growth in adjacent intersection volumes between existing and 2040 conditions. Roadway segments that would operate at an unacceptable LOS under 2040 background conditions include Shiloh Road between Conde Lane and the US 101 SB ramps, and Shiloh Road between the US 101 SB ramps and the US 101 NB ramps.

In comparison to 2040 General Plan No Project Conditions, an additional segment of Shiloh Road between Hembree Lane and Old Redwood Highway degrades to unacceptable LOS F under Alternative A, LOS E under Alternative B and LOS D under Alternative C. Mitigation measures detailed in **Section 4** would collectively increase lane capacities.

Widening is planned under the Town of Windsor General Plan and Traffic Impact Fee program and assumed to be implemented under mitigated conditions. With these capacity increasing measures taken into account, the project alternatives would consistently improve v/c ratios and segment LOS compared to General Plan 2040 No Project Conditions, consistent with the Town of Windsor and Sonoma County standards and plans. As such, impacts to roadway segments would be less than significant.

## Queue Lengths

Under all cumulative scenarios, project-related trips would be added to some dedicated left-turn lane and right-turn lane groups. As discussed in **Appendix I**, all cumulative scenarios experience 95<sup>th</sup> percentile queue lengths that exceed local standards at various intersections. The implementation of mitigation measures identified in **Section 4** and planned improvements by the Town of Windsor and County of Sonoma would mitigate queue lengths to acceptable levels. As such, cumulative impacts with respect to queue lengths would be less than significant with mitigation.

## Bicycle, Pedestrian, and Transit Networks

Cumulative increases in transit ridership are anticipated with population growth. In addition to fare revenue, transit system improvements in Sonoma County are funded from federal and State and local sources, such as sales tax, taxes on diesel and gasoline and local sales tax measures (County of Sonoma Transportation and Public Works, 2022b). Pedestrian and bicycle facility improvements are planned in the study area to support increased demands from growth, including Class II bicycle lanes on both sides of Shiloh Road and Old Redwood Highway near the Project Site (**Appendix I**). The project alternatives are not anticipated to affect the development of bicycle, pedestrian and transit networks or create significant demands on these networks. Thus, cumulative impacts would be less than significant.

### 3.14.8 Land Use

If taken into federal trust, the Project Site would generally not be subject to local jurisdiction regarding land uses. Although the project alternatives are not consistent with existing zoning, potential impacts from land use conflicts would be reduced to less than significant levels through the implementation of mitigation measures in **Section 4**. Additionally, the project alternatives would not preclude agricultural uses on adjacent parcels or have significant impacts to agriculture. Planned development in the vicinity, including several projects to the west of the Project Site noted in **Table 3.14-1**, would be subject to Town or County land use regulations and approval. Therefore, cumulatively significant impacts to land use and agricultural uses would not occur.

### 3.14.9 Public Services

As stated above, the project alternatives would not rely on public services related to water supply or wastewater. Further, the project alternatives would not significantly increase the population in the County and therefore would not impact schools and parks. Increased demand for law enforcement and fire protection services resulting from cumulative developments may require additional facilities, equipment, or employees. New development, including the cumulative projects listed above, would fund in part public services, including law enforcement, through development fees and property tax.

Public services for the project alternatives would be accommodated by extension of utility infrastructure and potential service agreements between SCFD and SCSO. As development of other areas of the County and Town continues, the combined need for public services may create a cumulative impact. Consultation with service providers is necessary to confirm that service providers' capacities are adequate to accommodate for any development on the Project Site, and any fiscal impacts would be mitigated. The County's General Plan has evaluated projected growth and public service needs, and future projects would be subject to approval by local governments.

Cumulative projects in the vicinity of the Project Site have the potential to impact public services in a way that could result in significant impacts when considered in combination with development on the Project Site. Any future non-tribal development in the vicinity would be subject to County or Town review and approval, payment of state and local taxes, and development impact fees as appropriate to offset fiscal effects. Mitigation measures in **Section 4** would require that project-related fiscal effects resulting from increased demands on law enforcement and fire protection providers would be offset through fair share payments. The State has adopted a Climate Change Scoping Plan that identifies the goal of achieving a 50% State-wide recycling rate, which would cumulatively reduce landfill demands. Therefore, with mitigation, development on the Project Site in combination with other cumulative development would not result in significant cumulative effects to public services.

### 3.14.10 Noise

Cumulative projects in the vicinity of the Project Site have the potential to impact noise and vibration in a way that could result in significant impacts when considered in combination with Alternative A. Approved projects in the vicinity of the Project Site would be required to complete an environmental analysis to assess their potential noise impacts per local, State, and federal regulations and policies. Furthermore, they would be required to mitigate their own noise and vibration impacts should they be identified and found inconsistent with the applicable regulations and policies in place.

To assess the operational impacts of Alternative A and the other alternatives in the planning horizon of 2040, similar methodology for the noise analysis in **Section 3.11.3** was utilized, which is described in detail in **Section 3.11.3.2**. Since Alternative A would result in the worst-scenario cumulative impacts compared to the other alternatives, which would each result in less adverse effects, Alternative A is analyzed in this cumulative analysis in detail. However, for a full analysis of each alternative, including Alternative A, refer to **Appendix L**. **Table 3.14-4** presents a comparison of the baseline (2028) with the projected noise environment in 2040 with the addition of traffic under Alternative A. As can be seen in **Table 3.14-4**, cumulative plus project traffic noise environment would exceed the existing / baseline traffic noise environment by 1.4 to 5.4 dBA DNL at existing sensitive receptors located adjacent to the project-area roadways. The cumulative plus project traffic noise level increases would exceed the applicable significance thresholds along three (3) of the roadway segments containing sensitive land uses. In addition, along two of the roadway segments evaluated in **Table 3.14-4** (segments 6 and 10), cumulative plus project traffic conditions exceed the 67 dBA threshold applicable to residential uses where that threshold is not currently being exceeded under existing / baseline conditions. As a result, increases in existing / baseline traffic noise levels resulting from cumulative plus project traffic is predicted to result in significant adverse effects at the residences located along Shiloh Road, between Hembree Lane and Gridley Drive, and Old Redwood Highway, between Shiloh Road and the Project Entrance. With the implementation of mitigation in **Section 4**, noise-reducing pavement would be installed along these road segments under cumulative conditions that would reduce this impact to a less-than-significant level.

It should be noted that Alternatives B and C would have a similar cumulative impact as Alternative A to residences located along Shiloh Road, between Hembree Lane and Old Redwood Highway, and Old Redwood Highway, between Shiloh Road and the Project Entrance. With the implementation of mitigation in **Section 4**, noise-reducing pavement would be installed along these road segments under cumulative conditions that would reduce this impact to a less-than-significant level.

**Table 3.14-4: Alternative A Operation Noise Increases at Existing Sensitive Receptors (2040)**

Roadway	From/To	Predicted DNL [dBA], Baseline	Predicted DNL [dBA], Cumulative + Project	Predicted DNL [dBA], Increase	Significance Threshold	Threshold Exceeded?	Sensitive Receptors Present?
Shiloh Rd	Conde Ln/ Caletti Ave	55.9	57.7	1.8	5.0	No	Yes
Shiloh Rd	Caletti Ave/ US-101 SB Ramps	66.1	67.5	1.4	5.0	No	No
Shiloh Rd	US-101 SB Ramps/ US-101 NB Ramps	65.8	68.3	2.5	5.0	No	No
Shiloh Rd	US-101 NB Ramps/ Hembree Ln	66.0	68.7	2.7	5.0	No	No
Shiloh Rd	Hembree Ln/ Old Redwood Hwy	67.9	72.1	4.2	3.0	Yes	Yes

Roadway	From/To	Predicted DNL [dBA], Baseline	Predicted DNL [dBA], Cumulative + Project	Predicted DNL [dBA], Increase	Significance Threshold	Threshold Exceeded?	Sensitive Receptors Present?
Shiloh Rd	Old Redwood Hwy/ Gridley Dr	61.6	67.0	5.4	5.0	Yes	Yes
Shiloh Rd	Gridley Dr/ Project Entrance East	61.4	66.3	4.9	5.0	No	Yes
Shiloh Rd	Project Entrance East/ East of Project Entrance	60.9	63.0	2.1	5.0	No	Yes
Old Redwood Hwy	North of Shiloh Rd/ Shiloh Rd	69.0	71.5	2.5	5.0	No	Yes
Old Redwood Hwy	Shiloh Rd/ Project Entrance	65.9	69.7	3.8	3.0	Yes	Yes
Old Redwood Hwy	Project Entrance/ South of Project Entrance	65.2	66.6	1.4	3.0	No	Yes

Source: **Appendix L**

### 3.14.11 Hazardous Materials and Hazards

There is the potential for impacts related to hazardous materials during construction of the project alternatives in combination with other projects. New developments on non-federal lands would be required to adhere to federal, State and municipal regulations regarding the delivery, handling, and storage of hazardous materials, thereby reducing the risk to the public’s health and welfare due to accidental exposure. Therefore, there are no significant cumulative hazardous materials impacts associated with the project alternatives.

There is the potential for impacts related to wildfire hazards in combination with other projects. The ETTA (**Appendix N-2**) modeled a No Notice Scenario and With Notice Scenario under both “2040 No Project” and “2040 Plus Project” conditions (see **Section 3.12.3.2** for a description of these scenarios). The year 2040 background traffic demand was developed based on applying a 1.4% per year straight-line growth factor to base traffic volumes based on the SCTA travel demand model. The results of the ETTA are shown in **Table 3.14-5**. New developments would be required to adhere to federal, State, and local building codes and fire protection codes and standards. As described in **Section 3.12.3**, with the implementation of project design features to reduce inherent wildfire risk described in **Section 2**, BMPs listed in **Table 2.1-3**, and mitigation measures in **Section 4**, construction or operation of the project alternatives would not increase wildfire risk onsite or in the surrounding area or inhibit local emergency response to or

evacuation from wildfire. Therefore, cumulative impacts associated with wildfire would be less than significant.

**Table 3.14-5: Evacuation Time Results (2040)**

Scenario	No Project (minutes)	Plus Project (minutes)	Percent Change
No Notice	315	420	+33%
With Notice	345	360	+4%

Source: Appendix N-2

### 3.14.12 Visual Resources

Cumulative projects in the vicinity of the Project Site have the potential to impact visual resources in a way that could result in significant impacts when considered in combination with the project alternatives. The project alternatives would be compatible with existing and planned commercial and residential development northwest of the Project Site (**Table 3.14-1**). Any future non-tribal development in the vicinity would be subject to Town or County review and approval. Therefore, development of the project alternatives in combination with other cumulative development would not result in significant cumulative effects to visual resources.

## 3.15 INDIRECT AND GROWTH-INDUCING EFFECTS

Under NEPA, the environmental effects of a Proposed Project must be analyzed. The definition of effects includes indirect and growth-inducing effects (40 CFR § 1508.1(i)). The CEQ Regulations define indirect effects as effects that are caused by the action and are later in time or further removed in distance but are still reasonably foreseeable (40 CFR § 1508.1(i)(2)). Growth-inducing effects are a type of indirect effects that are discussed further in **Section 3.15.3**.

### 3.15.1 Indirect Effects of Off-Site Traffic Mitigation and Off-Site Irrigation

Implementation of the project alternatives would require roadway improvements identified as mitigation in **Section 4**. Most of the traffic mitigation measures consist of signalization, signal optimization, and restriping improvements, which would be located within the existing developed right-of-way. Cumulative traffic mitigation for Alternatives A, B, and C, includes contribution of a fair share towards the widening of Shiloh Road between Caletti Avenue and Gridley Drive, which includes the portion of Shiloh Road that crosses over Highway 101. The widening project encompasses improvements to the Shiloh Road/Highway 101 interchange. **Figure 3.15-1** depicts the Off-Site Traffic Mitigation Effect Area.

As described in **Section 2.1.4**, recycled water from the on-site wastewater treatment plant could be used for off-site irrigation on land adjacent to or in proximity to the Project Site subject to federal, State, and local regulations. Recycled water irrigation would involve the construction of a buried pipeline connecting the on-site wastewater treatment plant to the off-site use area. The pipeline is assumed to be in areas currently disturbed by agricultural uses or within developed right-of-way. It is assumed that recycled water would be used on areas that are currently irrigated with well water, thus reducing current off-site groundwater pumping.



Source: Esri Community Maps Contributors, California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Pictometry International, Maxar

**FIGURE 3.15-1**  
OFF-SITE TRAFFIC MITIGATION EFFECT AREA



Off-site traffic mitigation and recycled water irrigation would require obtaining approvals and permits from the Town of Windsor, Sonoma County, California Department of Transportation (Caltrans), and/or the State Water Resources Control Board (SWRCB), and may be subject to the California Environmental Quality Act (CEQA), which requires additional environmental review prior to approval. Implementation of permitting and CEQA requirements would further reduce the potential for significant adverse impacts from off-site construction projects.

The indirect effects of off-site traffic mitigation and off-site irrigation are addressed below.

### **Land Resources**

Roadway improvements and off-site irrigation may require grading and/or the introduction of fill material. Potential impacts include geological hazards and increased potential for soil erosion due to the increase of impervious surfaces and additional earthwork needed to construct the improvements. Stable fill material, engineered embankments, and erosion control features would be used to reduce the potential for slope instability and erosion in accordance with requirements imposed by local jurisdictional agencies, such as Caltrans, the County, and/or the Town. In accordance with the federal Clean Water Act (CWA), any construction over one acre in area would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit program. A Stormwater Pollution Prevention Plan (SWPPP) would be developed, including soil erosion and sediment control practices to reduce the amount of exposed soil, prevent runoff from flowing across disturbed areas, slow runoff from the site, and remove sediment from the runoff. Under the Clean Water Act, sites less than one acre would still be prohibited from discharging sediments and other pollutants to off-site waterways. With compliance with the CWA, standard construction practices and specifications required by the jurisdictional agencies, and the NPDES General Construction Permit for activities over one acre in size, indirect effects would be less than significant.

### **Water Resources**

As discussed above, construction of improvements that exceed one acre of land would be required to comply with the NPDES General Construction Permit Program, including the development of a SWPPP that would include soil erosion and sediment control. Sites less than one acre would still be prohibited from discharging sediments and other pollutants to off-site waterways under the CWA. Roadway widening could increase impervious surfaces and modify drainage patterns. Curbs, gutters, inlets, and other drainage facilities would be constructed to meet the standards of the Town, County, and/or Caltrans and provide adequate facilities to direct stormwater runoff. With adherence to the CWA, NPDES General Construction Permit for activities over one acre in size, California Title 22 standards and standards for drainage facilities, indirect effects would be less than significant.

Off-site irrigation water would be treated to California Title 22 standards and thus would not result in a reduction in the quality of surface or groundwater. The use of recycled water for irrigation of off-site areas would result in an overall decrease in the amount of off-site groundwater pumping, which would partially offset the increase in groundwater pumping within the Project Site. Indirect effects to water resources from off-site irrigation with recycled water would be less than significant.

## Air Quality

Off-site improvements would result in short term, construction-related air pollutant emissions. Construction would produce two types of air contaminants: exhaust emissions from construction equipment and fugitive dust generated as a result of demolition and soil movement. Construction of improvements would be limited in scope and duration. The limited nature of roadway improvement and pipeline construction activities, combined with adherence to applicable Bay Area Air Quality Management District rules and regulations, would result in less-than-significant indirect effects to air quality. Construction of off-site improvements would be much less extensive than that of the proposed project alternatives; correspondingly, greenhouse gas (GHG) emissions would be less extensive as well. Given the limited and temporary nature of off-site improvement construction activities, GHG emissions would be less than significant.

Operational effects would occur if the roadway improvements resulted in localized increases in carbon monoxide (CO) concentrations or if the improvements contributed to traffic congestion at large intersections. However, it is expected that the roadway improvements described in **Section 4** would reduce congestion and improve traffic flow. With the improved circulation resulting from traffic mitigation, level of service (LOS) would be improved, thereby reducing idling time and associated vehicle emissions. Therefore, operational effects to air quality from roadway widening would be less than significant.

## Biological Resources

Off-site improvements are anticipated to primarily impact previously disturbed areas, agricultural land, ruderal vegetation, and/or roadside drainage channels. A Biological Resource Assessment was conducted for the Off-Site Traffic Mitigation Effect Area (**Figure 3.15-1**) and is included in **Appendix G-5**. As part of the Assessment, a review of USFWS, CNDDDB, and NWI databases was undertaken as well as a biological field survey. As described in **Appendix G-5**, the Effect Area contains urbanized habitat that consists of natural habitats that have been transformed into paved roads and roadbeds, with associated drainage features such as gutters, road relief ditches, drop inlets, and pipe culverts. No sensitive habitats occur within the Effect Area; however, implementation of the Off-Site Traffic Mitigation could require tree removal that would be subject to the Sonoma County Tree Protection Ordinance. The USFWS NWI reported no water features within the Effect Area. **Appendix G-5** found that the Off-Site Traffic Mitigation would not have any direct effects on federal- or state-listed plant or animal species as none occur within the Effect Area. Downstream of the Effect Area, there are various seasonal wetlands and channels and other sensitive habitats that provide suitable conditions for vernal pool plants and animals and other protected species dependent upon aquatic habitats that could be indirectly impacted by runoff during construction and operational of the Off-Site Traffic Mitigation. However, as discussed above under Water Resources, with adherence to the CWA, NPDES General Construction Permit for activities over one acre in size, California Title 22 standards, and standards for drainage facilities, indirect effects to water quality would be less than significant. The Off-Site Traffic Mitigation Effect Area contains suitable nesting habitat for various bird species because of the presence of some trees, shrubs, tall grass, and poles. Pipelines associated with off-site irrigation are anticipated to be constructed in areas currently disturbed by agriculture or within existing rights-of-way and thus generally not considered sensitive habitat. Adherence to State and federal requirements that protect special status species, nesting birds, and waters of the U.S., as well as the Sonoma County Tree Protection Ordinance would ensure that impacts to biological resources from construction of off-site improvements would be less than significant.

## Cultural Resources

Off-site improvements would primarily impact previously disturbed areas, agricultural land, ruderal areas, and/or roadside drainage channels. A cultural resources study was conducted for the Off-Site Traffic Mitigation Effect Area (**Figure 3.15-1**) and is included in **Appendix H-8**. On January 19, 2024, a field inspection was conducted for the anticipated APE of the Off-Site Traffic Mitigation Effect Area. In addition, a review of all recorded historic resources and resource inventory reports was conducted at the Northwest Information Center of the California Historical Resources Inventory System (CHRIS), historic U.S. Government Plat Maps of the area, as well as local and regional histories. The surface inspection did not encounter any historic or prehistoric cultural materials or features and did not identify any resources that met the criteria for inclusion on the NRHP; therefore, development of the Off-Site Traffic Mitigation would not result in direct adverse effects to known historic properties. Pipelines associated with off-site irrigation are anticipated to be constructed in areas currently disturbed by agriculture or within existing rights-of-way, it is likely that any cultural resources remaining in these areas would be highly disturbed and lack integrity, thus diminishing their significance. Potential off-site improvement projects would be subject to the protection of cultural resources afforded by CEQA Guidelines § 15064.5 and related provisions of the Public Resources Code. Therefore, a less-than-significant indirect effect to cultural resources would result.

## Socioeconomic Conditions

Traffic mitigation, including roadway widening, and the installation of irrigation pipelines within roadways, could result in short term disturbances to traffic flow and minor delays due to constricted traffic movement. Nearby businesses and residences would remain accessible throughout construction. The area of roadway impacts would be of a limited size and would not create significant adverse socioeconomic effects. The improvements would not result in the long term disruption of access to the surrounding land uses or to minority or low-income populations. Therefore, no significant indirect effects related to socioeconomic conditions would occur as a result of off-site traffic mitigation. Construction of the off-site irrigation line and subsequent operation is not anticipated to have socioeconomic effects.

## Transportation/Circulation

Traffic mitigation, including roadway widening, and the installation of irrigation pipelines within roadways could result in short term inconveniences and minor delays due to constricted traffic movements, but these are not expected to result in long term disruptions of access to the surrounding land uses. If construction activities would require temporary lane closures to accommodate construction equipment, a traffic management plan would be prepared in accordance with the jurisdictional agency requirements, thus avoiding potentially significant impacts from construction. Roadway widening would improve operational conditions/LOS along Shiloh Road and thus there would be no significant impacts following construction. Construction of the off-site irrigation line and subsequent operation is not anticipated to have transportation effects.

## Land Use

Construction of roadway improvements is not anticipated to conflict with the surrounding land uses. Roadway widening, which would be generally consistent with the Town's Traffic Impact Fee program, would include reconstruction of the Shiloh Road/Highway 101 interchange, widening of Shiloh Road

between Highway 101 and Old Redwood Highway, and improvement of the Old Redwood Highway and Shiloh Road intersection. Right-of-way acquisition for the improvements may be required. Adjacent property owners would be compensated at fair market values for land needed for rights-of-way. The improvements would not result in land use changes inconsistent with the General Plans or other guiding documents. For these reasons, roadway improvements would not result in significant effects to land use. Construction of the off-site irrigation line and subsequent operation is not anticipated to have land use effects.

### **Public Services**

Construction of off-site improvements may require relocation of utilities, including overhead electricity lines and telecommunication lines. Relocation of these lines could result in a temporary break in service to some homes and businesses in the area. However, because these effects are common when upgrading and maintaining utility services, and because potential service breaks would be temporary, these effects are considered less than significant. No significant impacts to police, fire, or emergency medical services are expected, as access to homes and businesses would be maintained during the construction period either through design or with implementation of a traffic management plan prepared in accordance with Town, County and/or Caltrans regulatory requirements.

### **Noise**

Construction of off-site improvements would result in short-term increases in local ambient noise levels. Construction would be required to adhere to Town and/or County noise requirements, which generally limit activities to daytime hours. As such, noise impacts would be less than significant.

### **Hazardous Materials**

The accidental release of hazardous materials used during grading and construction activities could pose a hazard to construction employees, surrounding residents, and the environment. Additionally, equipment used during grading and construction activities could ignite dry grasses and weeds along the roadside. These hazards, which are common to construction activities, would be minimized with adherence to State and federal statutes overseeing hazardous materials transportation. For construction improvements that exceed one acre of land, the NPDES General Construction Permit Program would be applicable, including the development of a SWPPP. The SWPPP would include measures to reduce the potential for hazardous releases and protocol for handling hazardous materials releases. As such, potential indirect impacts from the construction of off-site improvements would be less than significant.

### **Aesthetics**

Visual effects from the roadway widening would be minimal as Shiloh Road and the associated interchange with Highway 101 are existing features. Roadway widening would conform to applicable Town, County and Caltrans design standards and thus indirect impacts related to aesthetics would be less than significant. The off-site irrigation line would be underground and would not result in visual effects.

### 3.15.2 Indirect Effects of On-Site Riparian Corridor Wildfire Management Plan Mitigation

Implementation of the project alternatives includes a Riparian Corridor Wildfire Management Plan to reduce the potential for flammable vegetation in the riparian area. Mitigation included in **Section 4** outlines the minimum procedures and BMPs that are required to be included in the plan. The indirect effects of implementing the Riparian Corridor Wildfire Management Plan are addressed in this section.

#### Biological and Water Resources

Vegetation removal within the riparian corridor along Pruitt Creek could result in impacts to the Creek. As described in **Section 4**, the plan will be overseen by a qualified arborist/biologist and will require the following measures be taken during implementation:

- Vegetation management would be prohibited in the wetted channel (i.e., the creek must be dry to perform work).
- Vegetation removal would be conducted with hand tools; if a chain saw is needed to perform work, a tarp would be used to contain any wood chips/debris.
- No motorized vehicles would be allowed in the channel.
- Vegetation would not be removed from channel banks.
- Large woody debris (downed logs and root wads) in the channel and banks would remain in place.
- Vegetation management shall be conducted in a manner that protects riparian habitat and water quality, including tree canopies that provide shade to the channel (i.e., trees shall be trimmed only if a canopy can be maintained over the creek).

Adherence to these requirements would minimize the potential for impacts to Pruitt Creek.

Vegetation removal within the riparian corridor along Pruitt Creek could impact nesting birds. As described in **Section 4**, the plan will require that vegetation removal be conducted either outside the bird nesting season (February 1 to August 15), or that a nesting bird survey be conducted by a qualified biologist prior to starting work. Adherence to this requirement will minimize the potential for impacts to nesting birds from the implementation of the plan.

#### Noise

Implementation of the Riparian Corridor Wildfire Management Plan may result in short-term increases to local ambient noise levels from chainsaws and other landscaping equipment. With implementation of the BMPs included in **Table 2.1-3**, significant adverse effects to the ambient noise environment would not occur.

#### Other Values

Implementation of the Riparian Corridor Wildfire Management Plan would involve periodic removal of vegetation that presents a fire hazard in a manner that protects riparian habitat and water quality and, therefore, would not result in impacts associated with socioeconomics, transportation/circulation, land use compatibility, public services, hazardous materials, or aesthetics. Implementation of the plan would not result in ground disturbance and, therefore, would not result in impacts associated with geology and soils or unknown cultural or paleontological resources.

### 3.15.3 Growth-Inducing Effects

Growth-inducing effects are defined as effects that foster economic or population growth, either directly or indirectly. Growth inducement may constitute an adverse impact if the increased growth is not consistent with or accommodated by the land use and growth management plans and policies for the area affected. Local land use plans provide for development patterns and growth policies that allow for orderly development supported by adequate public services and utilities such as water supply, roadway infrastructure, sewer services, and solid waste disposal services. A project that would induce “disorderly” growth (i.e., would conflict with local land use plans) could indirectly cause adverse environmental or public service impacts. The growth-inducing analysis below conservatively focuses on Alternative A because Alternative A would result in the highest generation of employment and utility demands. Growth-inducing effects of Alternatives B and C would be similar to or less than Alternative A.

As described in **Section 3.7.3.1**, Alternative A would employ 1,859 individuals (with 1,571 originating from Sonoma County). There is ample population in the region to provide employment to Alternative A. Therefore, Alternative A would not result in a need for increased housing due to the employment needs of the resort. An increase in population could occur from senior level management hires who do not live in the region. However, the total impact associated with these positions would not likely total more than 10 families. In 2021, the County had approximately 205,236 housing units, of which approximately 17,163 (8.4%) were vacant. Therefore, it is anticipated that any housing needs created by Alternative A would be filled by existing vacant units. In addition, as described in **Section 3.7.3.1**, Alternative A would create 269 full-time equivalent indirect jobs and 751 full-time equivalent induced jobs. Indirect jobs would be the result of the impact of the direct expenditures on other business sectors while induced jobs would be a result of the spending of labor income. Sonoma County is a densely populated area that has a sufficient labor force focused on the hospitality industry. With other casino resorts in the market area, as well as other hospitality developments, the population already includes people who are seeking casino and/or hospitality-based employment. Therefore, it is assumed that employment for Alternative A would be filled by the local populace.

Direct output measures the total spending by gaming facility patrons, including labor income from gratuities, less expenditures that occur outside of the study area. The net direct impact from operations is estimated at \$185.6 million. The indirect output resulting from operation, which emanates from economic activities of suppliers and vendors and has a ripple effect in the regional economy, is estimated at \$57.5 million. The induced spending, reflecting increased consumption attributable to the direct and indirect earnings, is projected to result in \$48.9 million of output. Overall, an estimated \$292.0 million in economic output would be generated within Sonoma County on an annual basis once the gaming facility is operational, in 2033 dollars. This indirect and induced output could stimulate further commercial growth; however, such demand would be diffused and distributed among a variety of different sectors and businesses in the State. As such, significant regional commercial growth inducing impacts would not be anticipated to occur.

On-site water and wastewater utilities proposed under Alternatives A, B, and C would be designed to only serve the proposed development and thus would not result in any off-site growth inducement.

If an area does not have gas stations, increased traffic could result in the need for the development of a gas station. There are two existing gas stations on Shiloh Road adjacent to US 101 ramps that would serve vehicle traffic from the project alternatives; thus, Alternatives A, B and C are not anticipated to induce the need for a gas station in the general area of the Project Site.

# Section 4 | Mitigation Measures

The National Environmental Policy Act requires that, if a project would have significant adverse effects on the environment, mitigation for those impacts must be identified. Mitigation consists of the following:

- Avoiding the adverse effect altogether by not taking a certain action or parts of an action.
- Minimizing the adverse effect by limiting the degree or magnitude of the action and its implementation.
- Rectifying the adverse effect by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the adverse effect over time by preservation and maintenance operations during the life of the action.
- Compensating for the adverse effect by replacing or providing substitute resources or environments. (40 CFR § 1508.1(y))

As described in **Section 2.0**, alternatives integrate regulatory requirements and Best Management Practices (BMPs) in the overall project design in an effort to minimize the potentially adverse environmental effects identified in **Section 3.0**, including indirect and cumulatively adverse effects. Mitigation measures have been recommended as appropriate for any potentially significant effects identified following the incorporation of project design measures and BMPs and are listed in the table below. Further, as required by 40 CFR § 1505, the Bureau of Indian Affairs (BIA) or other appropriate consenting agency shall be responsible for ensuring that mitigation adopted within a Record of Decision (ROD) is implemented. 40 CFR § 1505.3 states that “agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation (§ 1505.2(c)) and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency.” The BIA shall prepare and publish a monitoring and compliance plan for mitigation part of the ROD pursuant to 40 CFR § 1505.3(d).

Resource Area	Proposed Mitigation	Alternative
Water Resources	<p>The following measures shall be implemented to address cumulative groundwater impacts under a scenario in which the Town of Windsor is operating two new municipal wells under multiple dry year conditions:</p> <p>A. Well Interference Drawdown Mitigation. Should the Town of Windsor determine pursuant to mitigation measure HYD-3 Section 2 in the Town’s PEIR for adoption of the 2009 Draft WMP Water Master Plan (Horizon, 2011), or an equivalent mitigation measure adopted in a subsequent California Environmental Quality Act document for these wells, that aquifer connectivity in the vicinity of the Esposti Park and/or Bluebird wells causes their operation to induce a substantial decrease in water levels in the shallow aquifer or in surrounding wells, alterations to surface streamflow, or impacts to natural recharge, then the Tribe shall participate in the development and implementation of an interference drawdown monitoring</p>	A, B, C

Resource Area	Proposed Mitigation	Alternative
	<p>and mitigation plan, and shall pay a share of the mitigation costs that is proportional to its contribution to the shallow aquifer impact being mitigated. The Tribe's obligation to contribute proportionate fair share funding shall be limited to measures to address impacts to existing domestic water supply wells from groundwater pumping; the Tribe shall have no obligation to participate in or fund other water supply initiatives or infrastructure improvements. Absent implementation of a mitigation plan by the Town of Windsor, the following monitoring and mitigation measures will be implemented by the Tribe should the Town of Windsor operate two new municipal wells under multiple dry year conditions:</p> <ul style="list-style-type: none"> <li>▪ Property owners and water agencies in the area where predicted drawdown exceeds 5 feet shall be notified by certified letter of the existence of a Well Interference Drawdown Monitoring and Mitigation Program and invited to register any domestic wells in the predicted 5-foot drawdown area and any municipal, industrial, or irrigation wells in the predicted 20-foot drawdown area to participate in the program. To register for the program, well owners will be required to complete a Well Information Questionnaire regarding the construction, use, history and performance of their well, and to sign an Access Agreement that allows access for periodic measurement of water levels and assessment of well conditions and performance. A drawdown monitoring program shall be implemented to assess the extent and distribution of drawdown at the Site and in the vicinity.</li> <li>▪ Well owners may submit claims for diminished well capacity or increased well maintenance costs. Such claims shall be evaluated to verify their veracity and whether the capacity loss or increased maintenance cost has occurred as a result of the Project. If well performance is found to be diminished by more than 25% or to be no longer adequate to meet historical water demands due to interference drawdown, registered participants will be eligible to receive reimbursement for reasonable and customary costs for well replacement, deepening or rehabilitation, or pump lowering as needed to restore adequate well function. In addition, the cost of additional maintenance attributable to interference drawdown caused by the Project will be eligible for reimbursement. The cost of reimbursement shall be borne by the Tribe.</li> <li>▪ As an alternative to reimbursement, the Tribe may, at its sole discretion, elect to connect the claimant to an alternative potable water source such as the casino's water</li> </ul>	



Resource Area	Proposed Mitigation	Alternative
	<p>system at the Tribe’s expense. Based on review of the extent to which the claim is due to drawdown caused by the Project vs. pumping by the Town of Windsor, the Tribe may request reimbursement from the Town of Windsor for a fair share in proportion to the degree of the Project’s contribution to the drawdown that caused the diminished yield or increased maintenance cost.</p> <p>B. Baseline Groundwater Level Monitoring Program. The Tribe shall implement an onsite groundwater level monitoring program, including the installation and monitoring of three shallow groundwater monitoring wells (one near Pruitt Creek; one near the southwestern boundary of the site; and one near the eastern side of the northern boundary of the site) and monitoring of at least one of the existing supply wells, which shall be repurposed for monitoring purposes to assess groundwater levels in the pumped aquifer and at the water table beneath the Project site. Monitoring shall begin at least one year prior to initiation of Project pumping and shall continue for a period of least 5 years after pumping of the Town of Windsor’s Esposti Park well commences in order to help assess the vertical connectivity of the aquifer system and the potential cumulative effects of Town of Windsor and Project pumping on shallow domestic wells and Groundwater Depended Ecosystems (GDEs). Groundwater level measurements shall be collected in the spring and fall of each year using an electronic well sounder to assess the depth to groundwater beneath a designated reference point. In addition, recording pressure transducers shall be deployed to assess short term changes in groundwater levels that can be compared to pumping of the on-site supply well(s) or nearby wells operated by the Town of Windsor and other parties. Observed groundwater levels shall be compared to predicted groundwater levels presented in the Supplemental Groundwater Resources Impact Assessment (GRIA) to help guide the implementation of appropriate well interference measures in cooperation with the Town of Windsor under Measure A, if required.</p> <p>C. GDE Monitoring and Mitigation. Should the Town of Windsor develop and operate two new municipal potable water supply wells during dry years as described in its Urban Water Management Plan, including one at Esposti Park, a GDE Verification Monitoring Workplan shall be developed and implemented to verify whether vegetation stress and habitat degradation is occurring along the riparian area of Pruitt Creek through the Project Site. The GDE Monitoring Plan shall</p>	

Resource Area	Proposed Mitigation	Alternative
	<p>describe the program procedures, schedules, responsibilities, documentation requirements.</p> <ul style="list-style-type: none"> <li>▪ Baseline resource characterization and data acquisition shall be conducted by a qualified biologist in the on-Site portion of the GDE, including documentation of species composition and habitat condition, and documentation of photo points and reference transects.</li> <li>▪ Data collection at photo points and transects shall be conducted annually by a qualified biologist.</li> <li>▪ Satellite data available from the Landsat or Sentinel program shall be assessed annually and compared to a baseline and to shallow groundwater level trends.</li> <li>▪ Baseline data shall be analyzed for a period of at least six representative hydrologic years by using the satellite data to calculate a vegetation index such as Normalized Difference Vegetation Index or Leaf Area Index;</li> <li>▪ Annual data shall be analyzed and compared to the baseline data to assess whether there is quantifiable remote sensing evidence of plant stress or reduced vigor.</li> <li>▪ The biological and satellite data shall be evaluated, including consideration of groundwater levels in the shallow aquifer, Town of Windsor pumping records and precipitation records in a nearby representative meteorological station to assess whether a loss of vegetation vigor has occurred that may result in habitat degradation and that is attributable to groundwater level changes caused by groundwater pumping.</li> <li>▪ An annual monitoring report shall be submitted to the BIA by April 1 of the following year. If the program verifies that loss of plant vigor that may lead to habitat degradation is occurring, a meeting shall be convened between BIA, Sonoma County and the Town of Windsor to discuss and agree to appropriate changes in groundwater pumping and management procedures, parties responsible for implementation and cost sharing.</li> </ul> <p>See Hazardous Materials and Hazards – Wildfire Hazards mitigation below regarding water quality measures related to the riparian corridor wildfire management plan.</p>	
Biological Resources	<p>The following measures shall be implemented to avoid and/or reduce impacts to the Riparian Corridor:</p> <p>A. Alterations to riparian vegetation shall be avoided to the maximum extent possible. The project footprint shall be established at the minimum size necessary to complete the work. Temporary setback areas shall be marked with fencing to</p>	A, B, C

Resource Area	Proposed Mitigation	Alternative
	<p>protect the riparian zone and its function. Any disturbed riparian areas shall be replanted with native trees and shrubs.</p> <p>B. A qualified biologist shall delineate an Environmentally Sensitive Area along Pruitt Creek. The contractor shall install high-visibility fence to prevent accidental incursion on the Environmentally Sensitive Area.</p> <p>C. Staging areas, access routes, and total area of activity shall be limited to the minimum area necessary to achieve Project goals. Routes and boundaries shall be clearly marked and outside of the riparian area and create a buffer zone wide enough to support sediment and nutrient control and bank stabilization function.</p> <p>The following measures shall be implemented to minimize or avoid potential impacts to wetlands, Waters of the U.S., and special-status species:</p> <p>D. Prior to the start of construction, wetlands and jurisdictional features shall be fenced, and excluded from activity. Fencing shall be located as far as feasible from the edge of wetlands and riparian habitats and installed prior to the dry season, after special-status species surveys have been conducted and prior to construction. The fencing shall remain in place until all construction activities on the site have been completed.</p> <p>E. Ground disturbing activities, such as grading, clearing, and excavation, within 50 feet of any U.S. Army Corps of Engineers (USACE) jurisdictional features identified in the formal delineation process shall be conducted during the dry season (between June 15 and October 15) to minimize erosion. In the event of substantial, unseasonably high flow within Pruitt Creek on or after April 15, work shall be altered or stopped until flow ceases in the creek. Temporary stormwater Best Management Practices such as vegetative stabilization and linear sediment barriers shall be established between disturbed portions of the Project Site and Pruitt Creek to prevent sedimentation in the watercourse.</p> <p>F. Staging areas shall be located away from the areas of aquatic habitat that are fenced off. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. with tarps, silt fences, or straw bales).</p> <p>G. Standard precautions shall be employed by the construction contractor to prevent the accidental release of fuel, oil, lubricant, or other hazardous materials associated with</p>	

Resource Area	Proposed Mitigation	Alternative
	<p>construction activities into jurisdictional features. A contaminant program shall be developed and implemented in the event of release of hazardous materials.</p> <p>H. If impacts to Waters of the U.S. and wetland habitat are unavoidable, a 404 permit and 401 Certification under the Clean Water Act shall be obtained from the USACE and U.S. Environmental Protection Agency (USEPA). Mitigation measures may include creation or restoration of wetland habitats either on site or at an appropriate off-site location, or the purchase of approved credits in a wetland mitigation bank approved by the USACE. Compensatory mitigation shall occur at a minimum of 1:1 ratio or as required by the USACE and USEPA.</p> <p>I. Consultation with the National Oceanic and Atmospheric Administration Fisheries for impacts to fish and essential fish habitat shall be conducted in accordance with Section 7 of the federal Endangered Species Act (FESA) and Magnuson-Stevens Act and any requirements resulting from that consultation shall be adhered to.</p> <p>The following measures shall be implemented to avoid impacts to California red-legged frogs (CRLF):</p> <p>J. A qualified biologist shall conduct a preconstruction habitat assessment survey for CRLF following Appendix D of the U.S. Fish and Wildlife Service [USFWS (2005)] <i>Revised Guidance of Site Assessments and Field Surveys for the California Red-legged Frog</i>. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the CRLF. The survey shall be conducted in all potential CRLF habitat on and within 200 feet of ground disturbance.</p> <p>K. If CRLF is detected during pre-construction surveys or during construction, the USFWS shall be contacted immediately to determine the best course of action.</p> <p>L. Should CRLF be identified during surveys, additional silt fencing shall be installed after surveys have been completed to further protect this species from construction impacts. The fencing shall remain in place until construction activities cease.</p> <p>The following measures shall be implemented to avoid impacts to northwestern pond turtle (NWPT):</p> <p>M. A qualified biologist shall conduct a preconstruction survey for NWPT along Pruitt Creek 24 hours prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the NWPT. The survey shall be conducted within 350 feet of the stretch of Pruitt Creek. If</p>	

Resource Area	Proposed Mitigation	Alternative
	<p>NWPT is detected within or immediately adjacent to the area of ground disturbance, the USFWS shall be contacted immediately to determine the best course of action.</p> <p>N. Should NWPT be identified during surveys, additional silt fencing shall be installed after surveys have been completed to further protect this species from construction impacts. The fencing shall remain in place until construction activities cease.</p> <p>The following measures shall be implemented to avoid and/or reduce impacts to potentially nesting migratory birds and other birds of prey in accordance with the federal Migratory Bird Treaty Act.</p> <p>O. Removal of vegetation and trimming or removal of trees shall occur outside the bird nesting season (February 1 to August 30) to the extent feasible.</p> <p>P. If removal or trimming of vegetation and trees cannot avoid the bird nesting season, a qualified wildlife biologist shall conduct a pre-construction nesting survey within 7 days prior to the start of such activities or after any construction breaks of 14 days or more. Surveys shall be performed for the Project Site and suitable habitat within 250 feet of the Project Site in order to detect any active passerine (perching bird) nests and within 500 feet of the Project Site to identify any active raptor (bird of prey) nests.</p> <p>Q. If active nests are identified during the pre-construction bird nesting surveys, the wildlife biologist shall place species- and site-specific no-disturbance buffers around each nest. Buffer size would typically be between 50 and 250 feet for passerines and between 300 and 500 feet for raptors (birds of prey). These distances may be adjusted depending on the level of surrounding ambient activity (e.g., if the Project Site is adjacent to a road or community development) and if an obstruction, such as a building structure, is within line-of-sight between the nest and construction. For bird species that are federally- and/or State-listed sensitive species (i.e., fully protected, endangered, threatened, species of special concern), a Project representative, supported by the wildlife biologist, shall consult with the USFWS and/or the California Department of Fish and Wildlife (CDFW) regarding modifying nest buffers. The following measures shall be implemented based on their determination:</p> <ul style="list-style-type: none"> <li>▪ If construction would occur outside of the no-disturbance buffer and is not likely to affect the active nest, the construction may proceed. However, the biologist shall be consulted to determine if changes in the location or magnitude of construction activities (e.g., blasting) could</li> </ul>	

Resource Area	Proposed Mitigation	Alternative
	<p>affect the nest. In this case, the following measure would apply:</p> <ul style="list-style-type: none"> <li>▪ If construction may affect the active nest, the biologist and a Project representative shall consult with USFWS and/or CDFW, dependent on regulatory status, to develop alternative actions such as modifying construction, monitoring of the nest during construction, or removing or relocating active nests.</li> </ul> <p>R. Any birds that begin nesting within the Project Site and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and minimum work exclusion zones of 25 feet shall be established around active nests in these cases.</p> <p>S. A qualified wildlife biologist shall conduct pre-construction burrowing owl surveys within 7 days prior to the start of such activities or after any construction breaks of 14 days or more. Surveys shall be performed at known mammal burrows or areas with the potential for new mammal burrows, within 250 feet of the Project Site. Surveys shall be conducted between morning civil twilight and 10:00 AM or two hours before sunset until evening civil twilight to provide the highest detection probabilities.</p> <p>T. If surveys identify evidence of western burrowing owls within 250 feet of the Project Site, the contractor shall:</p> <ul style="list-style-type: none"> <li>▪ Establish a 250-foot exclusion zone around the occupied burrow or nest, as directed by the qualified biologist.</li> <li>▪ Avoid the exclusion zone while the burrow is occupied.</li> <li>▪ Not resume construction activities within the 250-foot zone until the Project representative provides written Notice to Proceed based on the recommendation of the qualified biologist.</li> </ul> <p>U. If avoidance of occupied burrows is not feasible during the September 1 to January 31 non-breeding season, construction may occur within 250 feet of the overwintering burrows as long as the contractor's qualified biologist monitors the owls for at least 3 days prior to Project construction and during construction and finds no change in owl foraging behavior in response to construction activities. If there is any change in owl foraging behavior as a result of construction activities, activities shall cease within the 250-foot exclusion zone.</p> <p>V. If destruction of occupied burrows is necessary, burrow exclusion can be conducted in accordance with the Staff Report on Burrowing Owl Mitigation.</p>	
Cultural Resources	The following measures shall be implemented to avoid or reduce potential impacts to previously unknown archaeological and historical resources that may exist on the Project Site:	A, B, C

Resource Area	Proposed Mitigation	Alternative
	<p>A. Any ground-disturbing activities that occur within 150 feet of Pruitt Creek or within 50 feet of areas identified by the Canine Field Survey as having an “alert” shall be monitored by a qualified archaeologist, Native American Tribal Monitor from Koi Nation, and/or a Native American Tribal Monitor or archaeologist selected by interested Sonoma County tribes. An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, lead agency, and the project proponent. The program shall clearly define the authority to temporarily halt/redirect construction should resources be encountered.</p> <p>B. In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR Part 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior’s qualifications (36 CFR Part 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA and other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist and project proponent, a BIA representative shall meet with the archaeologist or paleontologist and project proponent to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate avoidance measures or other mitigation.</p> <p>C. If human remains are discovered during ground-disturbing activities a BIA representative shall be contacted immediately. No further disturbance shall occur until the BIA representative has made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods.</p>	
Public Services and Utilities	<p>The following measures shall be implemented to reduce impacts to police and fire services:</p> <p>A. Prior to operation, the Tribe shall make good faith efforts to enter into a service agreement with the Sonoma County Sheriff’s Office (SCSO) to compensate SCSO for quantifiable direct and indirect costs incurred in conjunction with providing law enforcement services to the Project Site. The agreement shall include a provision requiring the Tribe to meet with SCSO</p>	A, B, C

Resource Area	Proposed Mitigation	Alternative
	<p>at least once a year, if requested, to discuss ways to improve police services and prosecution of crimes associated with the project.</p> <p><b>B.</b> Prior to operation, the Tribe shall make good faith efforts to enter into a service agreement with the Sonoma County Fire District (SCFD) to compensate SCFD for quantifiable direct and indirect costs incurred in conjunction with providing fire protection and emergency medical services to the Project Site. The agreement shall address any required conditions and standards for emergency access and fire protection systems.</p> <p><b>C.</b> If the Tribe does not enter into a service agreement <b>for law enforcement and/or fire protection services</b>, the Tribe shall establish, equip, and staff a <b>public safety building for such services</b> on the Project Site. The fire department shall follow the certification and standards of the BIA and shall be staffed at all times with a minimum of <b>3</b> personnel, each trained as a firefighter and emergency medical technician. The <b>building</b> shall be located in the “treatment area” designated in the eastern portion of the Project Site (<b>Figure 2.1-1</b>).</p>	
Noise	<p>The following measures shall be implemented to reduce impacts from off-site traffic noise during the cumulative year:</p> <p><b>A.</b> The Tribe shall pay a fair share towards repaving the following road segments with noise-reducing pavement:</p> <ul style="list-style-type: none"> <li>▪ Shiloh Road, between Hembree Lane and Gridley Drive</li> <li>▪ Old Redwood Highway, between Shiloh Road and the Project Entrance.</li> </ul> <p><b>B.</b> If repaving is not necessitated by traffic improvements prior to 2040, the Tribe will compensate homeowners adjacent to the identified roadway segments for dual pane exterior windows or other noise reducing measures, such installing window assemblies with higher than 27 Sound Transmission Class, that can achieve noise reduction in the interior of the sensitive receptors that meet federal, state, and local standards, at the request of the homeowner.</p>	A
	<p><b>C.</b> The Tribe shall pay a fair share towards repaving the following road segments with noise-reducing pavement:</p> <ul style="list-style-type: none"> <li>▪ Shiloh Road, between Hembree Lane and Old Redwood Highway</li> <li>▪ Old Redwood Highway, between Shiloh Road and the Project Entrance.</li> </ul> <p><b>D.</b> If repaving is not necessitated by traffic improvements prior to 2040, the Tribe will compensate homeowners adjacent to the identified roadway segments for dual pane exterior windows, at the request of the homeowner.</p>	B, C



Resource Area	Proposed Mitigation	Alternative
Transportation and Circulation	<p>While the timing for the off-site roadway improvements is not within the jurisdiction or ability to control of the Tribe, the Tribe shall make good faith efforts to assist with implementation of the opening year improvements prior to opening day. The Tribe shall either complete or make in-lieu fair share contributions to the cumulative 2040 traffic mitigation measures prior to the need for the improvements. The Tribe's fair share contribution percentage, as estimated in the Traffic Impact Study (<b>Appendix I</b>), is included for each measure. Funding shall be for design standards consistent with those required for similar facilities in the region. The actual cost of the improvements shall be calculated by a California-licensed transportation engineer according to industry accepted practices, and in consultation with the governmental agency with jurisdiction over the roadway to be improved. These estimated fair share contributions could be adjusted based on an agreement with the governmental entity with jurisdiction over the road to be improved. Funds for opening year 2028 and cumulative 2040 mitigation measures shall be placed in an escrow account, or other account as agreed to by the Tribe and relevant government agency, for use by the governmental entity with jurisdiction over the road to be improved so that the entity may design, obtain approvals/permits for, and construct the recommended road improvement.</p> <p>The following measures shall be implemented to reduce traffic impacts:</p>	
	<p>Opening Year 2028:</p> <p>A. For Intersection 1) Shiloh Rd. &amp; Old Redwood Hwy. (100% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Convert split phasing in Eastbound (EB)/Westbound (WB) direction to protected phasing.</li> <li>▪ Convert existing WB-through lane to an exclusive left-turn lane (storage length of 200 feet and taper length of 75 feet) and shared through/right turn.</li> <li>▪ Add one Northbound left-turn lane.</li> <li>▪ Restripe Eastbound right (EBR) to give 150 ft. storage length.</li> <li>▪ Restripe Southbound left (SBL) to 190 ft. storage length.</li> <li>▪ Restripe SBR to 105 ft. storage length.</li> <li>▪ Construct Traffic Impact Fee (TIF) project to add second Northbound left (NBL) turn lane and second WB receiving lane.</li> </ul> <p>B. For Intersection 2) Shiloh Rd. &amp; Hembree Ln. (100% fair share contribution) - Optimize splits and cycle length.</p> <p>C. For Intersection 7) Shiloh Rd. &amp; Casino Entrance 1 (100% fair share contribution) - Signalize intersection.</p>	A

Resource Area	Proposed Mitigation	Alternative
	<p>D. For Intersection 8) Old Redwood Hwy. &amp; Casino Entrance 1 (100% fair share contribution) - Signalize intersection.</p> <p>Cumulative Year 2040:</p> <p>E. For Intersection 1) Shiloh Rd. &amp; Old Redwood Hwy. (39.4% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Convert split phasing in EB/WB direction to protected phasing.</li> <li>▪ Restripe NB approach to include two exclusive left turn lanes, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe Southbound (SB) approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe EB approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe WB approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe Eastbound left (EBL) to give 385 ft. storage length.</li> <li>▪ Restripe SBL to 145 ft. storage length.</li> <li>▪ Restripe Southbound right (SBR) to 105 ft. storage length.</li> <li>▪ Construct TIF project to add second NBL turn lane and WB receiving lane.</li> <li>▪ Widen Shiloh Rd. between Hembree Ln. and Gridley Dr. from two lanes to four lanes.</li> </ul> <p>F. For Intersection 2) Shiloh Rd. &amp; Hembree Ln. (36.4% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Convert split phasing in NB/SB direction to protected phasing.</li> <li>▪ Restripe NB approach to include one exclusive left turn lane and one shared through-right turn lane.</li> <li>▪ Restripe SB approach to include one exclusive left turn lane, one through lane, and two exclusive right turn lanes.</li> <li>▪ Restripe EB approach to include two exclusive left turn lanes, one through lane, and one shared through-right turn lane.</li> <li>▪ Restripe WB approach to include one exclusive left turn lane, one through lane, and one shared through-right turn lane.</li> </ul> <p>G. For Intersection 5) Shiloh Rd. &amp; Caletti Ave. (5.9% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Restripe WB approach to include one exclusive left turn lane and two through lanes.</li> </ul> <p>H. For Intersections 2, 3, and 5 (27.4% fair share) – Contribute fair share payment to TIF Project #2 Shiloh Road Interchange.</p> <p>I. For Intersection 6) Shiloh Rd. &amp; Conde Ln. (6.3% fair share contribution)</p>	

Resource Area	Proposed Mitigation	Alternative
	<ul style="list-style-type: none"> <li>▪ Optimize signal timing parameters.</li> <li>▪ Restripe SBR to give 65 ft. storage length.</li> </ul> <p>J. For Intersection 12) Old Redwood Hwy. &amp; US 101 SB Ramp (5.2% fair share contribution) - Optimize signal timing parameters.</p>	
	<p>Opening Year 2028:</p> <p>K. For Intersection 1) Shiloh Rd. &amp; Old Redwood Hwy. (100% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Convert split phasing in EB/WB direction to protected phasing.</li> <li>▪ Convert existing westbound-through lane to an exclusive left-turn lane (storage length of 200 feet and taper length of 75 feet) and a shared through/right turn lane.</li> <li>▪ Add one northbound left-turn lane.</li> <li>▪ Restripe EBR to give 150 ft. storage length.</li> <li>▪ Restripe SBL to 190 ft. storage length.</li> <li>▪ Restripe SBR to 105 ft. storage length.</li> <li>▪ Construct TIF project to add second NBL turn lane.</li> </ul> <p>L. For Intersection 2) Shiloh Rd. &amp; Hembree Ln. (100% fair share contribution) - Optimize splits and cycle length.</p> <p>M. For Intersection 7) Shiloh Rd. &amp; Casino Entrance 1 (100% fair share contribution) - Signalize intersection.</p> <p>Cumulative Year 2040:</p> <p>N. For Intersection 1) Shiloh Rd. &amp; Old Redwood Hwy. (36% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Convert split phasing in EB/WB direction to protected phasing.</li> <li>▪ Restripe NB approach to include two exclusive left turn lanes, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe SB approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe EB approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane.</li> <li>▪ Restripe WB approach to include one exclusive left turn lane, two through lanes, and one exclusive right turn lane</li> <li>▪ Restripe EBL to give 385 ft. storage length.</li> <li>▪ Restripe SBL to 145 ft. storage length.</li> <li>▪ Restripe SBR to 105 ft. storage length.</li> <li>▪ Construct TIF project to add second NBL turn lane and WB receiving lane.</li> <li>▪ Widen Shiloh Rd. between Hembree Ln. and Gridley Dr. from two lanes to four lanes.</li> </ul> <p>O. For Intersection 2) Shiloh Rd. &amp; Hembree Ln. (33.1% fair share contribution)</p>	B

Resource Area	Proposed Mitigation	Alternative
	<ul style="list-style-type: none"> <li>▪ Convert split phasing in NB/SB direction to protected phasing.</li> <li>▪ Restripe NB approach to include one exclusive left turn lane and one shared through-right turn lane.</li> <li>▪ Restripe SB approach to include one exclusive left turn lane, one through lane, and two exclusive right turn lanes.</li> <li>▪ Restripe EB approach to include two exclusive left turn lanes, one through lane, and one shared through-right turn lane.</li> <li>▪ Restripe WB approach to include one exclusive left turn lane, one through lane, and one shared through-right turn lane.</li> </ul> <p>P. For Intersection 3) Shiloh Rd. &amp; US 101 NB Off-ramp. (33.8% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Restripe NB approach to include one exclusive left turn lane and two exclusive right turn lanes.</li> <li>▪ Restripe EB approach to include two through lanes.</li> <li>▪ Restripe WB approach to include two through lanes.</li> </ul> <p>Q. For Intersection 5) Shiloh Rd. &amp; Caletti Ave. (5.1% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Restripe WB approach to include one exclusive left turn lane and two through lanes.</li> </ul> <p>R. For Intersections 2, 3, and 5 (26.7% fair share contribution) – Contribute fair share payment to TIF Project #2 Shiloh Road Interchange.</p> <p>S. For Intersection 6) Shiloh Rd. &amp; Conde Ln. (5.5% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Optimize signal timing parameters.</li> <li>▪ Restripe SBR to give 65 ft. storage length.</li> </ul> <p>T. For Intersection 8) Old Redwood Hwy. &amp; Casino Entrance 1 (100% fair share contribution) - Signalize intersection.</p> <p>U. For Intersection 12) Old Redwood Hwy. &amp; US 101 SB Ramp (4.3% fair share contribution) - Optimize signal timing parameters.</p>	
	<p>Opening Year 2028:</p> <p>V. For Intersection 1) Shiloh Rd. &amp; Old Redwood Hwy. (100% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Restripe SBR to give 130 ft. storage length.</li> <li>▪ Construct TIF project to add second NBL turn lane and WB receiving lane.</li> </ul> <p>Cumulative Year 2040:</p> <p>W. For Intersection 1) Shiloh Rd. &amp; Old Redwood Hwy. (13.3% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Convert split phasing in EB/WB direction to protected phasing.</li> </ul>	<p>C</p>

Resource Area	Proposed Mitigation	Alternative
	<ul style="list-style-type: none"> <li>▪ Restripe NB approach to include two exclusive left turn lanes, one through lane, and one exclusive right turn lane.</li> <li>▪ Restripe SB approach to include one exclusive left turn lane, one through lane, and one exclusive right turn lane.</li> <li>▪ Restripe EB approach to include one exclusive left turn lane, one through lane, and one exclusive right turn lane with overlap phasing.</li> <li>▪ Restripe WB approach to include one exclusive left turn lane, one through lane, and one exclusive right turn lane.</li> <li>▪ Restripe EBL to give 405 ft. storage length.</li> <li>▪ Restripe EBR to 180 ft. storage length.</li> <li>▪ Restripe SBL to 190 ft. storage length.</li> <li>▪ Restripe SBR to 200 ft. storage length.</li> <li>▪ Construct TIF project to add second NBL turn lane and WB receiving lane.</li> </ul> <p>X. For Intersection 2) Shiloh Rd. &amp; Hembree Ln. (22.7% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Convert split phasing in NB/SB direction to protected phasing.</li> <li>▪ Restripe NB approach to include one exclusive left turn lane and one shared through-right turn lane.</li> <li>▪ Restripe SB approach to include one exclusive left turn lane, one through lane, and two exclusive right turn lanes.</li> <li>▪ Restripe EB approach to include two exclusive left turn lanes, one through lane, and one shared through-right turn lane.</li> <li>▪ Restripe WB approach to include one exclusive left turn lane, one through lane, and one shared through-right turn lane.</li> </ul> <p>Y. For Intersection 3) Shiloh Rd. &amp; US 101 NB Off-ramp. (25.2% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Restripe EB approach to include two through lanes.</li> <li>▪ Restripe WB approach to include two through lanes.</li> </ul> <p>Z. For Intersection 5) Shiloh Rd. &amp; Caletti Ave. (3.4% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Restripe WB approach to include one exclusive left turn lane and two through lanes.</li> </ul> <p>AA. For Intersections 2, 3, and 5 (9.1% fair share contribution) Contribute fair share payment to TIF Project #2 Shiloh Road Interchange.</p> <p>BB. For Intersection 6) Shiloh Rd. &amp; Conde Ln. (3.7% fair share contribution)</p> <ul style="list-style-type: none"> <li>▪ Optimize signal timing parameters.</li> <li>▪ Restripe SBR to give 50 ft. storage length.</li> </ul> <p>CC. For Intersection 8) Old Redwood Hwy. &amp; Project Entrance 1 (100% fair share contribution) - Signalize intersection.</p>	

Resource Area	Proposed Mitigation	Alternative
	DD. For Intersection 12) Old Redwood Hwy. & US 101 SB Ramps (3.2% fair share contribution) - Optimize signal timing parameters.	
Hazardous Materials and Hazards – Wildfire Hazards	<p>The following measures shall be implemented for all alternatives:</p> <p>A. Prior to opening day the Tribe shall engage a qualified arborist and/or biologist to develop a riparian corridor wildfire management plan to be implemented annually during operation. The goal of the plan shall be to reduce fire hazard on and adjacent to the on-site riparian corridor. At a minimum the plan shall include the following procedures and best management practices that shall be overseen by a qualified arborist and/or biologist:</p> <ul style="list-style-type: none"> <li>▪ Weed abatement and fuel load reduction outside of the creek channel shall be conducted in late Spring (May and June) by hand crews and repeated as necessary through the fire season.</li> <li>▪ When riparian vegetation is within a 100-foot radius of a structure or the property line, the following procedures shall be implemented: <ul style="list-style-type: none"> <li>○ All dead or dying trees, branches, shrubs, or other plants adjacent to or overhanging buildings shall be removed.</li> <li>○ Lower branches of trees shall be pruned to a height of 6 to 15 feet or 1/3 tree height for trees under 18 feet.</li> <li>○ All dead or dying grass, leaves, needles, or other vegetation shall be removed.</li> <li>○ Live flammable ground cover and shrubs shall be removed or separated.</li> <li>○ Climbing vines shall be maintained free of dead or dying material or removed from trees and structures.</li> <li>○ Dead or dying grass shall be mowed to a maximum of 4 inches in height. Trimmings may remain on the ground.</li> <li>○ Live flammable ground cover less than 18 inches in height may remain, but overhanging and adjacent trees must be pruned to a height of 6 to 15 feet.</li> <li>○ Logs and stumps embedded in the soil shall be removed or isolated from structures and other vegetation.</li> <li>○ All dead or dying brush or trees, and all dead or dying tree branches within 15 feet of the ground shall be removed.</li> </ul> </li> <li>▪ Vegetation management is prohibited in the wetted channel (i.e., the creek must be dry to perform work)</li> <li>▪ Vegetation removal is with hand tools; if a chain saw is needed to perform work, a tarp is used to contain any wood chips/debris.</li> <li>▪ No motorized vehicles are allowed in the channel.</li> </ul>	A, B, C

Resource Area	Proposed Mitigation	Alternative
	<ul style="list-style-type: none"> <li>▪ Vegetation shall not be removed from channel banks.</li> <li>▪ Large woody debris (downed logs and root wads) in the channel and banks shall remain in place.</li> <li>▪ Debris jams (fallen trees) that block the channel causing obstruction shall be removed.</li> <li>▪ Vegetation management shall be conducted in a manner that protects riparian habitat and water quality, including tree canopies that provide shade to the channel (i.e., trees shall be trimmed only if a canopy can be maintained over the creek).</li> <li>▪ Vegetation removal shall either conducted outside the bird nesting season (February 1 to August 15) or a field survey for bird nests by a qualified biologist shall occur prior to starting work and implementing appropriate avoidance buffers.</li> </ul> <p>B. Prior to occupancy, the Tribe shall coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan that includes, but is not limited to, the following procedures and best management practices:</p> <ul style="list-style-type: none"> <li>▪ The evacuation plan shall complement the County of Sonoma’s Emergency Evacuation Plan, Operations Plan, supporting documents, and the standard operating procedures of fire, law, and emergency management agencies of the County.</li> <li>▪ Designated staff shall coordinate evacuation procedures with the lead agency for evacuations and other participating agencies during an evacuation event.</li> <li>▪ Unless a pre-determined evacuation zone specific to the casino-resort is created and/or unless specifically directed otherwise by the lead authority for evacuations, the casino-resort shall initiate a mandatory evacuation of the Project Site as soon as the evacuation zones within the Trigger Evacuation Zone are issued a evacuation warning or order. The Trigger Evacuation Zone (shown on <b>Figure 3.12-6</b>) includes the following evacuation zones: SON-2K1, SON-2K2, SON-2K3, SON-2L4, SON-2L5, SON-2L6, SON-2L7, SON-2M1, SON-2N1, SON-3A1, SON-3B1, SON-3C1, SON-3C2, SON-3C3, SON-4A2, SON-4A3, WI-A01, WI-A02, WI-A03, WI-A04, WI-A05, WI-A06, WI-B01, WI-B02, WI-B03, WI-B04, WI-B05, WI-B06, WI-B07, WI-B08, WI-B09, WI-B10, WI-B11, WI-B12, WI-B13, WI-B14, WI-B15, WI-B16, WI-B17, WI-C01, WI-C02, WI-C03, WI-C04, WI-C05, WI-C06, WI-C07, WI-C08, WI-C09, WI-C10, WI-C11, WI-D01, WI-D02, WI-D03, WI-D04, WI-D05, WI-D06, WI-D07, WI-D08, WI-D09, WI-D10, WI-D11. This shall shut down all operations with visitors, hotel guests, and most staff evacuating immediately.</li> </ul>	

Resource Area	Proposed Mitigation	Alternative
	<ul style="list-style-type: none"> <li>▪ Staff shall post critical emergency evacuation information (e.g., Red Flag Warnings and Fire Weather Watches) and handouts shall be made available to all visitors, guests, and staff. Staff shall incorporate the latest technology available, such as QR codes that contain links to webs sites for mobile devices, or better technology as it evolves.</li> <li>▪ Using the emergency evacuation information provided, guests shall be encouraged to make themselves familiar with available routes, stay informed and connected to all available emergency alert tools, and follow directions provided by staff, law enforcement, fire agencies, news media, and other credible sources.</li> <li>▪ Staff and guests shall be provided with information on the local AM and FM radio stations to monitor for disaster information and all emergency alert tools like Emergency Alert System (EAS), SoCoAlert, and Nixle.</li> <li>▪ Guests, through the emergency evacuation information, shall also be advised to not rely just on navigation apps that may inadvertently lead them toward an approaching wildfire, flooding, hazardous materials, or other hazards.</li> <li>▪ Staff shall be trained on how to connect to the available emergency alert notification tools such as EAS, SoCoAlert, and Nixle. Staff shall monitor those services while at the facility.</li> <li>▪ Designated staff shall be provided with Community Emergency Response Training. This training provides information on how to be prepared for disasters and emergencies and reorganize life-threatening conditions and apply life-saving techniques.</li> <li>▪ A public address system shall be installed inside all occupied buildings so that emergency notifications can be provided by staff to visitors and guests. Additionally, designated staff shall be issued handheld portable radios for communication during an emergency.</li> <li>▪ The hotel shall send registered guests emergency notification connection instructions to their mobile device at time of registration. This shall be done through the resort’s registration process using guest registration information.</li> <li>▪ Guests without cars or those who are uncomfortable driving themselves in an emergency shall be offered off-site transportation by staff in a resort vehicle, ride share, public transportation, and/or on-site shuttles. These options shall be directed to pre-established County Emergency Management approved community shelters.</li> </ul>	<p style="text-align: right;">I292-34</p> <div style="border: 2px solid red; padding: 5px; width: fit-content; margin: 10px auto;"> <p style="color: red; text-align: center;">this is all whitewashing.</p> </div>



Resource Area	Proposed Mitigation	Alternative
	<ul style="list-style-type: none"> <li>▪ All intersections on the Project Site shall include signage that clearly indicates the exit route from the property to major evacuation routes such as Old Redwood Highway and Shiloh Road to Highway 101.</li> <li>▪ There shall be at least six trained traffic attendants to direct the vehicles exiting the garage and surface parking areas. In addition, at least two attendants shall be posted at each of the three project site access points. A total of 12 persons would be needed during evacuation. These traffic attendants should be specially trained employees of the project.</li> <li>▪ Trained on-site personnel shall direct roughly half of the vehicles from the garage and surface parking areas on the eastern portion of the Project Site to either the east Shiloh Road access point or the signalized Old Redwood Highway access point.</li> </ul> <p>C. Management and staff at the casino-resort shall be trained on evacuation procedures for guests and visitors as part of their new hire orientation and receive updated evacuation procedures training annually.</p> <p>D. The Tribe shall coordinate with Sonoma County and the Town of Windsor on their respective emergency operation plans and implement or contribute to the implementation of measures intended to improve early detection of wildfire events, and evacuation times for the Project Site and vicinity. These measures <b>could include</b>, but would not be limited to:</p> <ul style="list-style-type: none"> <li>▪ Installation of a wildfire detection camera within the Project Site and/or at another location in the vicinity of the Town of Windsor that would expand the coverage of the wildfire camera system. The wildfire camera(s) would be connected to the existing early detection system and be <b>accessible</b> to emergency officials.</li> <li>▪ Installation of variable message signs for the outbound lanes at the three project egress points that connect to Shiloh Road and Old Redwood Highway. The variable message signs shall be connected to on-site staff and the County Emergency Operations Center (EOC) so that evacuation-related messages can be controlled by fire personnel managing the evacuation. At the time of an evacuation order, evacuating project traffic shall be directed to alternate routes to US 101 and/or other areas of safety. Unless precluded by wildfire or otherwise directed by emergency officials, evacuation project traffic shall be directed to US 101, Old Redwood Highway, Fulton Road, and/or eastbound Shiloh Road towards Faight Road and Old Redwood Highway.</li> </ul>	<p style="text-align: right;">I292-35</p> <div style="border: 2px solid red; padding: 5px; width: fit-content; margin: 10px auto;"> <p style="color: red; text-align: center;">you are going to put up a camera &amp; some signage at the intersection. And that takes care of 5000 cars in a panic evacuation?!</p> </div>

Resource Area	Proposed Mitigation	Alternative
	<ul style="list-style-type: none"> <li data-bbox="477 237 1240 600">▪ Installation of adaptive signal control (ASC) systems at key intersections along potential evacuation routes in the vicinity of the Project Site that can adjust traffic signal timing to account for high volumes that occur during hazard events. These signals shall be upgraded to wireless communication with emergency battery backup. ASC systems could be implemented by emergency staff during a wildfire and significantly extend maximum green times on key evacuation approaches, depending on traffic conditions and evacuation patterns.</li> </ul>	

# Section 5 | Consultation and Coordination

This section lists agencies and organizations consulted during the preparation of this EIS.

Agencies and Organizations, Consulted	Summary of Consultation and Coordination
U.S. Fish & Wildlife Service (USFWS)	The USFWS IPaC database was accessed to obtain a list of federally listed special-status species with the potential to occur in the vicinity of the Project Site. Additionally, the USFWS National Wetlands Inventory was accessed to identify potential wetlands and waters in the vicinity of the Project Site. The BIA provided the Biological Assessment to USFWS on February 6, 2024.
U.S. Army Corps of Engineers (USACE)	The aquatic resource delineation (ARD) was submitted to USACE in April 2022 as part of a request for USACE preliminary Jurisdictional Determination ( <b>Appendix G-4</b> ). The ARD was revised based on an in-field verification with USACE on October 27, 2023 ( <b>Appendix G-6</b> ).
National Oceanic and Atmospheric Administration, Fisheries Service (NOAA Fisheries)	The NOAA Fisheries website was reviewed for information concerning special-status fish species, critical habitat, and Essential Fish Habitat (EFH). The Biological Assessment/EFH Assessment was sent to NOAA Fisheries by BIA on December 15, 2023 for preliminary review. NOAA Fisheries provided comments on the document within an e-mail on February 9, 2024 and a virtual meeting on February 21, 2024. The Biological Assessment/EFH Assessment will be revised and submitted to NOAA Fisheries for review and concurrence.
U.S. Environmental Protection Agency (USEPA)	In anticipation of future project-related regulatory reviews and approvals by the USEPA, including the potential issuance of a National Pollution Discharge Elimination System direct discharge permit for the proposed wastewater treatment plant, the BIA extended an invitation to the USEPA to participate in the NEPA process as a Cooperating Agency. The USEPA accepted the invitation to participate as a Cooperating Agency.
National Indian Gaming Commission (NIGC)	In anticipation that the Tribe may submit a future request to the NIGC for review and approval of a gaming management agreement, the BIA extended an invitation to the NIGC to participate in the NEPA process as a Cooperating Agency. The NIGC accepted the invitation to participate as a Cooperating Agency.

Agencies and Organizations, Consulted	Summary of Consultation and Coordination
Federal Aviation Administration (FAA)	FAA was consulted to perform an aeronautical study on the Project Site to determine the aeronautical hazard of developing the site. Results of the aeronautical study is included as <b>Appendix J</b> .
U.S. Geological Survey (USGS)	The USGS website was reviewed for information concerning geological information and hazards, such as landslides and mineral data.
U.S. Census Bureau	The U.S. Census Bureau website was reviewed for information concerning demographic data.
U.S. Office of the Assistant Secretary for Planning and Evaluation	The Office of Assistant Secretary was consulted for information concerning federal poverty guidelines to determining poverty.
U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)	The USDA NRCS was consulted for data concerning farmland and soil characteristics information. A Farmland Conversion Impact Rating was submitted to the NRCS and is provided in <b>Appendix K</b> .
National Park Service (NPS)	The NPS website was consulted through reviewing the National Register of Historic Places database for results in proximity to the Project Site.
Native American Tribes	Various Native American Tribes were consulted under Section 106 of the NHPA.
Koi Nation of Northern California	The Tribe was consulted throughout the NEPA process in its role as Applicant.
California Department of Finance (CDF)	The CDF website was reviewed for information concerning population and housing estimates.
California Native American Heritage Commission (NAHC)	The NAHC was consulted to conduct a review of the Sacred Lands File. The NAHC also supplied a list of Native American individuals who may have information regarding the sacred lands or other cultural resources in the vicinity of the area of potential effects (APE).
California Office of Historical Preservation (COHP)	The COHP website was consulted to review the California Registry of Historic Resources data in proximity to the Project Site.
California State Historic Preservation Officer (SHPO)	The SHPO Historic Sites Database was consulted in order to obtain a list of previous archaeological surveys and identified cultural resources. SHPO was also consulted under Section 106 of the NHPA.
California Energy Commission (CEC)	The CEC website was reviewed for information concerning existing electrical infrastructure in the vicinity of the Project Site.
California Employee Development Department (EDD)	The EDD website was reviewed to obtain information related employment statistical information.

Agencies and Organizations, Consulted	Summary of Consultation and Coordination
California Department of Conservation (DOC)	The DOC was consulted to determine California Important Farmland in proximity to the Project Site.
California Department of Resources Recycling and Recovery (CalRecycle)	The CalRecycle website was reviewed to obtain information about solid waste generation numbers, and capacity and permit information about Sonoma County Central Landfill.
California Department of Forestry and Fire Protection (CAL FIRE)	The CAL FIRE website was reviewed to obtain information related to fire hazard severity designations in area surrounding Project Site.
California Department of Fish and Wildlife (CDFW)	CDFW’s California Natural Diversity Database and RareFind 5 were reviewed to determine if any State-listed special-status species have the potential to occur in the vicinity of the Project Site.
Sonoma County Sheriff’s Office (SCSO)	The SCSO website was reviewed to obtain law enforcement services information.
Sonoma County Fire District (SCFD)	The SCFD website was reviewed to obtain fire and emergency services information for the department, and to obtain information regarding average calls for service at similar facilities. A Letter of Intent between the Tribe and SCFD that specifies the intention of the Tribe and SCFD to enter into a Memorandum of Understanding for the provision of fire response and emergency medical services to the Project Site is included as <b>Appendix O</b> .
Sonoma County (County)	The proposed scope for the Traffic Impact Study was sent to the County for review.
Bay Area Air Quality Management District (BAAQMD)	The BAAQMD website was reviewed to obtain information related to air quality and climate conditions in County. Furthermore, BAAQMD was consulted for information about permitted stationary sources, emission estimates and health screening tools, and significance criteria assessment for air quality impacts.
University of California Museum of Paleontology	University of California Museum of Paleontology Database was accessed and reviewed for any paleontological resources within the same formation as the Project Site.
Town of Windsor (Town)	The proposed scope for the Traffic Impact Study was sent to the Town for review. The Town website was reviewed for the location of locally managed parks in proximity to the Project Site.
Republic Services of Sonoma County	The Republic Services of Sonoma County website was reviewed to obtain information about its solid waste services.
Pacific Gas and Electric (PG&E)	The PG&E website was reviewed to obtain information about PG&E’s services and electrical sources. Furthermore, PG&E was directly consulted about providing electrical services and natural gas to the Proposed Project.

## Section 6 | References

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# Section 7 | Preparers

## 7.1 LEAD AGENCY

### Bureau of Indian Affairs (BIA)

Amy Dutschke, Regional Director  
 Chad Broussard, Environmental Protection Specialist  
 Dan Hall, Regional Archaeologist  
 Peter DeJongh, Regional Biologist

## 7.2 COOPERATING AGENCIES

### National Indian Gaming Commission (NIGC)

Dustin Thomas, Chief of Staff  
 Austin Badger, Senior Attorney

### Environmental Protection Agency (EPA)

Laney Gordon, NEPA Reviewer  
 Karen Vitulano, NEPA Reviewer

## 7.3 ENVIRONMENTAL CONSULTANTS

Name	Qualifications	Participation
<b>Acorn Environmental – Environmental Impact Statement</b>		
Ryan Sawyer, AICP	BA, 19 years of experience, certified environmental planner by the American Institute of Certified Planners	Project Director; EIS Author
Bibiana Sparks-Alvarez	BS, 16 years of experience	Project Manager; EIS Author
Jennifer Wade	BA, 19 years of experience	Senior Environmental Analyst
Josh Ferris	BA, 23 years of experience	Senior Environmental Analyst
Kristen Miner	BS, MS, 9 years of experience	Environmental Analyst
Kimberly Fuchs	BS, 18 years of experience	Senior Environmental Analyst
Darrienne Highsmith	BS, 3 years of experience	Environmental Analyst
Jeremy Huey	BA, MS; +12 years of experience	Graphics
Peter Von der Porten	BA, +11 years of experience	Graphics
<b>Sequoia Ecological Consulting, Inc. – Biological Resources</b>		
Claire Buchanan	BS, +9 years of experience	Biological Assessment

Name	Qualifications	Participation
Ari Rogers	BS, +5 years of experience	Biological Assessment
<b>Archeological Research – Cultural Resources</b>		
John W. Parker	Ph.D., +40 years of experience, Registered Professional Archeologist (RPA)	Archaeological Monitoring, Historic Property Survey Report
<b>Tom Origer &amp; Associates – Cultural Resources</b>		
Thomas M. Origer	MA, +40 years of experience; RPA	Cultural Resources Study
<b>Vern Losh &amp; Associates – Wildfire Risk</b>		
Vern Losh	National Fire Academy, 27 years of experience	Fire and Emergency Response
<b>Institute for Canine Forensics</b>		
Adela Morris		Canine Field Survey
<b>CAS Safety Consulting LLC – Wildfire Risk</b>		
Chris Shubel	30 years of experience	Fire and Emergency Response
Rob Giordano	35 years of experience	Fire and Emergency Response
<b>Bollard Acoustical Consultants, Inc. – Noise</b>		
Paul Bollard	BS, +35 years of experience	Noise Impact Study
<b>Global Marketing Advisors – Socioeconomics</b>		
Kit Szybala	BA, 11 years of experience	Socioeconomic Impact Study
<b>TJKM Transportation Consultants – Transportation and Circulation</b>		
Chris Kinzel	BS, MS, +60 years of experience	Transportation Impact Study
Sandeep Paparaju	BS, MS, +8 years of experience	Transportation Impact Study
Renee Reavis	BS, MS, +7 years of experience	Transportation Impact Study
<b>Fehr &amp; Peers</b>		
Ian Barnes, PE	BS, MS, +15 years of experience, CA Registered Civil Engineer	Evacuation Travel Time Assessment
Grace Chen	MS, +2 years of experience	Evacuation Travel Time Assessment
<b>HydroScience Engineers – Water Resources, Land Resources</b>		
Curtis Lam	BS, MS, +25 years of experience, CA Registered Professional Engineer	Site Grading and Hydrology Study
Angela N. Singer	BS, MS, 13 years of experience, CA Registered Professional Engineer	Water and Wastewater Feasibility Study
<b>Formation Environmental – Groundwater Resources</b>		
Mike Tietze, PG, CHG, CEG	BS, 39 years of experience	Groundwater Resource Impact Assessment

Name	Qualifications	Participation
Pete Townsend	MA, 30 years of experience	Groundwater Resource Impact Assessment
Nat Beal, PG	MS, 20 years of experience	Groundwater Resource Impact Assessment
Christina Johnson	MS, 10 years of experience	Groundwater Resource Impact Assessment
Will Gnesda	MS, 2 years of experience	Groundwater Resource Impact Assessment
<b>Pivotal Lighting Design</b>		
Leah Robinson, PE, LC, MIES	BS, +23 years of experience	Lighting Analysis

**From:** P Wilfong <pswerd@gmail.com>  
**Sent:** Sunday, August 25, 2024 4:20 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino and TEIR On off-reservation environmental impact

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To Amy Dutschke c/o Chad Broussard

Dear Regional Director Dutschke:

My family and I live in the Wikiup/Larkfield neighborhood, not mentioned in the DEIS, and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land in my neighborhood and adjacent to the Town of Windsor for intended hotel/casino project funded and managed by the Chickasaw Nation. We do support and respect all local, indigenous tribes; however, it's my belief this project is very wrong for Sonoma County — and will not restore lands to the Koi Nation, who's ancestral grounds are in Lake County. This DEIS has ignored the impact to adjacent neighborhoods and the community - and Sonoma County overall - if it is approved.

Avoiding significant environmental impact can only be accomplished if the Bureau of Indian Affairs approves the environmentally preferred "NO PROJECT" alternative D in the DEIS. Converting the geographical area in scope to commercial development and a project of this type will bring significant negative environmental impacts including but not limited to water supply and wastewater, the aesthetic nature of our rural/suburban neighborhoods, open space and views from Shiloh Regional Park, landfill, traffic and traffic noise (from 9K-11K car trips/day, refuse and delivery trucks, sirens), law enforcement issues, drunk driving issues related to pedestrian and bicycle safety, crime and public safety, housing and wildfire risk and impact to related evacuation routes. There are currently at least 30 hotels approved for Sonoma County — nine in Santa Rosa; six in Healdsburg; three in Petaluma; three in Rohnert Park; three in Sonoma; one in Geyserville; one in Guerneville; one in Kenwood; one in Sea Ranch; one in Sebastopol; one in Windsor. We do not need or want for more hotels in this county.

**Of particular importance to me and my family are matters related to wildfire risk, wildfire mitigation and evacuation.** Our home is nestled among a once-beautiful area where the Tubbs Fire damaged or destroyed over 500 homes in 2017. Our home was spared but so many of our neighbors lost everything. This project poses serious wildfire mitigation and evacuation concerns. The DEIS acknowledges that CalFire has designated this area as #3 and #4 VERY HIGH FIRE risk just northeast of the casino. That alone should be a compelling reason not to add 34.4 acres of commercial operation to the location.

The DEIS only addresses matters of mitigating wildfire risk on the site itself and the evacuation of guests/staff. It completely fails to acknowledge the impact and risk to all surrounding residents. It mentions coordinating plans with SoCo and the town of Windsor yet says NOTHING about our neighborhoods. Wikiup is in the SON 3C2, which the DEIS lists evacuation routes for the casino. Adding up to 5000 cars on Shiloh, Old Redwood Highway (ORH) and HWY 101 will literally lock our community by gridlock traffic. It will prevent evacuation of residents of Windsor residents to the north, and our Wikiup-Larkfield residents to the south. Many drivers are likely to head east toward Fought Road, through our neighborhoods toward Airport Blvd or Mark West and HWY 101 creating risk to the children in our schools and to my neighbors and my family.



There are many residential living facilities for elderly in our neighborhood; indeed, we have two aging adults with mobility issues in my family, all of whom are now placed at increased risk and harken to the previous losses of the "Journey's End" mobile home park adjacent to Hwy101, where people and in mobile homes burned to death because they could not get onto ORH and Hwy101 during the Tubbs fire.

Posting 6 casino traffic attendants will do nothing to save lives in the case of a fire evacuation. In the Tubes fire, dedicated health attendants abandoned patients in a long-term care facility when the fire was upon them. I would expect a few casino traffic attendants to bring little safety control to the equation. The risk of outdoor cigarette smoking was never mentioned in the mitigation efforts. With up to 11,000+ car trips per day, one can reasonably expect the percentage of irresponsible smokers will go up exponentially if this project is passed.

As residents of Sonoma County, our lifestyles are constructed around water conservation, wildfire risk mitigation, and we are - as many others having now been through so many fire evacuations - rightly protective of the beauty of this area and our properties. We serve as good neighbors who try to look out for one another. This project puts all our best efforts and to waste. **If built, this casino absolutely puts our homes, our families and our very lives in serious danger.** The vineyards were a firebreak in the Kincadee fire. For our safety, they should remain as such.

Sadly, we have now recently been informed that our homeowner's insurance is being cancelled because of fire risk. Our property values have fallen due to the difficulty we now experience acquiring homeowner's insurance. This casino project fully backs us even further into a corner - increasing risk, making insurance procurement even more difficult and more expensive.

GreenHouse Gases, the Electric Grid, Traffic are all negatively impacted by this project and further contributing to the safety risk of our community. In 2018, the primary sources of GHG emissions in the County were transportation (60%), building energy (21%), livestock (11%), solid waste (6%), and water/wastewater (1%). Sonoma County emitted approximately 3.41 million metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>e) in 2018.

The charts in section 3.4 reveal that Alternative A would generate total GHGs tons/year of 420.96 tons/year and B would generate 341 total GHG tons/year! It is ludicrous to approve a commercial development project, which will emit hundreds of tons of GHGs in an area where agriculture currently sequesters CO<sub>2</sub>. The "heat island effect" of 34.4 acres of buildings and asphalt will absorb heat and reemit it, creating both a surface and atmospheric "heat island", further drying out the area and atmosphere, creating an even more perfect storm for wildfires not even considered or mentioned in the DEIS. All this so Casino guests can sit and gamble in air-conditioned comfort, putting a further strain on the electric grid?

Our PG&E bills area already outrageously expensive as my community has been footing the bill for much-needed upgrades, all while still frequently experiencing brownouts and fire safety shut-offs. The DEIS proposes four onsite diesel generators for their guests which will further add GHGs, while our community sits in the dark because the Casino will overload the grid. AND increase wildfire risk in doing so. We have just invested our savings into the addition of a solar roof in an effort to do our part to reduce our demand for power/electricity and in fact to give some power back to the grid. It is incredible to think that we are now no longer just doing our part, trying to give back, but in fact also funding a project that in turn further increases the strain and related risk to our community.

Sonoma County Tribes have also highlighted the impact to them and their cultural resources. I agree with Governor Newsom, who stated he is "concerned that these specific projects (Koi and Scotts Valley) are proceeding in a manner that would sidestep the State, ignore the concerns of tribal governments and local communities, and stretch the restored lands exception beyond its legal limits - while failing to adequately consider whether there might be a better way." Moreover, I am very concerned that the Bureau of Indian Affairs is rushing this process, has not considered all the local environmental impacts, while offering insufficient mitigation strategies for those few they have chosen to propose.

While we support local, indigenous tribes, this project is not right for Sonoma County for all these reasons and so many more. This project will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impact is for the Bureau of Indian Affairs to approve the environmentally preferred "NO PROJECT" Alternative D in the DEIS.

Sincerely,  
Pamela Wilfong  
1453 Wikiup Drive  
Santa Rosa, CA 95403

**From:** ctdichavez4@comcast.net <ctdichavez4@comcast.net>  
**Sent:** Sunday, August 25, 2024 4:36 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I'm writing this email in opposition to the proposed Casino at the intersection of Shiloh Rd and Old Redwood Hwy.

27 years ago I decided to make Windsor my home and have raised my children here. Prior to moving to Windsor I lived and worked all over Sonoma County and found that Windsor at the time had all the qualities I was looking for to safely raise a family. Windsor is a small welcoming town for families and it should remain that way. A town where neighbors socialize with each other in their yards, and catch up with one another at the local markets. I believe a casino so close to town, residential neighborhoods and parks is a threat to Windsor quality of life for its residents.

I have personally seen what casinos do to towns and surrounding neighborhoods. For nearly three decades I worked as a public servant, serving sonoma county as a Law Enforcement Officer. I personally saw the crime rates increase, ranging from violent crimes to property crimes such as vehicle and residential burglaries, vehicle thefts, commercial theft, prostitution, drug use and sales. Those crimes were not isolated to the casino property but spewed into surrounding neighborhoods, communities and towns.

Over the years, I've seen Casinos attempt to resolve these crime issues with county and town officials by offering to fund additional Law Enforcement officers specifically assigned to the Casino and its immediate surroundings. These casino solutions reaffirms the citizens concerns that with the development of a casino comes crime. Not only does crime increase, but so do traffic related issues( Dui's, hit and runs, speeding, reckless driving and numerous other moving violations) and congestion which Windsor can't absorb or afford to waste its resources on.

I truly hope those in positions of power consider all these issues for the fate of Windsor and its future generations.

I strongly oppose the development of the Koi Nation Casino near the Town of Windsor.

Sincerely,

Carlos Chavez

**From:** kirk and pam snedeker <snedefong@gmail.com>  
**Sent:** Sunday, August 25, 2024 4:38 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort & Casino and TEIR on "off-reservation" environmental impacts

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To Amy Dutschke c/o Chad Broussard

Dear Regional Director Dutschke:

Our family lives in the Wikiup/Larkfield neighborhood, not mentioned in the DEIS, and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land in my neighborhood and adjacent to the Town of Windsor for intended hotel/casino project funded and managed by the Chickasaw Nation. We do support and respect all local, indigenous tribes; however, it's my belief this project is very wrong for Sonoma County — and will not restore lands to the Koi Nation, who's ancestral grounds are in Lake County. This DEIS has ignored the impact to adjacent neighborhoods and the community - and Sonoma County overall - if it is approved.

**Of particular importance to me and my family are matters related to wildfire risk, wildfire mitigation and evacuation.** Our home is nestled among a once-beautiful area where the Tubbs Fire damaged or destroyed over 500 homes in 2017. Our home was spared but so many of our neighbors lost everything. This project poses serious wildfire mitigation and evacuation concerns. The DEIS acknowledges that CalFire has designated this area as #3 and #4 VERY HIGH FIRE risk just northeast of the casino. That alone should be a compelling reason not to add 34.4 acres of commercial operation to the location.

Avoiding significant environmental impact can only be accomplished if the Bureau of Indian Affairs approves the environmentally preferred "NO PROJECT" alternative D in the DEIS. Converting the geographical area in scope to commercial development and a project of this type will bring significant negative environmental impacts including but not limited to water supply and wastewater, the aesthetic nature of our rural/suburban neighborhoods, open space and views from Shiloh Regional Park, landfill, traffic and traffic noise (from 9K-11K car trips/day, refuse and delivery trucks, sirens), law enforcement issues, drunk driving issues related to pedestrian and bicycle safety, crime and public safety, housing and wildfire risk and impact to related evacuation routes. There are currently at least 30 hotels approved for Sonoma County — nine in Santa Rosa; six in Healdsburg; three in Petaluma; three in Rohnert Park; three in Sonoma; one in Geyserville; one in Guerneville; one in Kenwood; one in Sea Ranch; one in Sebastopol; one in Windsor. We do not need or want for more hotels in this county.

The DEIS only addresses matters of mitigating wildfire risk on the site itself and the evacuation of guests/staff. It completely fails to acknowledge the impact and risk to all surrounding residents. It mentions coordinating plans with SoCo and the town of Windsor yet says NOTHING about our neighborhoods. Wikiup is in the SON 3C2, which the DEIS lists evacuation routes for the casino. Adding up to 5000 cars on Shiloh, Old Redwood Highway (ORH) and HWY 101 will literally lock our community by gridlock traffic. It will prevent evacuation of residents of Windsor residents to the north, and our Wikiup-Larkfield residents to the south. Many drivers are likely to head east toward Fought Road, through our neighborhoods toward Airport Blvd or Mark West and HWY 101 creating risk to the children in our schools and to my neighbors and my family.

There are many residential living facilities for elderly in our neighborhood; indeed, we have two aging adults with mobility issues in my family, all of whom are now placed at increased risk and harken to the previous losses of the "Journey's End" mobile home park adjacent to Hwy101, where people and in mobile homes burned to death because they could not get onto ORH and Hwy101 during the Tubbs fire. Posting 6 casino traffic attendants will do nothing to save lives in the case of a fire evacuation. In the Tubbs fire, dedicated health attendants abandoned patients in a long-term care facility when the fire was upon them. I would expect a few casino traffic attendants to bring little safety control to the equation. The risk of outdoor cigarette smoking was never mentioned in the mitigation efforts. With up to 11,000+ car trips per day, one can reasonably expect the percentage of irresponsible smokers will go up exponentially if this project is passed.

As residents of Sonoma County, our lifestyles are constructed around water conservation, wildfire risk mitigation, and we are - as many others having now been through so many fire evacuations - rightly protective of the beauty of this area and our properties. We serve as good neighbors who try to look out for one another. This project puts all our best efforts and to waste. **If built, this casino absolutely puts our homes, our families and our very lives in serious danger.** The vineyards were a firebreak in the Kincadee fire. For our safety, they should remain as such.

Sadly, we have now recently been informed that our homeowner's insurance is being cancelled because of fire risk. Our property values have fallen due to the difficulty we now experience acquiring homeowner's insurance. This casino project fully backs us even further into a corner - increasing risk, making insurance procurement even more difficult and more expensive.

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Sincerely,  
Kirk and Pam Snedeker  
1453 Wikiup Drive  
Santa Rosa, CA 95403

**From:** sheri snedeker <sherisnedeker@gmail.com>  
**Sent:** Sunday, August 25, 2024 4:54 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Fwd: EIS Comments, Koi Nation Shiloh Resort and Casino and TEIR On off-reservation environmental impact

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To Amy Dutschke c/o Chad Broussard

Dear Regional Director Dutschke:

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Sincerely,  
Sharon Snedeker  
1453 Wikiup Drive  
Santa Rosa, CA 95403



**From:** Georgianne <gboissier@comcast.net>  
**Sent:** Sunday, August 25, 2024 4:59 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi National Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

>  
> Mr. Chad Broussard,  
>  
> The following expresses the concerns I have with the published EIS.  
>  
> This letter is in response to the Environmental Impact Statement published on July 12, 2024 concerning the fee-to-trust application and proposed development of the 68 acre property located on the southeast corner of Old Redwood Highway and E. Shiloh Road by the Koi Tribe.  
> The Koi tribe was originally located in Lake County before they lost their ancestral lands. They are currently a tribe with 89 members, 42 of whom live in Sonoma County. The land purchased by the Koi and Chickasaw Tribes in Sonoma County is bordered by E. Shiloh Road which includes a 77 home residential neighborhood and Esposti Park to the north; residential neighborhoods and vineyards to the east; residential to the south; and Old Redwood Highway, residential and Shiloh Neighborhood Church, to the west.  
> As I read through the EIS and Appendices it strikes me as to how out of place alternatives A and B are, and to a lesser extent, Alternative C. The size and scope of the proposed hotel/casino/entertainment center requires a water treatment facility and a wastewater treatment facility. Between the 5119 parking spaces, a five story 400 room hotel, a casino with 2,900 gaming tables and a 2,800-person entertainment/ballroom venue, the facility will be a city within a city! This is a strictly residential, recreational and agricultural area. Placing a 24 hour a day entertainment complex in the middle of these neighborhoods will unquestionably cause  
> significant safety, traffic, noise and social impacts on every household.  
  
> Transportation and Circulation-  
> TJKM was retained to prepare a Traffic Impact Statement (TIS) on the impact the three proposed alternatives, A, B and C, would have on transportation and circulation services in the area.  
> TJKM prepared the TIS with minimal data. The only actual data related to this project comes from traffic monitors set up between 7-9 a.m. and 2-4 p.m. on January 22 (Thursday) and 28 (Sunday), 2022, and on July 28, 2022 (Thursday). The weather is cold and wet in January and the data collected would be significantly different from that gathered over spring and summer when baseball leagues are active, and people are using the two neighborhood parks. The volume of people using Shiloh Regional Park and Esposti Park is minimal compared to summer months.  
> During Spring and Summer, the parking lot is full with overflow parking on Old Redwood Highway and E. Shiloh Road. The park is used daily by boys' baseball and girls' softball.  
> The EIS references seven Cumulative Projects in section 3.14.1 (page 3-145) that are either in construction or the Planning and Development stage, four of which are within one-quarter

mile of the proposed project. They will bring in approximately 480 new residential households making multiple daily trips within ½ mile of the proposed Casino/hotel complex. While generally referencing in the study that the cumulative projects will have an impact on Transportation and Circulation, there is no specific information in the report or Appendices on how the cumulative projects will impact traffic conditions and loss of services.

> Appendix I to the EIS estimates there will be 11,213 daily trips and 15,799 Saturday trips to and from the Koi Casino complex. There are estimates of as many as 1340 hourly trips... or 22 cars per minute. The Traffic Impact Study (TIS) confirms that this traffic increase will have a substantial impact on the roadways and intersection that rise to a level of unacceptable Loss of Services (LOS). The TIS then cites mitigation efforts that will make the LOS acceptable without providing any substantive information how. It does not offer any concrete information on how

> the mitigation efforts will improve conditions or any guarantees that they would be effective.  
> The Alternatives will undoubtedly cause loss of services. For example, cars traveling on east/west Shiloh road at Gridley Avenue currently have no waiting time. Cars on southbound Gridley have minimal if any wait time to enter Shiloh Road. Signalizing this intersection will cause delays.

> Water resources –

> Potable water- The EIS projects that Alternative A would pump between an average of 170,000 gallons per day (gpd) per day to a daily peak of 294,000 gpd from onsite wells. The new well(s) will require a water treatment plant to remove arsenic and magnesium and a large storage tank to hold the treated water. Water from the treatment plant would be sent to a one-million-gallon storage tank and then to pumping station for distribution to the facility. Between 1,250,300

> gallons to 2,005,800 per week. The drawdown on existing wells is a very real likelihood. Global warming, drought and water rights issues are all discounted or ignored factors in the evaluation.

> The EIS indicates that the onsite wells would be deep wells (700 feet) and that the shallow wells belonging to nearby residents are at most risk. The report discounts the risk, cost and impact of reduced or inadequate water supplies to local residents.

> Wastewater- The EIS calls for the construction of a Wastewater Treatment Plant (WWTP) to treat the estimated average of 232,000-335,000 gallons of wastewater discharged each day, or 1,624,000 on an average day and up to 2,345,000 on peak days. Wastewater treatment plants (WWTP) are designed to reduce wastewater and environmental pollution, but the raw materials, energy consumption and emissions from the WWTP subsequently result in different environmental impacts. The process emissions from wastewater treatments account for two thirds of the total greenhouse gases generated by the water and sewage companies. The operation of a wastewater treatment plant involves a range of direct and indirect emissions. These are called

> the social cost of greenhouse gases (SC-GHG). These are dismissed in the EIS as less than significant.

> Figure 2.5 in Appendix D is a diagram of the Project Water and Wastewater Feasibility Study Wastewater Treatment Process Flow. Estimating its size (using the truck as a gauge), the system will be over 500 feet long x 300 feet wide and up to three stories high. There will be hundreds of families living ¼ mile to several hundred yards away who are subject to these emissions. There is also the strong possibility of odor emanating from the plant.

> Groundwater Discharge- The project site is currently a 68-acre vineyard. As farmland, the landscape is permeable, allowing for water to permeate the soil. The proposed project will result in over 35 acres of this land being paved and developed, significantly altering groundwater conditions. In addition to the loss of permeable land there is significant risk of pollutants entering Pruitt Creek despite “best management practices”. The EIS calls for use of bioswales which

may keep debris from entering Pruitt Creek but may allow other pollutants through. This was determined to be less than significant!

> Evacuation

> The proposed Alternatives A, B and to a lesser extent C will attract a large volume of patrons and increase the total number of people onsite that will need to be evacuated during a wildfire event. The facility will have parking for over 5,000 cars and will accommodate more people than cars. There will also be people using rideshare and public transportation and any evacuation plans will need to account for this group.

> The Project Site has access to two major emergency routes identified by the Town of Windsor, Shiloh Road and Old Redwood Highway (Town of Windsor, 2021). The EIOs confirms that an increase in vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires. These are single lane roads which will not only be casino patrons but also used by evacuating neighborhoods. Past evacuations during the Tubbs and Kincaid fires resulting in stopped traffic and dangerous

> conditions on both of these roads with embers landing around cars. Old Redwood Highway and Shiloh Road cannot handle the addition of thousands of more cars and people.

> The EIS recommendations include following best management practices and training employees on evacuating guest in the event of a fire.

> Socioeconomic conditions-

> Property values- The EIS cites other casinos in California that have had minimal impact on property values within a five mile radius. In fact, the EIS states that values increased between the years 2000 and 2021. This general statement does not provide any substantive information. Property values throughout California, and in these particular areas, all increased during the years 2000 through 2021. There is no information on what the increased values were and how they compared to neighboring communities.

> Crime- The EIS and Appendix B-1 do not provide any substantive information other than the fact that law enforcement received 1,700 calls and made 39 arrests at the Graton Rancheria in its first year of operation. After a comparison of the Graton Rancheria Casino and the proposed Alternative A, the EIS concludes "As a result of this quantitative and qualitative analysis, GMA finds that the negative impacts on community services in areas in which a casino has opened are

> generally minimal.". The report does not include any "quantitative and qualitative" information other than from the 2014.

> Drunk Driving- The EIS states "The proposed project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents." It then say "Drunk driving prevalence is not anticipated to increase significantly as a result of the proposed casino resort...". The only mitigation offered is the implementation of a "Responsible Alcoholic Beverage Policy". The conclusion of little impact is not supported by any substantive information.

>

> Casino resorts do not belong in residential neighborhoods.

The Koi tribe's ancestral home is in Lake County not Alameda county. Significant effort should be made find the tribe land on their ancestral sites.

Best regards,

Georgianne Boissier

Sent from my iPad

**From:** sheri snedeker <sherisnedeker@gmail.com>  
**Sent:** Sunday, August 25, 2024 5:00 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] EIS Comments, Koi Nation Shiloh Resort and Casino and TEIR On off-reservation environmental impact

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Posting 6 casino traffic attendants will do nothing to save lives in the case of a fire evacuation. In the Tubbs fire, dedicated health attendants abandoned patients in a long-term care facility when the fire was upon them. I would expect a few casino traffic attendants to bring little safety control to the equation. The risk of outdoor cigarette smoking was never mentioned in the mitigation efforts. With up to 11,000+ car trips per day, one can reasonably expect the percentage of irresponsible smokers will go up exponentially if this project is passed.

As residents of Sonoma County, our lifestyles are constructed around water conservation, wildfire risk mitigation, and we are - as many others having now been through so many fire evacuations - rightly protective of the beauty of this area and our properties. We serve as good neighbors who try to look out for one another. This project puts all our best efforts and to waste. **If built, this casino absolutely puts our homes, our families and our very lives in serious danger.** The vineyards were a firebreak in the Kincadee fire. For our safety, they should remain as such.

**The charts in section 3.4 reveal that Alternative A would generate total GHGs tons/year of 420.96 tons/year and B would generate 341 total GHG tons/year!** It is ludicrous to approve a commercial development project, which will emit hundreds of tons of GHGs in an area where agriculture currently sequesters CO2. The "heat island effect" of 34.4 acres of buildings and asphalt will absorb heat and reemit it, creating both a surface and atmospheric "heat island", further drying out the area and atmosphere, creating an even more perfect storm for wildfires not even considered or mentioned in the DEIS. All this so Casino guests can sit and gamble in air-conditioned comfort, putting a further strain on the electric grid? The DEIS proposes four onsite diesel generators for their guests which will further add GHGs, while our community sits in the dark because the Casino will overload the grid. AND increase wildfire risk in doing so.

Sonoma County Tribes have also highlighted the impact to them and their cultural resources. I agree with Governor Newsom, who stated he is "concerned that these specific projects (Koi and Scotts Valley) are proceeding in a manner that would sidestep the State, ignore the concerns of tribal governments and local communities, and stretch the restored lands exception beyond its legal limits - while failing to adequately consider whether there might be a better way." Moreover, I am very concerned that the Bureau of Indian Affairs is rushing this process, has not considered all the local environmental impacts, while offering insufficient mitigation strategies for those few they have chosen to propose.

While we support local, indigenous tribes, this project is not right for Sonoma County for all these reasons and so many more. This project will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impact is for the Bureau of Indian Affairs to approve the environmentally preferred "NO PROJECT" Alternative D in the DEIS.

Sincerely,  
Sharon Snedeker  
1453 Wikiup Drive  
Santa Rosa, CA 95403

**From:** Larry Barnum <larrybarnum@aol.com>  
**Sent:** Sunday, August 25, 2024 5:09 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort

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Regional Director  
2024  
Office  
2800 Cottage Way, Room W-  
2820  
nto, CA 95825

August 24,  
Bureau of Indian Affairs, Pacific Regional

Sacrame

**Subject: Koi Nation Shiloh Resort and Casino**

Dear Regional Director:

As a longtime Sonoma County resident and concerned neighbor to the proposed Koi Nation casino, I have serious reservations about this new land proposal. Given the continuing drought and the Fire Safe considerations, it calls into question any of the previous environmental warnings and concerns. Weren't they real? Why even conserve water now? Or get rid of a lawn if we've got enough for this project. This doesn't make sense. Something isn't right.

Living at Wikiup Greens, a Senior Citizen community, during previous fire evacuations, many neighbors felt trapped, trying to fight through the traffic log jam. Yet soon, with brand new additional multi-storied housing at the corner across from the proposed casino, and the new business park being built a block away, the daily congestion will not only be worse during an emergency but immobilized with a casino. Yet all this seems obvious. What else is going on?

Sonoma County, the Town of Windsor, neighbors, local politicians, the state governor, and other Sonoma County tribal leaders, all have serious concerns regarding our water supply, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts.

The local, Indigenous tribes, which we support, highlighted the impacts on them and their cultural resources. The Koi Nation historical homeland is in Lake County. This new land is not their land! The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "No project" alternative in the DEIS.

Thank you for your consideration,

Larry Barnum  
461  
Las Casitas

Santa Rosa, CA. 95403

**From:** Sharon Vanden Heuvel <svandenh@att.net>  
**Sent:** Saturday, August 24, 2024 2:02 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Road Resort and Casino, Attn. Amy Dutschke

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## Koi Nation Shiloh Resort and Casino

August 23, 2024

I live in the Wikiup/Larkfield neighborhood. Our neighborhood was not mentioned in DEIS and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land where our neighborhood is located adjacent to the Town of Windsor for a hotel and casino gaming project funded and managed by the Chickasaw Nation. I support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation who's ancestral is in Lake County.

Here are my concerns:

1. There would be significant environmental impacts ie. water supply and wastewater. Placing alternative A, B, or C on this rural area will jeopardize our water supply over time.
2. Wildfire mitigation and Evacuation are serious concerns. The DEIS acknowledges the Cal Fire has designated this area as #3 High and #4 Very High. The DEIS only speaks only to mitigating wildfire risk on the site itself and to evacuation of guests and staff. It fails to acknowledge the surrounding residents. These are high risk fire zones not only for a casino but the surrounding residents. My husband and I were close to losing our house on Pheasant Lane at the bottom on the Wikiup hills during the Tubbs fire. It took 25 minutes to drive out of our neighborhood which only takes 5 minutes to get to Old Redwood Highway where cars were backed up for several miles heading north along with emergency vehicles. We will be losing our housing insurance for a house fire because we are in a high risk area. Has a study been on fire insurance where the land the Casino and Hotel would be placed if there is a fire? I would think it would cost an extreme amount of money to insure that site which borders the Shiloh park and where fires that can easily head into this area. .
3. I heard no mention of a legal "traffic flow" for example ,something from the Sheriff's office or Dept. of Transportation? The fire departments in Sonoma County need to give their insight also having dealt with the Tubbs

Fire where the National Guard was stationed at all entry points of the neighborhoods surrounding the proposed site for the Casino.

The proposed Casino and Hotel would put our homes, our families and our lives in danger. The traffic would increase so much that would ruin our rural area, not to mention drunk driving, thefts, stolen vehicles and drug activity. There is also grave concern with our climate change, greenhouse gases the Electric Grid, and traffic.

We love our rural setting, please do not infringe on this beautiful rural property that is being proposed for a Casino and Hotel.

There is grave oversight in considering this area. I agree with Governor Newsom in that he stated "I have concern that these specific projects (KOI and Scotts Valley) are proceeding in a manner that would sidestep the state, ignore the concerns of tribal governments and other local communities, and stretch the "restored land" exception beyond its legal limits-while failing to adequately consider whether there might be a better way." He also stated that "I am very concerned that the Bureau of Indian Affairs is rushing this project, has not adequately considered the local environmental impacts, and addressed every one of the concerns raised and cannot prove the "limited significance measures" or guarantee and/or enforce the mitigations that are proposed.

Seriously concerned,

Carel and Sharon Vanden Heuvel  
455 Pheasant, Lane  
Santa Rosa, CA

**From:** Sharon Vanden Heuvel <svandenh@att.net>  
**Sent:** Saturday, August 24, 2024 1:58 PM  
**To:** Broussard, Chad N <Chad.Broussard@bia.gov>  
**Subject:** [EXTERNAL] Fwd: Koi Nation Shiloh Road Resort and Casino

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Attn. Ann Dutschke, Regional Director

Begin forwarded message:

**From:** Sharon Vanden Heuvel <sharonkvh@gmail.com>  
**Subject:** Koi Nation Shiloh Road Resort and Casino  
**Date:** August 24, 2024 at 1:53:54 PM PDT  
**To:** Sharon Vanden Heuvel <svandenh@att.net>

## Koi Nation Shiloh Resort and Casino

August 23, 2024

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Carel and Sharon Vanden Heuvel  
455 Pheasant, Lane  
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