

CHAPTER 2.0

INTRODUCTION

2.1 PURPOSE OF THE DRAFT TRIBAL ENVIRONMENTAL IMPACT REPORT

This Draft Tribal Environmental Impact Report (TEIR) has been prepared to provide the public and government agencies with information about the potential environmental effects of the proposed expansion of Thunder Valley Casino (generally referred to in this TEIR as the proposed project). This TEIR was prepared in compliance with the Memorandum of Understanding (MOU) between Placer County and United Auburn Indian Community (UAIC), executed in January 2000 and amended in July 2003 (**Appendix A**) as well as the Tribal-State Gaming Compact between the UAIC and the State of California, executed in September 1999 and amended in June 2004 (**Appendix B**). The content and format of this TEIR generally adhere to the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14) and Placer County's CEQA compliance standards, although the project features located on Tribal trust lands are not subject to CEQA.

This TEIR is a public information document that assesses potential environmental effects of the proposed project and identifies mitigation measures and alternatives to the project that could reduce or avoid adverse environmental impacts. The purpose of the TEIR is not to recommend either approval or denial of the project.

This TEIR, including comments and responses to comments, will be presented to the County of Placer Planning Director in accordance with the Tribal-County MOU for an evaluation of its completeness.

2.2 SCOPE OF THE DRAFT TEIR

This TEIR includes mitigation measures to address potential adverse impacts, and evaluates to what extent the recommended measures, in combination with adopted governmental requirements, will mitigate potential adverse impacts to the onsite and offsite environment. The TEIR identifies significant adverse impacts that cannot be mitigated and provides an analysis of the project's potential impacts within the following resource areas:

2.2.1 LAND USE

Some of the land uses introduced by the proposed project, such as a hotel and performing arts center, are not currently found in the Sunset Industrial Area (SIA). This section of the TEIR discusses existing local zoning and land uses in the project vicinity, and potential impacts to agricultural land, federally regulated airspace, and nearby sensitive uses. The TEIR includes an analysis of the proposed project's compatibility with surrounding land uses and a discussion of consistency with the plans and policies of Placer County and the surrounding jurisdictions of Roseville, Lincoln, and Rocklin.

2.2.2 POPULATION, EMPLOYMENT, AND HOUSING

The proposed project would provide temporary and permanent employment opportunities during construction and operation. This would potentially impact housing and population in the region. The TEIR discusses the potential impacts of the proposed project related to these issues, including an evaluation of the project's effects on affordable housing and local population growth.

2.2.3 BIOLOGICAL AND CULTURAL RESOURCES

The project site is already developed, and therefore biological habitat would not be directly impacted by construction of the proposed project. Potential impacts to biological resources as a result of offsite improvements are discussed in the TEIR, including possible loss of wetlands and other sensitive habitat, and impacts to specific plant and animal species known or having the potential to occur in the area. The TEIR also evaluates the possible effects of a proposed increase in the existing treated effluent discharge to Orchard Creek from the onsite wastewater treatment plant. Mitigation measures are specified for all potential impacts.

No prehistoric or historic archaeological sites, paleontological sites, or historic properties exist within the proposed project site. The TEIR discusses the potential for offsite impacts to previously unidentified cultural and paleontological resources as a result of the proposed project. Mitigation measures are recommended for identified impacts.

2.2.4 VISUAL RESOURCES

Development of the proposed project would change the visual character of the project area. The hotel, performing arts center and parking structure could result in visual impacts to properties within the local viewshed. The TEIR evaluates potential changes to the existing visual character and quality of the area, including sensitivity of local viewers, light and glare effects, and consistency with Placer County's Design Guidelines and other applicable policies. Simulated views of the proposed project are provided in photographs taken from various viewing locations. Mitigation measures are identified for all potential impacts.

2.2.5 TRANSPORTATION AND CIRCULATION

The proposed project would generate additional use of local roadways, contributing to increased traffic volumes and possible deterioration of levels of service (LOS). A traffic study has been completed that evaluates LOS at local intersections, freeway mainline segments, and freeway ramp interchanges under existing and projected future (year 2025) conditions, both with and without the project-generated traffic. Trip generation rates for the proposed project were determined in consultation with Placer County and other local jurisdictions. The TEIR includes an analysis of the proposed project's effects on the regional transportation system, including impacts to public transit and non-motorized transportation. The TEIR also addresses potential traffic conflicts associated with the Union Pacific Railroad crossing at Athens Avenue. Mitigation measures are discussed in the TEIR for all identified impacts.

2.2.6 AIR QUALITY AND NOISE

Construction of the proposed project would generate emissions, including dust and possibly diesel particulate matter, which could contribute to existing or projected air quality exceedances for various pollutants. Operation of the proposed project would also generate airborne emissions through addition of vehicular traffic to local roadways. An air quality analysis has been conducted as part of the TEIR. This includes a discussion of criteria air pollutants (CAPs), odors, and toxic air contaminants, as well as an analysis of projected levels of "greenhouse gases" linked to global climate change that would be generated by the proposed project.

Construction activity and increased traffic generated by the project would also contribute additional noise in the area. The TEIR evaluates construction-related and operation-related noise levels within the project area and at nearby sensitive receptors. Direct, indirect, and cumulative impacts to air quality and noise have been evaluated in the TEIR, and appropriate mitigation measures have been specified.

2.2.7 SOILS, GEOLOGY, AND SEISMICITY

Construction of the proposed project would result in paved areas being uncovered and re-disturbed, increasing the potential for soil erosion. Offsite improvements included in the project may result in changes to the existing topography. The TEIR evaluates the grading requirements for all proposed building construction and utility installation, and specifies mitigation measures applicable to the identified impacts. Soils and local geological formations are discussed with respect to their suitability for the proposed project. The TEIR also evaluates possible geological and seismic hazards and limitations, and specifies mitigation measures for any potential impacts.

2.2.8 HYDROLOGY AND WATER QUALITY

Offsite utility and roadway improvements associated with the proposed project may increase impermeable surfaces within the Athens Avenue right of way, potentially resulting in changes to stormwater runoff

volume and/or drainage patterns. The TEIR discusses potential impacts to hydrology and flooding related to these changes, as well as the potential for the project to affect local groundwater and surface water supplies. Stormwater discharge from the project area has the potential to degrade the quality of local surface and groundwaters, during both construction and operational phases of the project. The TEIR evaluates potential impacts to water quality associated with development of the proposed project, and discusses appropriate mitigation measures.

2.2.9 PUBLIC SERVICES AND UTILITIES

The proposed project would create additional demand for public services (fire protection, law enforcement, emergency medical response) and utilities (water supply, wastewater treatment, solid waste disposal, electricity/natural gas, communication services). The TEIR discusses potential project-related impacts to public service providers, as well as impacts pertaining to utilities infrastructure and availability. Applicable mitigation measures are specified for potential impacts.

2.2.10 HAZARDOUS MATERIALS AND HAZARDS

Construction of the proposed project would potentially involve the use of hazardous materials, and could create safety hazards to casino employees and patrons. Hazardous materials may also be used during operation of the proposed project. The TEIR evaluates potential impacts associated with hazardous materials and construction or operational hazards resulting from the proposed project, including offsite project components. Mitigation measures are specified for potential impacts.

2.3 GENERAL SETTING

The 49-acre site proposed for the expansion is currently held in trust by the United States for the UAIC and is used for the operation of Thunder Valley Casino, an approximately 237,000-square foot gaming, dining, and entertainment facility. The project site also includes paved parking with spaces for approximately 2,700 vehicles, a 3.9-acre-foot stormwater detention basin and related drainage facilities, an approximately 5,400-square foot fire station, a central utility plant, a water storage tank, and a wastewater treatment facility with a 250,000-gallon recycled water storage tank. The site is located north of Athens Avenue and west of Industrial Avenue, in the Sunset Industrial Area of unincorporated Placer County.

Surrounding land uses include a paved overflow parking lot, a biomass power plant, storage facility, and vacant grazing lands to the south; Orchard Creek Conservation Bank, the Union Pacific Railroad tracks and Highway 65 to the east; and Orchard Creek Conservation Bank to the north and immediately to the west. Further west of the project site are various industrial uses and the Western Regional Sanitary Landfill.

2.4 PROJECT BACKGROUND AND HISTORY

As provided in Public Law 103-434 (Auburn Indian Restoration Act, October 31, 1994), the Auburn Rancheria was restored as a federally recognized Indian Tribe and all rights and privileges of the Tribe that were diminished and/or lost under Public Law 85-671 (August 18, 1958) were reinstated. The Auburn Indian Restoration Act also included provisions for the Bureau of Indian Affairs (BIA) to place lands within Placer County into federal trust for the benefit of the Tribe. Following passage of the Auburn Indian Restoration Act, the BIA placed the 49-acre site that currently houses Thunder Valley Casino into federal trust. The site was selected in consultation with Placer County Planning Department staff as a location that would minimize environmental impacts. In conjunction with the placement of the land into federal trust, a MOU was executed by the Tribe and Placer County (**Appendix A**). Section 3 of the MOU specifies that, prior to the development of trust lands, or the use of trust lands for any purpose by the Tribe, all development applications will be submitted “for review by the County staff to determine compliance with an environmental review that substantially complies with the process set out in the California Environmental Quality Act, as incorporated in the Placer County Environmental Review Ordinance and the Placer County Land Development Manual.” This process requires analysis of the potential for direct, indirect, and cumulative environmental impacts resulting from proposed development.

In addition, the UAIC and the State of California entered into a Tribal-State Compact in September 1999, which was amended in June 2004 (**Appendix B**). Section 10.8 of the amended compact requires that a TEIR be prepared for any projects on tribal land related to gaming operations or activities, which may cause either a direct physical change, or a reasonably foreseeable indirect physical change, to the off-reservation environment. This TEIR has been prepared in accordance with both the amended UAIC-Placer County MOU and the amended Tribal-State Compact, in that both onsite and off-reservation environmental impacts will be evaluated and mitigation measures discussed.

Several environmental and engineering documents have been prepared that are related to the proposed project site. This documentation is summarized below.

- United Auburn Indian Community of the Auburn Rancheria NEPA Environmental Assessment (ESA, 2000)
- Auburn Rancheria Gaming and Entertainment Facility Project Environmental Impact Report (AES, 2002a and b)
- Sunset Industrial Area Plan Environmental Impact Report (Placer County, 1997)
- Sunset-Athens Connector Road Environmental Impact Report (AES, 2005a and b)
- Thunder Valley Casino Back of House Remodel/Expansion Initial Study/Negative Declaration (AES, 2006a)
- Thunder Valley Casino Porte Cochere Construction Project Categorical Exemption (AES, 2006b)

- Thunder Valley Casino Parking Lot Expansion Initial Study/Mitigated Negative Declaration (Placer County, 2007b)
- Thunder Valley Casino Expansion Project Water & Wastewater Feasibility Study (HydroScience Engineers, Inc., 2008)
- Traffic Impact Study for Thunder Valley Casino Expansion Project (MRO Engineers, Inc., 2008)
- Union Pacific Railroad Crossing Feasibility Study (Kimley-Horn and Associates, Inc., 2007)
- Thunder Valley Casino Hotel Interference Analysis (Hammett & Edison, Inc., Consulting Engineers, 2007)

2.5 DEFINITION OF TERMS

This Draft TEIR uses the following terminology to describe environmental effects of the proposed project:

- **Significance Criteria:** A set of criteria used by the lead agency to determine at what level or “threshold” an impact would be considered significant. Significance criteria used in this TEIR are based on factual or scientific information; regulatory standards of local, state, and federal agencies; and goals and policies identified in the Placer County General Plan.
- **Beneficial Impact:** A beneficial impact would result in the improvement of an existing physical condition in the environment (no mitigation required).
- **Less Than Significant Impact:** A less than significant impact would cause no substantial change in the environment (no mitigation required).
- **Potentially Significant Impact:** A potentially significant impact may cause a substantial change in the environment; however, additional information is needed regarding the extent of the impact. For the purposes of this TEIR, a potentially significant impact is treated as if it were a significant impact. Mitigation measures and/or project alternatives are identified to reduce or eliminate these potential effects to the environment.
- **Significant Impact:** A significant impact would cause a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of project effects using specified significance criteria (see above). Mitigation measures and/or project alternatives are identified to reduce or eliminate these effects to the environment.
- **Significant Unavoidable Impact:** A significant and unavoidable impact would result in a substantial change in the environment that cannot be avoided or mitigated to a less-than-significant level if the project is implemented.
- **Cumulative Significant Impact:** A cumulative significant impact would result in a substantial change in the environment resulting from the effects of the proposed project in combination with

the effects of surrounding projects and reasonably foreseeable development in the surrounding area.

The TEIR also identifies mitigation measures and environmental commitments. Environmental commitments are commitments proposed by the applicant that serve to reduce, avoid or eliminate impacts of the proposed project. Environmental commitments are proactively included as part of the proposed project, or have resulted from a step in the planning process that has taken place prior to the preparation of the TEIR. Mitigation includes measures that alter the proposed project by one or more of the following methods:

- avoid the impact altogether by not taking a certain action or parts of an action;
- minimize impacts by limiting the degree or magnitude of the action and its implementation;
- rectify the impact by repairing, rehabilitating, or restoring the affected environment;
- reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action; and
- compensate for the impact by replacing or providing substitute resources or environments.

2.6 PROJECT REVIEW AND TEIR PROCESS

This TEIR has been prepared in accordance with the UAIC–Placer County MOU (**Appendix A**). As stated in Section 3 of the MOU:

- A. The Tribe’s applications are not governed by CEQA, and the Tribe does not agree to submittal of its projects for discretionary approvals by the County. However the Tribe does agree to process all of its development applications for review by the County staff to determine compliance with an environmental review that substantially complies with the process set out in the California Environmental Quality Act, as incorporated in the Placer County Environmental Review Ordinance and the Placer County Land Development Manual; and*
- B. The Director of the Placer County Planning Department only shall determine that the Tribe has complied with the terms of this Section 3; provided that the Director shall not unreasonably withhold said determination.*

As part of the Tribe’s compliance with a CEQA-equivalent process, this TEIR will address potential environmental impacts on the project site, as well as off-reservation impacts. The UAIC is serving as Lead Agency for the TEIR.

2.6.1 NOTICE OF PREPARATION

A Notice of Preparation (NOP) of a TEIR for the proposed project was prepared and circulated from June 15 to July 16, 2007 (see **Appendix C**). The NOP was circulated to the public; to local, state, and federal agencies; and to other interested parties. A public scoping meeting was held on July 11, 2007 to solicit comments on the proposed project, as well as suggestions regarding reasonable mitigation measures to be evaluated in the TEIR. Concerns raised in response to the NOP and during the public scoping meeting, including those related to on- and off-reservation environmental impacts, were considered during preparation of the Draft TEIR. Comment letters that were received are in **Appendix C**.

2.6.2 DRAFT TEIR

This document is the Draft TEIR for the proposed project. The Draft TEIR contains a description of the proposed project, a description of the environmental setting, discussions of project impacts, and discussions of measures to be implemented to mitigate impacts found to be significant, as well as an analysis of project alternatives.

2.6.3 DRAFT TEIR PUBLIC REVIEW

This document is being circulated to local, state, and federal agencies, interested organizations and individuals, and to owners and occupants of property adjacent to the 49-acre project site who may wish to review and comment on the report. Publication of this Draft TEIR marks the beginning of a 45-day public review period, during which written comments will be received by the Tribe at the following address:

United Auburn Indian Community
c/o Analytical Environmental Services
1801 7th Street, Suite 100
Sacramento, CA 95811

2.6.4 FINAL TEIR

Written comments received on the Draft TEIR will be addressed in a Final TEIR. The Final TEIR will include all comments and recommendations received on the Draft TEIR, and responses to the issues raised. The Final TEIR will also include a list of persons, organizations, and public agencies commenting on the Draft TEIR. The NOP, Draft TEIR, and Final TEIR will be reviewed by the Placer County Planning Department Director to determine if the environmental review process has been carried out consistent with the requirements of the UAIC-Placer County MOU.