

**MITIGATED FINDING OF NO SIGNIFICANT IMPACT
FOR THE SCOTTS VALLEY BAND OF POMO INDIANS CASINO AND TRIBAL HOUSING
PROJECT**

The Scotts Valley Band of Pomo Indians (Tribe) submitted an application requesting that the Bureau of Indian Affairs (BIA) acquire a 160-acre property (Project Site) into federal trust for the benefit of the Tribe for the purposes of gaming, economic development and tribal housing (Proposed Action). Following the acquisition of the Project Site into federal trust, the Tribe proposes to develop a casino facility, Tribal housing, a Tribal administration building, and associated parking and infrastructure on the Project Site (Proposed Project). The Project Site is located in the City of Vallejo (City) in Solano County (County), California (State), and lies within Section 32, Township 4 North, Range 3 West and Section 5, Township 3 North, Range 3 West as depicted on the Mount Diablo Meridian U.S. Geological Survey (USGS) 7.5' quadrangle map.

Approval of the fee-to-trust gaming acquisition constitutes a federal action under the governing regulations for compliance with the National Environmental Policy Act (NEPA). The Proposed Action was analyzed within an Environmental Assessment, dated July 2024 that was released to the public on July 8, 2024, for an extended 45-day public comment period that ended on August 22, 2024. A virtual public hearing was held on July 23, 2024. The comments received during the public review period and hearing were responded to within a Final Environmental Assessment (Final EA) dated December 2024¹, prepared in accordance with NEPA, the Department of the Interior's Procedures for the Implementation of NEPA (43 CFR Part 46); the Council on Environmental Quality (CEQ) Guidelines for Implementing NEPA (40 CFR Parts 1500-1508)²; and the BIA NEPA guidebook (59 Indian Affairs Manual 3-H). Based on the analysis contained in the Final EA, the BIA makes a mitigated finding of no significant impact for the Proposed Action. This finding constitutes a determination that the Proposed Action is not a federal action that would result in significant adverse effects to the quality of the human environment with mitigation; therefore, additional environmental review and preparation of an Environmental Impact Statement (EIS) is not required.

BACKGROUND

The Tribe is a federally recognized landless tribe governed by its Constitution and a Tribal Council headquartered in two government offices it currently maintains in leased facilities in the City of Lakeport, Lake County and the City of Concord, Contra Costa County in California. The current membership spans across Alameda, Contra Costa, Lake, Mendocino, and Sonoma Counties, and consists of approximately 300 tribal members with 41% of the members under the age of 18 years. The Tribe has no reservation and no land held in trust or restricted status. Due to the lack of trust lands and tribally owned economic

¹ The December 2024 Final EA is hereby incorporated by reference as part of this mitigated finding of no significant impact. The Final EA is available for public review at <https://www.scottsvalleycasinoea.com/>

² The Department of the Interior (Department) is aware of the November 12, 2024 decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, the Department has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500– 1508, in addition to the Department's regulations implementing NEPA at 43 CFR Part 46, to meet the Department's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

development, the Tribe relies on federal funding to support Tribal government functions and the needs of its members. However, federal funding is insufficient to meet Tribal member needs, and future funding of Indian programs are regularly endangered by budgetary considerations and constraints. The Tribe seeks to have the Project Site accepted in trust status to reestablish its homeland and establish a tribal government headquarters. The Project Site is at the southern end of land that the Tribe's ancestors ceded to the United States in an unratified treaty. It is centrally located between the primary Tribal population centers in Northern California. The Tribe has selected this property for the purpose of reuniting its citizens in one location and in an area that will provide substantial social, cultural, and economic opportunities to its members. Furthermore, the Proposed Project is intended to enable the Tribe to meet its needs for economic development, self-sufficiency, and self-governance; and will provide its membership with employment and educational opportunities and needed social and governmental services.

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.

DESCRIPTION OF THE PROPOSED ACTION

The federal Proposed Action is the acquisition of the 160-acre Project Site into trust for the Tribe for gaming and tribal housing purposes. The statutory authority for acquiring this land into federal trust status on behalf of the Tribe is provided in the Indian Reorganization Act of 1934 (25 USC Parts 5108 and 5110), with regulations codified at 25 Code of Federal Regulations (CFR) Part 151. Pursuant to 25 CFR Part 151, the Assistant Secretary of Indian Affairs, who has delegated authority from the Secretary of the Interior, is charged with reviewing and approving Tribal applications to place land into federal trust status.

ALTERNATIVES CONSIDERED

The BIA considered four alternatives. A description of the alternatives is provided below. Of the alternatives, Alternative A is considered the Proposed Project that is the subject of this mitigated FONSI.

Alternative A – Proposed Project: Alternative A consists of the transfer of the Project Site into federal trust status for the benefit of the Tribe for gaming and tribal housing purposes and the subsequent development of the Project Site by the Tribe with a casino facility, Tribal housing, a Tribal administration building, and associated parking and infrastructure (refer to detailed description in the Final EA Section 2.1). Environmental impacts resulting from Alternative A would be reduced to less than significant levels with the inclusion of best management practices (BMPs) and mitigation measures. Among the alternatives, Alternative A would best meet the stated purpose to facilitate tribal self-sufficiency and self-determination as it would provide the greatest economic and workforce opportunities.

Alternative B – Reduced Intensity: Similar to Alternative A, Alternative B consists of the transfer of the Project Site into federal trust status for the benefit of the Tribe for gaming purposes and the subsequent

development of the Project Site by the Tribe with a casino facility; however, tribal housing and administration buildings are not proposed under Alternative B. Potential effects associated with most environmental issue areas would be less due to the reduced amount of development and the smaller project footprint; for example, more habitat would be preserved under Alternative B. However, this alternative would not assist in meeting the housing needs of the Tribe.

Alternative C - Alternative C consists of the transfer of the 160-acre Project Site into federal trust status for the benefit of the Tribe; and the subsequent development by the Tribe of a commercial center, two hotels, tribal housing, and tribal administration building. Potential effects associated with most environmental issue areas would be less due to the smaller sized development that would be constructed under Alternative C, however, economic benefits would be reduced.

Alternative D – No Action: Under Alternative C, the Project Site would not be placed in federal trust for the benefit of the Tribe, and no construction or economic development activities would occur on the Project Site. This alternative would not meet the stated purpose of facilitating economic development, tribal self-sufficiency, and self-determination.

Alternatives Eliminated from Further Analysis: Alternatives that were considered but not analyzed are discussed in the Final EA Appendix F.

ENVIRONMENTAL IMPACTS

The Final EA assessed the potential direct, indirect, and cumulative impacts to 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 were evaluated, with the following conclusions:

- Having considered potential land resources impacts during project design/planning, and with the implementation of BMPs incorporated into the project, impacts to land resources would be less than significant. See EA Sections 2.1.9 and 3.2.
- Having considered potential water resources impacts during project design/planning, and with the implementation of BMPs incorporated into the project, impacts to water resources would be less than significant. See EA Sections 2.1.9 and 3.3.
- Having considered potential air quality impacts during project design/planning, and with the implementation of BMPs incorporated into the project, there would be no significant adverse effects associated with the regional air quality environment. See EA Sections 2.1.9 and 3.4.
- Having considered potential biological resources impacts during project design/planning, and with the implementation of BMPs incorporated into the project and mitigation measures, impacts to biological resources would be less than significant. See EA Sections 2.1.9, 3.5, and 4.0.
- Having considered potential cultural and paleontological resources impacts during project design/planning, and with the implementation of mitigation measures incorporated into the project, impacts to cultural and paleontological resources would be less than significant. See EA Sections

3.6 and 4.0.

- Having considered potential socioeconomic conditions and environmental justice impacts during project design/planning, and with the implementation of BMPs incorporated into the project, impacts to socioeconomic conditions and environmental justice would be less than significant. See EA Sections 2.1.9 and 3.6.
- Having considered potential transportation and circulation impacts during project design/planning, and with the implementation of BMPs incorporated into the project and mitigation measures, impacts to transportation and circulation would be less than significant. See EA Sections 2.1.9, 3.8 and 4.0.
- Having considered potential land use conflicts during project design/planning, and with the implementation of visual resource BMPs incorporated into the project to manage lighting impacts, impacts regarding land use would be less than significant. See EA Sections 2.1.9 and 3.9.
- Having considered potential public services and utility impacts during project design/planning, and with the implementation of BMPs incorporated into the project and mitigation measures, impacts to public services and utilities would be less than significant. See EA Sections 2.1.9, 3.10, and 4.0.
- Having considered potential noise impacts during project design/planning, and with the implementation of BMPs incorporated into the project, no significant impacts to the ambient noise environment would occur during construction or operation. See EA Sections 2.1.9 and 3.11.
- Having considered potential hazardous materials and hazards impacts during project design/planning, and with the implementation of BMPs incorporated into the project and mitigation measures, hazardous materials and hazards impacts would not be significant. See EA Sections 2.1.9, 3.12, and 4.0.
- Having considered potential visual resource impacts during project design/planning, and with the implementation of BMPs incorporated into the project, no adverse effects to visual resources would occur. See EA Sections 2.1.9 and 3.13.
- BMPs and/or mitigation measures incorporated would ensure that cumulative impacts to land resources, water resources, air quality and climate change, biological resources, cultural resources, socioeconomic conditions and environmental justice, transportation/circulation, land use, public services, noise, hazardous material/hazards, and visual resources are not significant. There would be no significant growth-inducing or other indirect effects. See EA Section 3.14.

BEST MANAGEMENT PRACTICES AND MITIGATION MEASURES

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 the Alternative A to eliminate or substantially reduce environmental consequences and are listed below.

Land Resources

- Erosion control measures will be implemented during construction as described further under the Water Resources BMPs.
- A registered design professional will prepare a project-specific design-level geotechnical report conducted in accordance with standards in the CBC or IBC, whichever is more stringent. This will

include additional subsurface investigations beneath the proposed development areas and improvements, laboratory testing, engineering analysis, consultation with the design team, and reporting of conclusions and design-level recommendations for the development. A corrective grading plan will be developed along with the design-level geotechnical study to clarify geotechnical recommendations related to keyways, benches, cut/fill transition sub-excavation, and subdrains. The Tribe will adhere to the recommended measures within the report.

- The project-specific design-level geotechnical report will include at a minimum:
 - Additional mud-rotary borings with rock coring within the footprint of the proposed building locations to confirm depth of fill, colluvial/alluvial soil, and landslide deposits, and to collect samples for laboratory testing.
 - Additional test pits and/or trenches to further constrain geometry of existing landslides and confirm depth of fill and colluvial/alluvial soil.
 - Soil sample collection at depths relevant to foundation design.
 - Laboratory testing, including, but not limited to, moisture content, unit weight, gradation, Atterberg Limits, R-value, strength including remolded and residual strength, and corrosivity testing.
 - Design-level assessment of geologic and geotechnical hazards, including, but not limited to:
 - Characterization of subsurface conditions
 - Static and pseudo-static slope stability analysis of up to three critical cross sections
 - Recommendations for treatment of expansive soil
 - Preparation of a remedial grading plan.
 - Design recommendations for foundation system design.
 - Design recommendations for retaining wall design.
 - Foundation constructability recommendations.
 - Design-level earthwork and improvement design and construction recommendations.

Water Resources

- Coverage under the NPDES General Construction Permit shall be obtained from the USEPA for construction site runoff during the construction phase in compliance with the CWA.
- A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared, implemented, and maintained throughout the construction phase of the development, consistent with General Construction Permit requirements. The SWPPP would include, but would not be limited to, the following BMPs to minimize storm water effects to water quality during construction:
 - Grading activities shall be limited to the immediate area required for construction.
 - Temporary erosion control measures (such as silt fences, fiber rolls, staked straw bales, temporary re-vegetation, rock bag dams, erosion control blankets, and sediment traps) shall be employed as needed for disturbed areas. Plastic monofilament or similar materials that could entangle wildlife shall not be used.
 - Construction activities shall be scheduled to minimize land disturbance during peak runoff periods to the extent feasible.

- Disturbed areas shall be paved, re-vegetated, and/or stabilized following construction activities.
- A spill prevention and countermeasure plan shall be developed that identifies proper storage, collection, and disposal measures for potential pollutants used on-site.
- Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 USC §§ 1251 to 1387).
- Construction materials shall be stored, covered, and isolated to prevent runoff loss and contamination of surface and groundwater.
- Fuel and vehicle maintenance areas shall be limited to the impact area.
- Sanitary facilities shall be provided for construction workers.
- To minimize dust generation during construction, soil will be wetted down with water prior to ground disturbance as needed.
- Generated waste shall be properly disposed of.
- To reduce water usage, low-flow toilets, faucets, and other water-using appliances shall be installed to the extent feasible.
- The Tribe will implement water saving measures during periods of restricted water supply availability consistent with those in the City's Water Shortage Contingency Plan.
- The stormwater system on the Project Site shall be designed according to City standards, including provisions of the Contra Costa Stormwater Guidebook.

Biological Resources

- Pets shall not be allowed on site during construction.
- Waste receptacles shall be made available within the Project Site and shall be properly maintained with regular trash removal. All trash and food items will be promptly contained within closed, wildlife-proof containers. These will be regularly removed from the Project Site to reduce the attractiveness of the area to ravens and other predators.
- Construction equipment shall be cleaned prior to use in the Project Site in order to prevent the spread of invasive or noxious species to the Project Site. When applicable, weed-free dirt, mulch, gravel, and other materials should be used.
- Open trenches shall be covered at the end of each workday or shall have ramps installed at regular intervals to prevent the entrapment of wildlife. In addition, the project proponent, its agents, or contractors shall cover or fill all potential pitfalls to wildlife or cavities in which wildlife may become trapped when not attended. These include pits, trenches, vats, buckets, pipes, etc.
- Equipment and materials that could provide refuge for wildlife shall be checked prior to use or movement to ensure wildlife are not present. If present, wildlife shall be allowed to vacate the area unharmed on their own. When not in use, materials such as pipes shall be inspected for wildlife and capped once confirmed vacant.
- Exterior lighting shall be downcast and shielded such that lighting and glare do not overspill the built environment.
- Uplighting, disruptive flashing lights, or materials that cause excessive glare shall not be used.

Socioeconomic Conditions and Environmental Justice

- 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.
- 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 gaming. The signage and brochures will include problem gambler hotlines and websites.
- 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.

Air Quality

The following dust suppression measures will be implemented during construction to control the production of fugitive dust (particulate matter 10 microns in size [PM₁₀]) and prevent wind erosion of bare and stockpiled soils:

- Exposed soil will be sprayed with water or other suppressants twice a day or as needed to suppress dust.
- Non-toxic chemical or organic dust suppressants will be used on unpaved roads and traffic areas.
- 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.
- Spills of transported fill material on public roads will be promptly cleaned.
- Traffic speeds on the Project Site will be restricted to 15 miles per hour (mph) to reduce soil disturbance.
- Wheel washers will be provided to remove soil that would otherwise be carried offsite by vehicles to decrease deposition of soil on area roadways.
- Dirt, gravel, and debris piles will be covered as needed to reduce dust and wind-blown debris.

The following measures will be implemented to reduce emissions of criteria air pollutants (CAP), greenhouse gases (GHG), and diesel particulate matter (DPM) from construction:

- 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.

- 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 4 Final engines.
- The use of low reactive organic gases (150 grams per liter or less) will be required for architectural coatings to the extent practicable.
- Environmentally preferable materials, including recycled materials, will be used to the extent readily available and economically practicable for construction of facilities.

The Tribe will reduce emissions of CAPs and GHGs during operation through the following actions:

- 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.
- The Tribe will provide preferential parking for employee vanpools, carpools, and or other rideshare vehicles, which would reduce CAPs and GHGs.
- 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).
- The Tribe will use electric water heaters and space heating units in lieu of natural gas units. Electric cooktops and appliances will be used to the extent that they are commercially available.
- Shuttle service to and from select population centers will be provided to reduce CAPs and GHGs.
- 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.
- 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.
- Landscape maintenance equipment (i.e., mowers, trimmers) used on the Project Site will be electric. No equipment with gasoline engines will be used.
- The Tribe will use energy efficient lighting and appliances to reduce energy usage, thus reducing indirect CAP and GHG emissions from the project.
- 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.
- The Tribe will discourage buses from idling for extended periods.
- Adequate ingress and egress at entrances will be provided to minimize vehicle idling and traffic congestion.
- High-Efficiency Particulate Air (HEPA) filters will be installed in all tribal residences to improve indoor air quality and reduce the effects of CAPs and DPM.
- The Tribe will implement a range of heat and cooling mitigation strategies, including the installation of shade screens, energy-efficient window glazing, and the planting of shade trees where feasible, to reduce the impacts of extreme heat.

If Option 2 for wastewater treatment is implemented, the following odor-reducing components and

designs will be incorporated into the design of the WWTP:

- Activated carbon filter/carbon adsorption.
- Biofiltration.
- Fine bubble aerator.
- Cover or enclose all anaerobic areas.
- Exhaust stack and vents will be positioned to limit odor exposure to sensitive receptors.

Public Services and Utilities

BMPs to be implemented during construction:

- 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.
- The site will be cleaned daily of trash and debris to the maximum extent practicable.

BMPs to be implemented during operation include:

- The Tribe will conduct background checks of all gaming employees and ensure that all employees meet licensure requirements established by the IGRA and the Tribe's Gaming Ordinance.
- 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 activities.
- Facilities will have "No Loitering" signs in place, be well lit, and be patrolled regularly by roving security guards.
- Security guards patrolling the facilities would carry two-way radios to request and respond to back up or emergency calls.
- Security cameras and tribal security personnel would provide surveillance of Project Site to both lessen and apprehend criminal activity onsite.

BMPs to be implemented during construction and operation:

- 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.
- Organic wastes will be diverted and recycled to avoid unnecessary disposal to landfills and edible food will be recovered in accordance with State standards.

Visual Resources

- Lighting illumination levels will be designed to be consistent with the City of Vallejo zoning code, Section 16.506, Lighting and Glare
- 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 or natural areas.

- Lighting equipment at the project entrances will aim downward and backward toward the site to create only indirect illumination.
- No illumination would be directed towards the biological preserve area in the northeastern corner of the site, or the wetland area in the southern portion of the Project Site.
- No signage will be internally illuminated.
- Outdoor light fixtures will be fully or partially shielded and filtered and oriented downward when possible. Efforts shall be made to “capture” the light emitted upward with built or natural material.
- Exterior lighting 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 and will 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. 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.
- Less reflective materials will be used in uncovered areas to reduce reflected light and glare. Structures will be constructed with low-sheen and non-reflective surface materials to reduce potential for glare. Unpainted metal surfaces will not be permitted.
- At a minimum, finishes will be matte and roughened and concrete will be painted or will use concrete colored integrally with a shade that is two to three shades darker than the general surrounding area. Paints will be of a dull, flat, or satin finish only to reduce potential for glare, and the use of glossy paints for surfaces will be avoided.

Noise

The following BMPs will be implemented during construction:

- Construction activities involving noise generating equipment will be limited to daytime hours between 7:00 a.m. and 7:00 p.m.
- All construction equipment powered by internal combustion engines will be properly muffled and maintained.
- Quiet construction equipment, particularly air compressors, will be selected whenever possible.
- All stationary noise-generating construction equipment such as generators or air compressors will be located as far as is practical from existing residences. In addition, the project contractor will place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project Site.
- Unnecessary idling of internal combustion engines will be prohibited.
- The construction contractor will locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project Site during all project construction.

The following BMPs will be implemented during operation:

- Heating, ventilation, and air conditioning equipment will be shielded to reduce noise.
- Under Wastewater Treatment Option 2, noise generating equipment associated with wastewater treatment facilities will be shielded, enclosed, or located within buildings.

Hazardous Materials and Hazards

To reduce asbestos dust generation the following BMPs are recommended as specified in Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations:

- Track-out prevention and control measures:
 - Removal of any visible track-out from a paved public road at any location where vehicles exit the construction site via wet sweeping or a HEPA filter-equipped vacuum device at the end of the workday or at least once per day.
 - Installation of one or more of the following track-out prevention measures:
 - A gravel pad designed using good engineering practices to clean the tires of exiting vehicles;
 - A tire shaker;
 - A wheel wash system; or
 - Pavement extending for not less than 50 consecutive feet from the intersection with the paved public road.
- Active storage piles will be adequately wetted or covered with tarps.
- Control for disturbed surface areas and storage piles that will remain inactive for more than seven (7) days shall have one or more of the following done:
 - Keep the surface adequately wetted;
 - Establishment and maintenance of surface crusting that is sufficient to satisfy the test in subsection (h)(6) of the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations;
 - Application of chemical dust suppressants or chemical stabilizers according to the manufacturer's recommendations;
 - Covering with tarp(s) or vegetative cover;
 - Installation of wind barriers of 50% porosity around three sides of a storage pile; or
 - Installation of wind barriers across open areas.
- Control for traffic on on-site unpaved roads, parking lots, and staging areas shall include the following:
 - A maximum vehicle speed limit of 15 mph or less; and
 - One or more of the following:
 - Watering every two hours of active operations or sufficiently often to keep the area adequately wetted;
 - Applying chemical dust suppressants consistent with the manufacturer's directions; or
 - Maintaining a gravel cover with a silt content that is less than 5% and asbestos content that is less than 0.25%, as determined using an approved asbestos bulk test method, to a depth of 3 inches on the surface being used for travel.
- Control for earthmoving activities shall include one or more of the following:
 - Pre-wetting the ground to the depth of anticipated cuts;

- Suspending grading operations when wind speeds are high enough to result in dust emissions crossing the project boundary despite the application of dust mitigation measures; or
- Application of water before any land clearing.
- No trucks shall be allowed to transport excavated material offsite until the following are performed:
 - Trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments; and
 - Loads are adequately wetted and either:
 - Covered with tarps; or
 - Loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6 inches from the top and that no point of the load extends above the top of the cargo compartment.
- Upon completion of the Alternative A, disturbed surfaces shall be stabilized using one or more of the following methods:
 - Establishment of a vegetative cover;
 - Placement of at least 3 inches of non-asbestos-containing material;
 - Paving;
 - Any other measure sufficient to prevent wind speeds of 10 mph or greater from causing visible dust emissions.
- 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.
 - Fuel, oil, and hydraulic fluids will be transferred directly from a service truck to construction equipment to reduce the potential for accidental release.
 - Catch-pans will be placed under equipment to catch potential spills during servicing.
 - Refueling will be conducted only with U.S. Department of Labor Occupational Safety and Health Administration (OSHA) approved pumps, hoses, and nozzles.
 - All disconnected hoses will be placed in containers to collect residual fuel from the hose.
 - Vehicle engines will be shut down during refueling.
 - Refueling will be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.
 - Service trucks will be provided spill containment equipment, such as absorbents.
 - Should a spill contaminate soil, the soil will be put into containers and disposed of in accordance with local, State, and federal regulations.
 - All containers used to store hazardous materials will be inspected at least once per week for signs of leaking or failure.
- 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.

Personnel will follow the following BMPs that are designed to reduce the potential for igniting a fire during construction:

- Construction equipment will contain spark arrestors, as provided by the manufacturer.
- 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.
- No smoking, open flames, or welding will be allowed in refueling or service areas.
- Service trucks will be provided with fire extinguishers.
- 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.

BMPs to be implemented during operation to address fire hazards:

- Annual maintenance will be conducted to ensure fire resistive materials and construction details are maintained at their highest level to reduce ember impacts.
- 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.

Transportation and Circulation

- A Traffic Control Plan / Construction Traffic Management Plan shall be prepared parallel to address potential impacts related to demolition and construction activities. The plan shall include the following:
 - Truck drivers shall be notified of and required to use the most direct routes.
 - Site ingress and egress will occur only at the main driveways to the Project Site and construction activities may require installation of temporary traffic signals.
 - Designated travel routes for large vehicles will be monitored and controlled by flaggers for large construction vehicle ingress and egress;
 - Warning signs indicating frequent truck entry and exit will be posted on Columbus Parkway.
 - Debris and mud on nearby streets caused by trucks will be monitored daily and may require instituting a street cleaning program.
 - Provide for vehicle parking spaces during peak construction period for construction employees to ensure a safe flow of traffic.
 - A Traffic Control Plan will be implemented for major special events at the theater.

Mitigation Measures

The EA identifies the following mitigation measures for the Proposed Project³ to reduce potentially significant impacts to a less-than-significant level. The Tribe would exercise governmental jurisdiction over the Project Site once acquired into trust and will have the authority to enforce the mitigation measures

³ Note that mitigation measures not applicable to the Proposed Project/Alternative A are not listed below. Thus certain measure "letters" have not been included.

outlined below. The Tribe has committed to the implementation of these mitigation measures as a matter of tribal law (Final EA Appendix P). In accordance with 40 CFR 1501.6(d), a mitigation monitoring and compliance plan is provided in **Attachment 1**.

Biological Resources

The following measures shall be implemented to minimize or avoid impacts to waters of the U.S.:

- A. Potential waters of the U.S. shall be avoided to the extent feasible. Prior to construction within 200 feet of an aquatic resource, a qualified biologist shall demarcate or monitor the demarcation of the limits of unimpacted aquatic resources with pin flagging, construction fencing, or similar. No activity shall occur within the demarcated boundary, and the boundary shall remain in place throughout all construction activities within 200 feet of the demarcated feature. Where roadways cross waters of the U.S., such designs shall be through free-spanning or similar methods where possible. Impacts to the point of origin of the springs specifically shall be fully avoided. During construction, roadway crossings shall be limited to the minimum number of crossings within the development footprint necessary to provide equipment access. Such crossings shall only occur over bridges, wetland mats, or similar features designed in consultation with a qualified biologist to avoid impacts to aquatic resources from equipment crossings.
- B. If impacts to waters of the U.S. and wetland habitat are unavoidable, a 404 permit and 401 Certification under the CWA shall be obtained from the USACE and USEPA. Mitigation for loss of waters of the U.S. shall occur at a minimum 1:1 ratio through habitat creation, restoration, or purchase of USACE-approved credits. This may occur along the alignment of the re-routed drainage or within bioretention areas. All permit terms and conditions shall be adhered to.

The following measures shall be implemented to avoid construction-phase take of northwestern pond turtle and CRLF:

- C. To ensure that CRLF and northwestern pond turtle are not present in construction areas, a qualified biologist shall conduct pre-construction clearance surveys. A qualified biologist is defined as a person who has the educational background, training, and work experience (handling experience and/or permits) required to perform a specific biological task and has been approved by the USFWS. If either of these species are discovered during the survey, project construction activities shall not begin until the species have voluntarily vacated the construction area or USFWS has been consulted and avoidance and minimization measures established and then implemented.
- D. As CRLF is not detectable during aestivation, the pre-construction survey shall occur during the wet season, after fall rains have commenced and before the conclusion of spring rains. Once the pre-construction surveys confirm that CRLF and northwestern pond turtle are not present, the construction crew shall immediately install animal exclusion fencing to separate construction areas from marshes and channels proposed for avoidance. The fencing shall be constructed out of plastic weed cloth or construction fabric, shall be keyed into the ground, and shall be supported by stakes and wire mesh, as needed. Fencing shall also be opaque, a minimum of three feet in height, and installed with a smooth material such that it cannot be climbed. A qualified biologist shall oversee the installation of the exclusionary fencing to ensure its suitability. A qualified biologist shall also make regular inspections during the preconstruction period and during the construction periods

when grading and other ground disturbance activities are occurring to ensure the integrity of the fence.

- E. All construction personnel shall receive worker environmental awareness training before they enter the construction site. The training program shall include, at a minimum, descriptions of the focal species (Callippe silverspot and monarch butterflies, CRLF, and northwestern pond turtle), and how to identify and avoid these focal species. Personnel shall be trained to halt work in the event that one of these focal species is observed within the work area and allow the individual to leave the work site on their own. Personnel shall be instructed to limit work activities to the designated construction areas and to properly store equipment and materials in the designated laydown area. A qualified biologist shall make regular inspections during the construction periods when grading and other ground disturbance activities are occurring to ensure BMPs are being adequately followed.

The following measures shall be implemented to minimize impacts to CRLF and northwestern pond turtle, including impacts related to dispersal access:

- F. The development shall be designed such that culverts, free-span bridges, or similar will be installed where roadways cross drainages occur. Road crossings of drainages shall be designed such that CRLF and northwestern pond turtle can freely pass underneath proposed roadways. Additionally, a permanent barrier such as a curb shall be installed around the perimeter of paved areas, with the exception of points of access, to discourage CRLF and northwestern pond turtle from entering the built environment. Designs of the barrier shall be submitted to USFWS for coordination and approval.

The following measure shall be implemented to provide compensatory mitigation for loss of CRLF non-breeding aquatic habitat:

- G. Mitigation for impacted CRLF aestivation and terrestrial dispersal habitat shall be achieved through the biological preserve and through the purchase of mitigation credits as required by the USFWS Biological Opinion and summarized below.

Onsite Biological Preserve. Preservation of CRLF nonbreeding aquatic habitat within the biological preserve area shall mitigate for impacts to CRLF non-breeding aquatic habitat at a 3:1 ratio. Preservation of CRLF upland dispersal habitat shall be offset through the preservation of upland dispersal habitat within the biological preserve area at a 3:1 ratio. This area shall be protected via Tribal ordinance and a Memorandum of Understanding with the Service and the BIA. Funds shall be set aside for management of the preserve, and a long-term management plan shall be adopted by the Tribe in consultation with, and approved by, the Service and BIA. The Memorandum of Understanding shall be agreed upon by the Tribe, the Service, and BIA prior to construction. A total of 0.3 acre of non-breeding aquatic habitat and 48.8 acres of upland dispersal habitat for the California red-legged frog will be preserved onsite within the biological preserve. Signage shall be posted around the biological preserve to identify the preserve extent and warn the public against trespass.

Conservation Bank (Purchase of mitigation credits). Mitigation for the balance of the impacted non-breeding CRLF aquatic habitat shall be achieved through the purchase of CRLF credits from a Service-approved conservation bank at a 6:1 ratio. Mitigation for the balance of the

impacted CRLF upland dispersal habitat shall be achieved through the purchase of CRLF credits from a Service-approved conservation bank at a 3:1 ratio. A total of 132.4 acres of CRLF credits will be purchased from a bank that contains suitable habitat for the CRLF, such as: North Bay Highlands Conservation Bank in Marin County, Ohlone West Conservation Bank in Alameda County, Oursan Ridge Conservation Bank in Contra Costa County, or Ridge Top Ranch Wildlife Conservation Bank in Solano County. The selected bank must be approved by the Service to sell CRLF credits and must include the action area within the service area. Credits shall be purchased prior to construction. Joint species credits may be purchased to satisfy this mitigation.

The following measure shall be implemented to provide compensatory mitigation for loss of Callippe silverspot habitat and to reduce impacts associated with the potential for take of this species.

- H. Mitigation shall be achieved through the biological preserve and through the purchase of mitigation credits as required by the USFWS Biological Opinion and summarized below.

Onsite Biological Preserve. Impacts to callippe silverspot butterfly host plant habitat shall be offset by preservation of host plant habitat within the biological preserve area at a 3:1 ratio. Impacts to nectar resource habitat shall be mitigated through a combination of the biological preserve area and purchase of callippe silverspot butterfly credits from a Service-approved conservation bank. Impacts to nectar resource habitat offset through the biological preserve shall occur at a 3:1 ratio for in-kind preservation of nectar resource habitat, or at a 2:1 ratio for preservation of host plant habitat. The 49.1-acre biological preserve area shall be protected via Tribal ordinance and a Memorandum of Understanding with the Service and BIA.

The 49.1-acre biological preserve area will preserve and manage 34.8 acres of callippe silverspot butterfly host plant habitat and 14.3 acres of nectar only habitat. Therefore, 9.0 acres of host plant habitat within the biological preserve area will meet the recommended 3:1 ratio for the Proposed Project's effects to host plant habitat. The remaining 25.8 acres of host plant habitat within the biological preserve area will be counted towards lost nectar resource habitat. There would be a mitigation deficit for impacts to nectar resource habitat which will be mitigated through a conservation bank as described below.

Conservation Bank (Purchase of mitigation credits). Mitigation for the balance of the impacted callippe silverspot butterfly nectar resource habitat not offset through the biological preserve area (38.8 acres) shall be achieved through purchase of 116.4 acres of callippe silverspot butterfly mitigation credits at a Service-approved conservation bank such as Ridge Top Ranch Wildlife Conservation Bank in Solano County. Mitigation achieved through this method will be at a 3:1 ratio (refer to Table 2 of the Biological Opinion). The selected bank must be approved by the USFWS to sell callippe silverspot butterfly credits and must include the project site within the service area. Credits shall be purchased prior to construction. Joint species credits may be purchased to satisfy this mitigation.

The following measures shall be implemented to minimize or avoid operational impacts to Callippe silverspot and Monarch butterflies as required by the USFWS Biological Opinion and summarized below:

- I. Use of insecticides shall be prohibited; use of herbicides shall follow USFWS-approved BMPs.
- J. The development shall utilize only native species in landscaping, erosion control, and habitat

restoration.

- K. The Tribe shall time vegetation management activities (such as trimming, mowing, and brush-clearing) to between August 15 -April 30 when the callippe silverspot butterfly is not in flight.
- L. In the appropriate botanical identification window prior to impacts (generally the February-April host plant blooming period but to be verified by a qualified biologist at a reference site where the host plant is known to occur), a qualified biologist shall survey the action area for California golden violet. A qualified biologist is defined as a person who has the educational background, training, and work experience (handling experience and/or permits) required to perform a specific biological task and have been approved by the USFWS. The qualified biologist shall demarcate a 25-foot buffer around host plants. To the maximum extent feasible, the 25-foot buffer shall be maintained around all host plants outside of the project footprint.
- M. The development shall use only native, locally sourced, insecticide-free plants for habitat restoration and enhancement actions. If plants are grown via contract grow specifications that limit pesticide residues shall be used.
- N. Monarchs, callippe silverspot butterflies, other pollinators, and their habitats shall be protected from pesticides, including insecticides, fungicides, and herbicides. The Tribe shall avoid applying herbicides to blooming flowers between October 1 – August 15; this avoids the time period when monarch butterflies are likely around (October 1 – April 30) and when callippe silverspot butterflies are in flight (May 1 - August 15).
- O. To assist in maintaining normal migration behavior, milkweed shall not be planted.
- P. Landscaping activities shall maximize use of non-chemical weed and pest prevention.
- Q. Landscaping plans shall select a mosaic plant palate of native species that bloom throughout the year.

In addition to those described above, the following terms and conditions of the USFWS Biological Opinion shall be adhered to:

- R. Monitoring:
 - a. For those components of the action that will result in habitat degradation or modification whereby incidental take in the form of harm is anticipated, the Tribe shall provide a precise accounting of the total acreage of habitat impacted to the USFWS after completion of construction.
 - b. The Tribe shall immediately contact the USFWS's Sacramento Fish and Wildlife Office (SFWO) at (916) 414-6623 to report direct encounters between listed species and project workers and their equipment whereby incidental take in the form of, harm, injury, or death occurs. If the encounter occurs after normal working hours, the Tribe shall contact the SFWO at the earliest possible opportunity the next working day. When injured or killed individuals of the listed species are found, the Tribe shall follow the steps outlined in the Salvage and Disposition of Individuals section below.
 - c. For those components of the action that will require the capture and relocation of any listed species, the Tribe shall immediately contact the SFWO at (916) 414-6623 to report the action. If capture and relocation need to occur after normal working hours, the Tribe shall contact the

SFWO at the earliest possible opportunity the next working day.

- d. The Tribe shall submit to SFWO a post-project completion report.
 - e. The Tribe shall submit to SFWO every year annual reports on habitat management activities and callippe silverspot butterfly and California red-legged frog monitoring at the biological preserve.
 - f. All sightings of listed species shall be submitted to CDFW's CNDDDB.
- S. Salvage and Disposition of Individuals: Injured listed species must be cared for by a licensed veterinarian or other qualified person(s), such as the Service-approved biologist. Dead individuals must be sealed in a resealable plastic bag containing a paper with the date and time when the animal was found, the location where it was found, and the name of the person who found it, and the bag containing the specimen frozen in a freezer located in a secure site, until instructions are received from the Service regarding the disposition of the dead specimen.

The following measures shall be implemented to avoid impacts to nesting birds:

- T. If construction activities commence during the general nesting season (February 1 to August 31), a preconstruction nest survey shall be conducted by a qualified biologist on and within 100 feet of proposed construction, as accessible within 7 days of initiating ground disturbance. If active nests are identified, the qualified biologist shall determine a suitable avoidance buffer based on the needs of the species observed.
- U. Avoidance measures include establishment of a buffer zone using construction fencing or similar, or the postponement of construction until after the nesting season, or until after a qualified biologist has determined the nest is no longer active. Avoidance buffers may vary in size depending on habitat characteristics, project-related activities, and disturbance levels.
- V. Should work activity cease for 14 days or more during the nesting season, surveys shall be repeated to ensure birds have not established nests during inactivity.

Cultural Resources

The following measures shall be implemented to avoid or reduce potential impacts to previously unknown and unanticipated archaeological and historical resources that may exist on the Project Site:

- A. Ground-disturbing activities shall be monitored by a qualified archaeologist and Native American Tribal Monitor, particularly any activities that occur within 150 feet of the non-eligible prehistoric chert outcrop component of CA-SOL-275 (refer to Appendix I-4 for location). An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, BIA, and the project proponent. The program shall clearly define a monitoring schedule (e.g., continuous monitoring of project activity across the site or daily/weekly spot monitoring of project activity); the need, if any, for monitoring in areas consisting of fill material; the need, if any, for monitoring at the location of deep excavations (e.g., beyond a depth of ten feet); the authority to temporarily halt/redirect construction should resources be encountered; and the protocols (e.g., stopping work and individuals to contact) monitors and/or construction personnel should implement in case of an inadvertent discovery of cultural resources regarding the discovery. The monitoring program shall be prepared by a qualified archaeologist and approved by

BIA prior to project construction activities.

- B. In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, 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. All such finds shall be subject to Section 106 of the NHPA as amended (36 CFR Part 800); specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13(b) shall be followed. Consistent with 36 CFR § 800.13(b)(3), any Indian tribe that might attach religious and cultural significance to the affected property, the State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) will be notified within 48 hours of the discovery. The notification shall describe the assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The Indian tribe(s), SHPO, and the ACHP shall be given 48 hours to respond to the notification. The BIA shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. The BIA shall provide the Indian tribe(s), SHPO, and the ACHP a report of the actions when they are completed.
- C. If human remains are discovered during ground-disturbing activities on the Project Site, work within 50 feet of the find shall halt immediately consistent with 43 CFR Part 10.5(b)(1) and the BIA shall be notified. Construction activities may continue in other areas but may not resume within 50 feet of the find until a plan for avoidance, removal or other disposition of the remains has been developed and implemented. If the remains are determined to be of Native American origin, the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) regarding the protection of human remains or cultural items on federal or tribal lands shall apply. Consistent with NAGPRA requirements, 1) reasonable effort shall be made to secure and protect the human remains, including, as appropriate, stabilizing or covering the human remains (43 CFR Part 10.5(a)(2)); 2) the BIA shall consult with any Indian Tribe with potential cultural affiliation to discuss the recovery and treatment of the remains (43 CFR Part 10.4(b)); 3) no later than 30 days after the remains are determined to be of Native American origin, a written plan of action shall be prepared that addresses the custody of the remains and the planned disposition (43 CFR Part 10.5(d)(1) and 43 CFR Part 10.4); and 4) the disposition of the human remains, funerary objects, sacred objects, or objects of cultural patrimony shall be carried out in accordance with procedures set forth in 43 CFR Part 10.6. If human remains are encountered during off-site improvements construction, work within 100 feet of the find shall halt immediately and the stipulations of the California Health and Safety Code Section 7050.5 shall be implemented. The California Health and Safety Code Section 7050.5 requires that the County Coroner be notified if human remains are discovered. In addition, the designated BIA representative for the project should be immediately contacted regarding the discovery. If the County Coroner determines that the remains are of Native American origin, the Coroner must, in accordance with PRC Section 5097, notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. In turn, the NAHC will identify a Most Likely Descendent, who will work with the Tribe, BIA, and the construction contractor to develop a plan for avoidance, removal or other disposition of the remains.

Transportation and Circulation

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 following mitigation prior to construction of the casino building or prior to 2045, as applicable. The Tribe shall construct or fully fund (except as otherwise noted) the following improvements. Funding shall be for design standards consistent with those required for similar facilities in the region. The following measures shall be implemented to reduce traffic impacts:

Prior to initiating construction of the casino building (i.e. not required for initial site preparation, construction of contractor staging and parking, and internal roadway construction):

- A. For intersection 1) Columbus Parkway (also known as Auto Mall Parkway) & Admiral Callaghan Lane and the Project Site entrance – Widen Columbus Parkway to provide for a dual eastbound and westbound left turn movements and provide a right turn overlap phase (i.e., a green arrow for southbound traffic turning right out of the Project Site towards I-80).

Opening Year 2028:

- B. For intersection 17) SR 37 Eastbound Ramp at the I-80 Westbound Ramp - Construct a concrete barrier/K-rail to separate the two off-ramp movements for an adequate distance to maintain safety without the need for a stop sign. The barrier may need to be extended by up to 200 feet beyond the ramp merge, depending on Caltrans' final design. This would allow for removal of the stop sign for the I-80 westbound off-ramp approach, which would essentially change it from an intersection to a ramp merge and eliminate the current LOS F operations. Based on Caltrans' method for calculating equitable mitigation measures, the Proposed Project's proportional share of this mitigation is estimated to be 42%.

Cumulative Year 2045:

- D. Pay the Solano County Regional Transportation Impact Fee consistent with fees for other commercial development projects in the City prior to operation of the project. The fees collected are transferred to Solano County and the funds are managed by the Solano Transportation Authority. These fees are used to fund regional capital transit and roadway improvement projects, including ramp improvements to the Redwood Parkway/I-80 interchange for both for eastbound and westbound directions.

Hazards

The following measures shall be implemented for all alternatives:

- A. 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 BMPs:
 - The evacuation plan shall complement the County of Solano's EOP, Community Wildfire Protection Plan, MJHMP, supporting documents, and the standard operating procedures of fire, law, and emergency management agencies of the County and City.
 - Designated staff shall coordinate evacuation procedures with the lead agency for evacuations and other participating agencies during an evacuation event.
 - 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 web sites for mobile devices, or better technology as it evolves.

- 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.
- 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), Alert Solano, and Nixle.
- 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.
- Staff shall be trained in how to connect to the available emergency alert notification tools such as EAS, Alert Solano, and Nixle. Staff shall monitor those services while at the facility.
- 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.
- A public address system shall be installed inside all occupied public 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.
- Guests without cars or those who are uncomfortable driving themselves in an emergency shall be offered off-site transportation by staff in a casino vehicle, ride share, public transportation, and/or on-site shuttles. These options shall be directed to pre-established County Emergency Management approved community shelters.

B. Management and staff at the casino shall be trained on evacuation procedures for visitors as part of their new hire orientation and receive updated evacuation procedures training annually.

C. The Tribe shall coordinate with Solano County and the City of Vallejo on their respective EOPs 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:

- Installation of a wildfire detection camera within the Project Site and/or vicinity 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 accessible to emergency officials.
- Installation of variable message signs for the outbound lanes at the project egress point. The variable message signs shall be connected to on-site staff and the County Emergency Operations Center so that evacuation-related messages can be controlled by fire personnel managing the evacuation.

PUBLIC AVAILABILITY AND RESPONSE TO EA COMMENTS

The Notice of Availability (NOA) for the July 2024 EA was submitted to the State Clearinghouse (SCH# 2024070295), published in local newspapers (The Times Herald and The Daily Republic), mailed and emailed to interested parties, and posted on the project website (<https://www.scottsvillecasinoea.com>). The EA was originally made available for public comment for a 30-day period, from July 8, 2024 to August 7, 2024. However, the BIA extended the public comment period for an additional 15-day period that concluded on August 22, 2024, resulting in a total comment period of 45 days. A virtual public hearing was held on July 23, 2024, 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.

During the comment period for the EA, the BIA received approximately 82 comment letters (including written letters and e-mails). There were 29 speakers who submitted comments during the public hearing. Copies of all of the comment letters received during the comment period and a transcript of the public hearing comments, as well as responses to substantive comments, are included in the Final EA Appendix O.

DETERMINATION

Based on consideration of the analysis contained in the December 2024 Final EA, comments received on the EA, and the entire administrative record, it is determined that by approval of the Proposed Action and the environmental mitigation measures specified above, the Proposed Project will have no significant impact on the quality of the human environment. In accordance with Section 102(2)(c) of NEPA, as amended, additional environmental review or an EIS will not be required. This determination is supported by the following findings:

1. Agency and public involvement was conducted and environmental issues related to construction and operation of the Proposed Project were identified. The EA discloses the environmental consequences of the Proposed Action. BMPs and mitigation measures were developed to address potential environmental effects.
2. Protective measures will be implemented to safeguard land resources, water resources, biological resources, air quality, and visual resources; minimize noise; address socioeconomic conditions; prevent the release of hazardous materials, reduce the demand on public services and utilities, and reduce impacts to transportation and circulation as outlined in the EA.
3. Mitigation measures described in Section 4 of the EA will be implemented to reduce impacts associated with biological resources, cultural resources, public services and utilities, transportation and circulation, and wildfire hazards.
4. With the incorporation of protective measures and mitigation measures, the Proposed Action will not jeopardize threatened or endangered species under the Federal Endangered Species Act as determined in the Biological Assessment (Final EA Appendix H-1), and the Biological Opinion issued by the U.S. Fish and Wildlife Service (USFWS) (Final EA Appendix H-5).

5. No known historic properties have been identified within the Project Site; any inadvertent discovery of archaeological resources shall be subject to Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470, the Native American Graves Protection and Repatriation Act, 25 U.S.C. § 3001 et seq., and the Archaeological Resources Protection Act, 16 U.S.C. § 470aa-mm. Procedures for review of discoveries shall be followed pursuant to 36 C.F.R. § 800.13. Adherence to applicable laws and the BMPs incorporated into the project will ensure that no adverse effects to previously unknown cultural resources will occur.

6. The Proposed Action would improve the economic and social conditions of the affected tribal community and would also promote tribal self-sufficiency and self-determination.



Wizipan Garriott
Principal Deputy Assistant Secretary – Indian Affairs
Exercising by delegation the Authority of the
Assistant Secretary – Indian Affairs
U.S. Department of the Interior

1-10-25
Date

Attachments:

Attachment 1: Mitigation Monitoring and Compliance Plan

Scotts Valley Band of Pomo Indians Casino and Tribal Housing Fee-to-Trust Project Mitigation Monitoring and Compliance Plan

The purpose of this Mitigation Monitoring and Compliance Plan (MMCP) is to guide compliance and implementation of mitigation measures associated with the Scotts Valley Band of Pomo Indians (Tribe) Casino and Tribal Housing Fee-To-Trust Project (Project). The mitigation measures listed in **Table 1** were identified within the Final Environmental Assessment (EA) dated December 2024 and the Mitigated Finding of No Significant Impact (FONSI). This MMCP has been prepared consistent with the requirements of 40 CFR § 1501.6(d) and 1505.3 (c) and includes descriptions of the following:

- The mitigation measures identified within the EA;
- The parties responsible for monitoring and implementing the mitigation measures;
- The anticipated timeframe for implementing and completing the mitigation measures; and
- Compliance standards and entities responsible for the enforcement of the mitigation measures.

Mitigation measures detailed in **Table 1** were included in Section 4 of the EA and will be implemented to reduce potentially significant impacts to biological resources, cultural resources, public services and utilities, transportation and circulation, and hazardous materials and hazards-wildfires. The Tribe will be the primary agency responsible for funding, monitoring, and/or implementing the mitigation measures, and has committed to the implementation of the mitigation measures as matter of tribal law (see Scotts Valley Tribal Resolution included in Final EA Appendix P). Implementation of the mitigation measures will occur either during the planning phase, prior to beginning construction-related activities (pre-construction), during construction, or during operation. Where applicable, the mitigation measures will be monitored and enforced pursuant to federal law and agreements between the Tribe and appropriate governmental authorities. Non-compliance could result in the suspension of construction and/or regulatory fines.

Table 1: Mitigation Monitoring and Compliance

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
Biological Resources				
Waters of the U.S.				
<ul style="list-style-type: none"> ▪ Potential waters of the U.S. shall be avoided to the extent feasible. Prior to construction within 200 feet of an aquatic resource, a qualified biologist shall demarcate or monitor the demarcation of the limits of unimpacted aquatic resources with pin flagging, construction fencing, or similar. No activity shall occur within the demarcated boundary, and the boundary shall remain in place throughout all construction activities within 200 feet of the demarcated feature. Where roadways cross waters of the U.S., such designs shall be through free-spanning or similar methods where possible. Impacts to the point of origin of the springs specifically shall be fully avoided. During construction, roadway crossings shall be limited to the minimum number of crossings within the development footprint necessary to provide equipment access. Such crossings shall only occur over bridges, wetland mats, or similar features designed in consultation with a qualified biologist to avoid impacts to aquatic resources from equipment crossings. ▪ If impacts to waters of the U.S. and wetland habitat are unavoidable, a 404 permit and 401 Certification under the CWA shall be obtained from the USACE and USEPA. Mitigation for loss of waters of the U.S. shall occur at a minimum 1:1 ratio through habitat creation, restoration, or purchase of USACE-approved credits. This may occur along the alignment of the re-routed drainage or within bioretention areas. All permit terms and conditions shall be adhered to. 	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> ▪ U.S. Army Corp of Engineers, U.S. Environmental Protection Agency, Tribe ▪ Clean Water Act Sections 401 and 404 ▪ Scotts Valley Tribal Resolution 	A qualified biologist shall be engaged by the Tribe or construction contractor. A letter report shall be prepared by a qualified biologist documenting compliance.
Northwestern Pond Turtle and California Red-Legged Frog				
<p>The following measures shall be implemented to avoid construction-phase take of northwestern pond turtle and CRLF:</p> <ul style="list-style-type: none"> ▪ To ensure that CRLF and northwestern pond turtle are not present in construction areas, a qualified biologist shall conduct pre-construction clearance surveys. A qualified biologist is defined as a person who has the educational background, training, and work experience (handling experience and/or permits) required to perform a specific biological task and has been approved by the USFWS. If either of these species are discovered during the survey, project construction activities shall not begin until the species have voluntarily vacated the construction area or USFWS has been consulted and avoidance and minimization measures established and then implemented. ▪ As CRLF is not detectable during aestivation, the pre-construction survey shall occur during the wet season, after fall rains have commenced and before the conclusion of spring rains. Once the pre-construction surveys confirm that CRLF and northwestern pond turtle are not present, the construction crew shall immediately install animal exclusion fencing to separate construction areas from marshes and channels proposed for avoidance. The fencing shall be constructed out of plastic weed cloth or construction fabric, shall be keyed into the ground, and shall be supported by stakes and wire mesh, as needed. Fencing shall also be opaque, a minimum of three feet in height, and installed with a smooth material such that it cannot be climbed. A qualified biologist shall oversee the installation of the 	Tribe	Pre-Construction Phase, Construction Phase, Operation Phase	<ul style="list-style-type: none"> ▪ U.S. Fish and Wildlife Service (USFWS), Tribe ▪ USFWS Biological Opinion, Federal Endangered Species Act ▪ Scotts Valley Tribal Resolution 	A qualified biologist shall be engaged by the Tribe or construction contractor. A letter report shall be prepared by a qualified biologist documenting compliance.

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
<p>exclusionary fencing to ensure its suitability. A qualified biologist shall also make regular inspections during the preconstruction period and during the construction periods when grading and other ground disturbance activities are occurring to ensure the integrity of the fence.</p> <ul style="list-style-type: none"> ▪ All construction personnel shall receive worker environmental awareness training before they enter the construction site. The training program shall include, at a minimum, descriptions of the focal species (Callippe silverspot and monarch butterflies, CRLF, and northwestern pond turtle), and how to identify and avoid these focal species. Personnel shall be trained to halt work in the event that one of these focal species is observed within the work area and allow the individual to leave the work site on their own. Personnel shall be instructed to limit work activities to the designated construction areas and to properly store equipment and materials in the designated laydown area. A qualified biologist shall make regular inspections during the construction periods when grading and other ground disturbance activities are occurring to ensure BMPs are being adequately followed. <p>The following measures shall be implemented to minimize impacts to CRLF and northwestern pond turtle, including impacts related to dispersal access:</p> <ul style="list-style-type: none"> ▪ The development shall be designed such that culverts, free-span bridges, or similar will be installed where roadways cross drainages occur. Road crossings of drainages shall be designed such that CRLF and northwestern pond turtle can freely pass underneath proposed roadways. Additionally, a permanent barrier such as a curb shall be installed around the perimeter of paved areas, with the exception of points of access, to discourage CRLF and northwestern pond turtle from entering the built environment. Designs of the barrier shall be submitted to USFWS for coordination and approval. <p>The following measure shall be implemented to provide compensatory mitigation for loss of CRLF non-breeding aquatic habitat:</p> <ul style="list-style-type: none"> ▪ Mitigation for impacted CRLF aestivation and terrestrial dispersal habitat shall be achieved through the biological preserve and through the purchase of mitigation credits as required by the USFWS Biological Opinion and summarized below. <ul style="list-style-type: none"> ○ <u>Onsite Biological Preserve.</u> Preservation of CRLF nonbreeding aquatic habitat within the biological preserve area shall mitigate for impacts to CRLF non-breeding aquatic habitat at a 3:1 ratio. Preservation of CRLF upland dispersal habitat shall be offset through the preservation of upland dispersal habitat within the biological preserve area at a 3:1 ratio. This area shall be protected via Tribal ordinance and a Memorandum of Understanding with the Service and the BIA. Funds shall be set aside for management of the preserve, and a long-term management plan shall be adopted by the Tribe in consultation with, and approved by, the Service and BIA. The Memorandum of Understanding shall be agreed upon by the Tribe, the Service, and BIA prior to construction. A total of 0.3 acre of non-breeding aquatic habitat and 48.8 acres of upland dispersal habitat for the California red-legged frog will be preserved onsite within the biological preserve. Signage shall be posted around the biological preserve to identify the preserve extent and warn the public against trespass. 				

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
<ul style="list-style-type: none"> ○ <u>Conservation Bank (Purchase of mitigation credits)</u>. Mitigation for the balance of the impacted non-breeding CRLF aquatic habitat shall be achieved through the purchase of CRLF credits from a Service-approved conservation bank at a 6:1 ratio. Mitigation for the balance of the impacted CRLF upland dispersal habitat shall be achieved through the purchase of CRLF credits from a Service-approved conservation bank at a 3:1 ratio. A total of 132.4 acres of CRLF credits will be purchased from a bank that contains suitable habitat for the CRLF, such as: North Bay Highlands Conservation Bank in Marin County, Ohlone West Conservation Bank in Alameda County, Oursan Ridge Conservation Bank in Contra Costa County, or Ridge Top Ranch Wildlife Conservation Bank in Solano County. The selected bank must be approved by the Service to sell CRLF credits and must include the action area within the service area. Credits shall be purchased prior to construction. Joint species credits may be purchased to satisfy this mitigation. 				
Callippe Silverspot Habitat				
<p>The following measure shall be implemented to provide compensatory mitigation for loss of Callippe silverspot habitat to reduce impacts associated with the potential for take of this species:</p> <ul style="list-style-type: none"> ▪ Mitigation shall be achieved through the biological preserve and through the purchase of mitigation credits as required by the USFWS Biological Opinion and summarized below. <ul style="list-style-type: none"> ○ <u>Onsite Biological Preserve</u>. Impacts to callippe silverspot butterfly host plant habitat shall be offset by preservation of host plant habitat within the biological preserve area at a 3:1 ratio. Impacts to nectar resource habitat shall be mitigated through a combination of the biological preserve area and purchase of callippe silverspot butterfly credits from a Service-approved conservation bank. Impacts to nectar resource habitat offset through the biological preserve shall occur at a 3:1 ratio for in-kind preservation of nectar resource habitat, or at a 2:1 ratio for preservation of host plant habitat. The 49.1-acre biological preserve area shall be protected via Tribal ordinance and a Memorandum of Understanding with the Service and BIA. The 49.1-acre biological preserve area will preserve and manage 34.8 acres of callippe silverspot butterfly host plant habitat and 14.3 acres of nectar only habitat. Therefore, 9.0 acres of host plant habitat within the biological preserve area will meet the recommended 3:1 ratio for the Proposed Project’s effects to host plant habitat. The remaining 25.8 acres of host plant habitat within the biological preserve area will be counted towards lost nectar resource habitat. There would be a mitigation deficit for impacts to nectar resource habitat which will be mitigated through a conservation bank as described below. ○ <u>Conservation Bank (Purchase of mitigation credits)</u>. Mitigation for the balance of the impacted callippe silverspot butterfly nectar resource habitat not offset through the biological preserve area (38.8 acres) shall be achieved through purchase of 116.4 acres of callippe silverspot butterfly mitigation credits at a Service-approved conservation bank such as Ridge Top Ranch Wildlife Conservation Bank in Solano County. Mitigation achieved 	<p style="text-align: center;">Tribe</p>	<p style="text-align: center;">Pre-Construction Phase, Operation Phase</p>	<ul style="list-style-type: none"> ▪ USFWS, Tribe ▪ USFWS Biological Opinion, Federal Endangered Species Act ▪ Scotts Valley Tribal Resolution 	<p>A qualified biologist shall be engaged by the Tribe or construction contractor. A letter report shall be prepared by a qualified biologist documenting compliance.</p>

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
<p>through this method will be at a 3:1 ratio (refer to Table 2 of the Biological Opinion). The selected bank must be approved by the USFWS to sell callippe silverspot butterfly credits and must include the project site within the service area. Credits shall be purchased prior to construction. Joint species credits may be purchased to satisfy this mitigation.</p>				
Callippe Silverspot and Monarch Butterfly				
<p>The following measures shall be implemented to minimize or avoid operational impacts to Callippe silverspot and Monarch butterflies as required by the USFWS Biological Opinion and summarized below:</p> <ul style="list-style-type: none"> ▪ Use of insecticides shall be prohibited; use of herbicides shall follow USFWS-approved BMPs. ▪ The development shall utilize only native species in landscaping, erosion control, and habitat restoration. ▪ The Tribe shall time vegetation management activities (such as trimming, mowing, and brush-clearing) to between August 15 -April 30 when the callippe silverspot butterfly is not in flight. ▪ In the appropriate botanical identification window prior to impacts (generally the February-April host plant blooming period but to be verified by a qualified biologist at a reference site where the host plant is known to occur), a qualified biologist shall survey the action area for California golden violet. A qualified biologist is defined as a person who has the educational background, training, and work experience (handling experience and/or permits) required to perform a specific biological task and have been approved by the USFWS. The qualified biologist shall demarcate a 25-foot buffer around host plants. To the maximum extent feasible, the 25-foot buffer shall be maintained around all host plants outside of the project footprint. ▪ The development shall use only native, locally sourced, insecticide-free plants for habitat restoration and enhancement actions. If plants are grown via contract grow specifications that limit pesticide residues shall be used. ▪ Monarchs, callippe silverspot butterflies, other pollinators, and their habitats shall be protected from pesticides, including insecticides, fungicides, and herbicides. The Tribe shall avoid applying herbicides to blooming flowers between October 1 – August 15; this avoids the time period when monarch butterflies are likely around (October 1 – April 30) and when callippe silverspot butterflies are in flight (May 1 - August 15). ▪ To assist in maintaining normal migration behavior, milkweed shall not be planted. ▪ Landscaping activities shall maximize use of non-chemical weed and pest prevention. ▪ Landscaping plans shall select a mosaic plant palate of native species that bloom throughout the year. 	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> ▪ USFWS, Tribe ▪ USFWS Biological Opinion, Federal Endangered Species Act ▪ Scotts Valley Tribal Resolution 	A qualified biologist shall be engaged by the Tribe or construction contractor. A letter report shall be prepared by a qualified biologist documenting compliance.
USFWS Biological Opinion				
<p>In addition to those described above, the following terms and conditions of the USFWS Biological Opinion shall be adhered to:</p> <ul style="list-style-type: none"> ▪ Monitoring: <ul style="list-style-type: none"> ○ For those components of the action that will result in habitat degradation or modification whereby incidental take in the form of harm is anticipated, the Tribe shall provide a precise 	Tribe	Construction Phase and Operation Phase	<ul style="list-style-type: none"> ▪ USFWS, Tribe ▪ USFWS Biological Opinion, Federal Endangered Species Act ▪ Scotts Valley Tribal Resolution 	A qualified biologist shall be engaged by the Tribe or construction contractor. A letter report shall be prepared by a qualified biologist documenting compliance.

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
<p>accounting of the total acreage of habitat impacted to the USFWS after completion of construction.</p> <ul style="list-style-type: none"> ○ The Tribe shall immediately contact the USFWS’s Sacramento Fish and Wildlife Office (SFWO) at (916) 414-6623 to report direct encounters between listed species and project workers and their equipment whereby incidental take in the form of, harm, injury, or death occurs. If the encounter occurs after normal working hours, the Tribe shall contact the SFWO at the earliest possible opportunity the next working day. When injured or killed individuals of the listed species are found, the Tribe shall follow the steps outlined in the Salvage and Disposition of Individuals section below. ○ For those components of the action that will require the capture and relocation of any listed species, the Tribe shall immediately contact the SFWO at (916) 414-6623 to report the action. If capture and relocation need to occur after normal working hours, the Tribe shall contact the SFWO at the earliest possible opportunity the next working day. ○ The Tribe shall submit to SFWO a post-project completion report. ○ The Tribe shall submit to SFWO every year annual reports on habitat management activities and callippe silverspot butterfly and California red-legged frog monitoring at the biological preserve. ○ All sightings of listed species shall be submitted to CDFW’s CNDDDB. <ul style="list-style-type: none"> ▪ Salvage and Disposition of Individuals: Injured listed species must be cared for by a licensed veterinarian or other qualified person(s), such as the Service-approved biologist. Dead individuals must be sealed in a resealable plastic bag containing a paper with the date and time when the animal was found, the location where it was found, and the name of the person who found it, and the bag containing the specimen frozen in a freezer located in a secure site, until instructions are received from the Service regarding the disposition of the dead specimen. 				
Nesting Birds				
<p>The following measures shall be implemented to avoid impacts to nesting birds:</p> <ul style="list-style-type: none"> ▪ If construction activities commence during the general nesting season (February 1 to August 31), a preconstruction nest survey shall be conducted by a qualified biologist on and within 100 feet of proposed construction, as accessible within 7 days of initiating ground disturbance. If active nests are identified, the qualified biologist shall determine a suitable avoidance buffer based on the needs of the species observed. ▪ Avoidance measures include establishment of a buffer zone using construction fencing or similar, or the postponement of construction until after the nesting season, or until after a qualified biologist has determined the nest is no longer active. Avoidance buffers may vary in size depending on habitat characteristics, project-related activities, and disturbance levels. ▪ Should work activity cease for 14 days or more during the nesting season, surveys shall be repeated to ensure birds have not established nests during inactivity. 	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> ▪ USFWS, Tribe ▪ Migratory Bird Treaty Act ▪ Scotts Valley Tribal Resolution 	A qualified biologist shall be engaged by the Tribe or construction contractor. A letter report shall be prepared by a qualified biologist documenting compliance.

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
Cultural Resources				
<p>The following measures shall be implemented to avoid or reduce potential impacts to previously unknown and unanticipated archaeological and historical resources that may exist on the Project Site:</p> <ul style="list-style-type: none"> ▪ Ground-disturbing activities shall be monitored by a qualified archaeologist and Native American Tribal Monitor, particularly any activities that occur within 150 feet of the non-eligible prehistoric chert outcrop component of CA-SOL-275 (refer to Appendix I-4 for location). An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, BIA, and the project proponent. The program shall clearly define a monitoring schedule (e.g., continuous monitoring of project activity across the site or daily/weekly spot monitoring of project activity); the need, if any, for monitoring in areas consisting of fill material; the need, if any, for monitoring at the location of deep excavations (e.g., beyond a depth of ten feet); the authority to temporarily halt/redirect construction should resources be encountered; and the protocols (e.g., stopping work and individuals to contact) monitors and/or construction personnel should implement in case of an inadvertent discovery of cultural resources regarding the discovery. The monitoring program shall be prepared by a qualified archaeologist and approved by BIA prior to project construction activities. ▪ In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, 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. All such finds shall be subject to Section 106 of the NHPA as amended (36 CFR Part 800); specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13(b) shall be followed. Consistent with 36 CFR § 800.13(b)(3), any Indian tribe that might attach religious and cultural significance to the affected property, the State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) will be notified within 48 hours of the discovery. The notification shall describe the assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The Indian tribe(s), SHPO, and the ACHP shall be given 48 hours to respond to the notification. The BIA shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. The BIA shall provide the Indian tribe(s), SHPO, and the ACHP a report of the actions when they are completed. ▪ If human remains are discovered during ground-disturbing activities on the Project Site, work within 50 feet of the find shall halt immediately consistent with 43 CFR Part 10.5(b)(1) and the BIA shall be notified. Construction activities may continue in other areas but may not resume within 50 feet of the find until a plan for avoidance, removal or other disposition of the remains has been developed and implemented. If the remains are determined to be of Native American origin, the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) regarding the protection of human remains or cultural items on federal or tribal lands shall apply. Consistent with NAGPRA requirements, 1) reasonable effort shall be made to secure and protect the human remains, including, as appropriate, stabilizing or covering the human remains (43 CFR Part 10.5(a)(2)); 2) the BIA shall consult with any Indian Tribe with potential 	<p style="text-align: center;">Tribe BIA as needed</p>	<p style="text-align: center;">Construction Phase</p>	<ul style="list-style-type: none"> ▪ BIA and SHPO ▪ Section 106 of the Tribal Historic Preservation Act ▪ Scotts Valley Tribal Resolution 	<p>Requirements shall be identified in construction contracts. Documentation for inadvertent discoveries shall be prepared in accordance with NHPA and must be approved by the SHPO.</p>

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
<p>cultural affiliation to discuss the recovery and treatment of the remains (43 CFR Part 10.4(b)); 3) no later than 30 days after the remains are determined to be of Native American origin, a written plan of action shall be prepared that addresses the custody of the remains and the planned disposition (43 CFR Part 10.5(d)(1) and 43 CFR Part 10.4); and 4) the disposition of the human remains, funerary objects, sacred objects, or objects of cultural patrimony shall be carried out in accordance with procedures set forth in 43 CFR Part 10.6.</p>				
Public Services and Utilities				
Water Supply				
<ul style="list-style-type: none"> ▪ In accordance with the Cooperative Agreement between the Tribe and the City of Vallejo, the Tribe shall negotiate a Intergovernmental Service Agreement with the City of Vallejo that will provide payment for the water connection service and for any distribution infrastructure upgrades or renovations necessary to provide water service to the Project Site, if applicable. 	Tribe	Planning Phase	<ul style="list-style-type: none"> ▪ City of Vallejo/Tribe ▪ Intergovernmental Service Agreement between the Tribe and the City of Vallejo ▪ Scotts Valley Tribal Resolution 	An Intergovernmental Service agreement shall be negotiated between the Tribe and the City of Vallejo outlining the City's supply of water to the Project Site.
Wastewater Treatment				
<ul style="list-style-type: none"> ▪ The Tribe shall negotiate a service agreement with the VFWD that will provide payment for wastewater connection and service. ▪ In accordance with the contract between the Tribe and VFWD, the Tribe shall fund the preparation of a study to be overseen and directed by VFWD to determine any necessary infrastructure improvements to serve the project. If requested by VFWD, the Tribe shall pay fair-share payments to the District for infrastructure upgrades identified in the study needed to accommodate the wastewater generated by the development. 	Tribe	Planning Phase	<ul style="list-style-type: none"> ▪ City of Vallejo/Tribe ▪ Scotts Valley Tribal Resolution 	A service agreement shall be negotiated between the Tribe and the Vallejo Flood and Wastewater District outlining the provision of wastewater services to the Project Site.
Police, Fire, and Emergency Medical Service				
<ul style="list-style-type: none"> ▪ Prior to operation, the Tribe shall make good faith efforts to enter into a service agreement with the Vallejo Police Department and/or SCSO to compensate 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 the Vallejo Police Department and/or SCSO at least once a year, if requested, to discuss ways to improve police services and prosecution of crimes associated with the project. ▪ Prior to operation, in accordance with the Cooperative Agreement between the Tribe and the City of Vallejo, the Tribe shall make good faith efforts to enter into a service agreement with the Vallejo Fire Department to compensate the City for quantifiable direct and indirect costs incurred in conjunction with providing fire protection and EMS to the Project Site. The agreement shall address any required conditions and standards for emergency access and fire protection systems. The agreement shall also address compensation to the SEMSC and Medic Ambulance for EMS services. ▪ If the Tribe does not enter into a service agreement with the Vallejo Police Department, SCSO, or the Vallejo Fire Department or another fire district/department, and SEMSC the Tribe shall establish, equip, 	Tribe	Planning Phase	<ul style="list-style-type: none"> ▪ City of Vallejo/Tribe ▪ Intergovernmental Service Agreement between the Tribe and the City of Vallejo ▪ Scotts Valley Tribal Resolution 	A service agreement shall be negotiated between the Tribe the Vallejo Police Department and/or the Solano County Sheriff's Office for compensation for law enforcement services. If an agreement is not reached, the Tribe shall establish a police station/fire department on the Project Site.

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
and staff a police station/fire department on the Project Site. They shall follow the certification and standards of the BIA and shall be staffed at all times. The police station/fire department shall be located by the Project Site entrance, in an area devoid of sensitive environmental resources such as wetlands. The police station/fire department shall be built to comply with the building and construction standards of the CBC or alternatively such standards of the IBC and follow the BMPs listed in Section 2.1.12 .				
Transportation and Circulation				
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 following mitigation prior to construction of the casino building or prior to 2045, as applicable. The Tribe shall construct or fully fund (except as otherwise noted) the following improvements. Funding shall be for design standards consistent with those required for similar facilities in the region. The following measures shall be implemented to reduce traffic impacts:				
Prior to Initiating Construction of the Casino Building				
<ul style="list-style-type: none"> ▪ For intersection 1) Columbus Parkway (also known as Auto Mall Parkway) & Admiral Callaghan Lane and the Project Site entrance – Widen Columbus Parkway to provide for dual eastbound and westbound left turn movements and provide a right turn overlap phase (i.e., a green arrow for southbound traffic turning right out of the Project Site towards I-80). 	Tribe	Pre-Construction Phase and Construction Phase	<ul style="list-style-type: none"> ▪ Intergovernmental Service Agreement between the Tribe and the City of Vallejo ▪ City of Vallejo Conditions of commercial access approval(s) and encroachment permits for work within right-of-way ▪ Scotts Valley Tribal Resolution 	Requirements shall be identified in construction contracts. Design plans must be submitted to City of Vallejo and/or Caltrans for review and approval. Access approvals and encroachment permits will be obtained prior to construction of improvements.
Opening Year 2028				
<ul style="list-style-type: none"> ▪ For intersection 17) SR 37 Eastbound Ramp at the I-80 Westbound Ramp - Construct a concrete barrier/K-rail to separate the two off-ramp movements for an adequate distance to maintain safety without the need for a stop sign. The barrier may need to be extended by up to 200 feet beyond the ramp merge, depending on Caltrans' final design. This would allow for removal of the stop sign for the I-80 westbound off-ramp approach, which would essentially change it from an intersection to a ramp merge and eliminate the current LOS F operations. Based on Caltrans' method for calculating equitable mitigation measures, the Proposed Project's proportional share of this mitigation is estimated to be 42%. 	Tribe	Construction Phase	<ul style="list-style-type: none"> ▪ Scotts Valley Tribal Resolution 	Payment to be issued directly to Caltrans at the time the improvement is planned, prior to construction of the improvement, and prior to operations.
Cumulative Year 2045				
<ul style="list-style-type: none"> ▪ Pay the Solano County Regional Transportation Impact Fee consistent with fees for other commercial development projects in the City prior to operation of the project. The fees collected are transferred to Solano County and the funds are managed by the Solano Transportation Authority. These fees are used to fund regional capital transit and roadway improvement projects, including ramp improvements to the Redwood Parkway/I-80 interchange for both for eastbound and westbound directions. 	Tribe	Solano County Regional Transportation Impact Fee due prior to project operations.	<ul style="list-style-type: none"> ▪ Scotts Valley Tribal Resolution 	Payment of Solano County Regional Transportation Impact Fee prior to project operations.

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
Hazardous Materials and Hazards – Wildfire				
<ul style="list-style-type: none"> ▪ 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 BMPs: <ul style="list-style-type: none"> ○ The evacuation plan shall complement the County of Solano’s EOP, Community Wildfire Protection Plan, MJHMP, supporting documents, and the standard operating procedures of fire, law, and emergency management agencies of the County and City. ○ Designated staff shall coordinate evacuation procedures with the lead agency for evacuations and other participating agencies during an evacuation event. ○ 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. ○ 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. ○ 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), Alert Solano, and Nixle. ○ 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. ○ Staff shall be trained in how to connect to the available emergency alert notification tools such as EAS, Alert Solano, and Nixle. Staff shall monitor those services while at the facility. ○ 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. ○ A public address system shall be installed inside all occupied public 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. ○ Guests without cars or those who are uncomfortable driving themselves in an emergency shall be offered off-site transportation by staff in a casino vehicle, ride share, public transportation, and/or on-site shuttles. These options shall be directed to pre-established County Emergency Management approved community shelters. ▪ Management and staff at the casino shall be trained on evacuation procedures for visitors as part of their new hire orientation and receive updated evacuation procedures training annually. ▪ The Tribe shall coordinate with Solano County and the City of Vallejo on their respective EOPs and 	Tribe	Planning Phase	<ul style="list-style-type: none"> ▪ Intergovernmental Service Agreement between the Tribe and the City of Vallejo ▪ Scotts Valley Tribal Resolution 	<p>A project-specific emergency evacuation plan shall be developed. All management and staff shall be trained on the evacuation plan.</p>

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Enforcement Authority/Applicable Regulation	Standard for Determining Compliance
<p>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:</p> <ul style="list-style-type: none"> ○ Installation of a wildfire detection camera within the Project Site and/or vicinity 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 accessible to emergency officials. ○ Installation of variable message signs for the outbound lanes at the project egress point. The variable message signs shall be connected to on-site staff and the County Emergency Operations Center so that evacuation-related messages can be controlled by fire personnel managing the evacuation. 				